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Mr. LONSDALE (New England).—The Minister quoted from the English Act to show that I was not correct in my statement that that Act contained no such words as “likely to mislead;” but the honorable member quoted so far and no further. First of all, the words in the English Act are nothing like the words in the Bill. The words quoted by the Minister were—“to which any trade mark or marks so nearly resembling a trade mark as to be calculated to deceive,” whereas the words in the Bill are “likely to mislead in a material respect.” The English Act, as I say, refers to a trade mark “so nearly resembling a trade mark as to be calculated to deceive,” and then follow words which the Minister did not quote—“is falsely applied.” It is simply absurd to attempt to draw a parallel between the two provisions. All we desire is that some protection shall be given to men whom certain honorable members seem to regard as criminals. The honorable member for Darling is evidently under the impression that this Parliament protects everybody and everything; but I have come to a different conclusion. When a Government have a majority who blindly follow them, they are prepared to do things of a most tyrannical nature. Our laws ought to be so drafted as to allow no tyranny over any section, or any persons in the community, but to protect the equal rights of all men. We on this side of the House are trying to do our duty to the country, and should not be charged with seeking to protect any particular body of men. Any one who commits fraud and deceives the public ought to be punished; and I am prepared to assist in passing laws to that end, but I am not prepared to make criminals of men for committing imaginary offences.

Mr. JOSEPH COOK (Parramatta).—The Minister of Trade and Customs is, unintentionally no doubt, misleading the Committee in the quotations he has made. The Minister informed us that the sections in the English Act and the South Australian Act are much more stringent than the clause he proposes, but, strange to say, he quoted from the enacting clause, and ignored altogether the definition section in each Act. It will be found that the definitions in both Acts are much more definite than that to

which he seeks to give effect in this Bill. On their very face, the sections which have been quoted, show an intention to prevent straight out fraud. No one quarrels with that. We are as anxious as is the Minister to prevent fraud. I would point out that this Bill covers very much more ground than that. As has been pointed out by the honorable member for Kooyong, the word “quality” is not to be found in the Acts to which the Minister has referred. There is all the difference in the world between fraud as applied to the description of the place where goods are made, or as to their contents, and the matter of an opinion—for it may come to that—as to the quality of an article supplied. According to the drag-net clause submitted by the Minister, if there happens to be a difference of opinion between the maker of an article, say butter, and the Minister, the latter may say that the definition of the maker is likely to mislead as to the quality of the goods. There is no such drag-net clause in the Acts which the honorable gentleman has referred to. They are clearly limited in their scope, and if the honorable gentleman will follow those Acts there will be no trouble. It is because he seeks infinitely wider powers than are given under those Acts that we should be very careful of the words we put into this definition clause. It is a very serious matter to say that a mere mistake as to the quantity of goods may render a man liable to a penalty of £100. The Minister, in quoting from the British and South Australian Acts, entirely misled the Committee as to the powers they confer when compared with those which he seeks to acquire. We shall be very glad if the honorable gentleman will say that he is content to accept the definition contained in those Acts, because that would be an immense concession. I ask again, what reason the honorable gentleman can have for seeking to go further, unless, as has already been hinted before to night, he desires to get this Bill passed in a certain form for the purpose of making it prohibitive to do business with outside places? I ask the honorable gentleman again to be content with the powers conferred under the British and South Australian Acts. The South Australian Legislature was content to follow the British precedent, but the honorable gentleman is going one better in insisting on a drag-net provision, which will make it im-

possible for us to do business with outside countries. The honorable gentleman is unwilling to follow this precedent, and, like the honorable member for Darling, the experience of the world is nothing to him.

Mr. SPENCE.—Yes, it is; but we need not slavishly copy what others have done.

Mr. JOSEPH COOK.—No one is suggesting that; but we say that since we do business with other countries we should so far as possible approximate our legislation to theirs. They have set up certain standards and prescribed certain conditions which are applied to trade between them and Australia, and we should reciprocate by as nearly as possible approximating our legislation to theirs. Apart from the merits of the question, if there is nothing specially against the adoption of that course, we should strain every nerve to bring our legislation into line with that which experience has shown, has worked well in Great Britain.

Mr. JOHNSON (Lang).—I rise to support the amendment, for the obvious reason that the retention of the words "or likely to mislead" are quite unnecessary, unless the measure is designed for some purpose which has not yet been made clear to the Committee. If the Minister continues to adopt an arrogant tone towards honorable members of the Opposition, who venture to suggest that the Bill might be improved in certain respects, and refuses to meet reasonable suggestions for its improvement in a reasonable way, he will have only himself to blame if the discussion of the measure is prolonged. There must be some means of entering a protest against the honorable gentleman's treatment of suggestions from this side. It has been clearly shown by the honorable member for Kooyong, and other honorable members, that the retention of these words can serve no useful purpose. We are entitled to know why the Minister desires to retain them, but, so far, we have had no information on that point. The honorable gentleman has referred us to the British and South Australian Acts, and, as has been pointed out, he has quoted the provisions of those Acts in such a way as to lead to a misapprehension as to their effect. When he made his first explanation, the honorable gentleman said that these words were taken from the British Act, or based on it.

Mr. GROOM.—No, the honorable gentleman did not say anything of the sort. What

he said was that somewhat similar words were in the British and South Australian Acts.

Mr. JOHNSON.—I do not remember the exact words which the honorable gentleman used, but the meaning he intended to convey was that the words contained in this clause were the same in effect as the words contained in the British provision. It has been shown that there is no resemblance whatever between the two provisions. We should have no objection if the Minister is willing to adopt the words of the British or South Australian Acts.

Mr. JOSEPH COOK.—One would think that the honorable gentleman would strain every nerve to bring our legislation into line with the British legislation on the same subject.

Mr. JOHNSON.—Unquestionably, in view of the fact that he has pointed out that this Bill is modelled on the British Act, and he proposed to quote from that Act to show how nearly alike the provisions were. If the honorable gentleman believes that this clause should have the same meaning as the British provision he can have no reasonable objection to substituting the words of the British Act, which we think are better, and more clearly define what is intended. If he is not willing to do that, we are justified in assuming that these words "or likely to mislead" are to be retained for some purpose, which, so far, has not been made plain. I wish to know if they are to be retained for the purpose of enabling a Minister who may be so disposed to continue the system of persecution of importers which has been carried on in the past. I can discover no other reason why they should be left in the clause. If that is the intention in retaining them, I shall do what I can to see that the amendment is forced to a division. If the Minister is unwilling to receive reasonable suggestions for the improvement of the Bill, we are perfectly justified in using all the means at our disposal to resist his action, and I shall certainly exercise my right in that direction.

Mr. KELLY.—I desire to amend the amendment by omitting from the words I propose shall be left out the words "in a material respect."

Amendment amended accordingly.

Mr. JOSEPH COOK (Parramatta).—I suggest that the honorable member for Wentworth might move to strike out all the words after the word "false," line 38,

with a view to inserting in lieu thereof the words of the section which the Minister has read from the British Act.

The CHAIRMAN.—It will be quite possible if the amendment moved by the honorable member for Wentworth is carried to move that the remaining words of the clause be struck out with a view to the insertion of the words of the section referred to.

Mr. JOSEPH COOK.—Very well, I will act on that suggestion.

Question—That the words “or likely to mislead,” proposed to be left out, stand part of the clause—put. The Committee divided.

Ayes	...	...	22
Noes	...	...	10
			—
Majority	...	...	12

AYES.

Brown, T.	Maloney, W. R. N.
Carpenter, W. H.	Ronald, J. B.
Chanter, J. M.	Spence, W. G.
Chapman, A.	Thomson, D. A.
Culpin, M.	Tudor, F. G.
Deakin, A.	Watkins, J. C.
Fisher, A.	Webster, W.
Forrest, Sir J.	Wilkinson, J.
Groom, L. E.	
Hutchison, J.	<i>Tellers:</i>
Kennedy, T.	Batchelor, E. L.
Lyne, Sir W. J.	Cook, J. N. H. H.

NOES.

Cook, J.	Wilks, W. H.
Glynn, P. McM.	Wilson, J. G.
Lee, H. W.	
Liddell, F.	<i>Tellers:</i>
Lonsdale, E.	Fuller, G. W.
Thomson, D.	Johnson, W. E.

PAIRS.

Page, J.	Conroy, A. H. B.
Watson, J. C.	Edwards, G. B.
Frazer, C. E.	Willis, H.
Thomas, J.	Robinson, A.
Isaacs, I. A.	Smith, S.
O'Malley, King	Kelly, W. H.
Storrer, D.	Smith, B.
Poynton, A.	Skene, T.
Higgins, H. B.	Knox, W.

Question so resolved in the affirmative.

Amendment negatived.

Clause agreed to.

Clause 4—

(1) A trade description shall be deemed to be applied to goods if

(c) it is used in any manner likely to lead to the belief that it describes or designates the goods.

Mr. WILSON (Corangamite).—This is one of the drag-net clauses which may cause

serious trouble in connexion with the export of butter, apples, and other produce, and I should like the Minister to postpone its consideration until to-morrow. I move—

That paragraph c be left out.

Amendment negatived.

Clause agreed to.

Progress reported.

ADJOURNMENT.

FREMANTLE FORTIFICATIONS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. CARPENTER (Fremantle).—Some time since, by a question addressed to the Minister representing the Minister of Defence, I asked for information in regard to the proposal to place 6-inch guns in the new fortifications at Fremantle, and asked whether the advisability of supplying heavier guns had been considered. I received the reply that the matter would be considered, and I understand that the Department now proposes to use 7.5-inch guns. It is a moot point, however, whether even these guns will be effective. I draw attention to the matter now because the question has been raised in another place, and the reason which appeared to be given by the Minister of Defence for the mounting of 7.5-inch guns instead of guns of still heavier calibre is that the mountings have been made for guns of that size. While that is correct, so far as the Fremantle fortifications are concerned, no steps have as yet been taken to build the forts at North Fremantle, so that the inadequacy of the mountings cannot be a reason for not placing heavier guns there if they are needed. I should like the Government to obtain a special report from the Defence Department on this subject. As I have pointed out before, modern warships are being armed with very heavy guns, and it would be an act of folly of which I cannot think the Government would be guilty, to mount guns which would not provide an effective defence. I hope that the Government will ascertain whether the military authorities are fully convinced that what is proposed to be done at North Fremantle will provide an effective means of defence.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—The honorable member has correctly stated the size of the guns proposed to be used. Those guns were, at the time they were recommended, the best

type obtainable, and there is a strong opinion amongst the expert advisers of the Department that they are still the best for the situation, because no warship could damage vessels lying at Fremantle without coming within their effective range. The question raised elsewhere as to whether 9.2-inch, mark 10, guns would not be better than 7.5-inch guns is being inquired into by the Minister of Defence.

Question resolved in the affirmative.

House adjourned at 11.10 p.m.

Senate.

Wednesday, 20 September, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

PUBLIC SERVICE CLASSIFICATION.

Senator STORY.—I desire to ask the Minister representing the Minister of Home Affairs, without notice, what are the intentions of the Government with regard to affording the Senate a further opportunity to discuss the scheme for the classification of the Public Service?

Senator KEATING.—As I stated last week, in answer to Senator Smith, it is the desire of the Government to give honorable senators who have not addressed themselves to this subject an opportunity to do so as early as possible. In accordance with the promise then made to that honorable senator, and to the Senate, I wish to notify that if the Appropriation (Works and Buildings) Bill be disposed of during the afternoon, I propose in the evening to move the adjournment of the Senate, when those honorable senators who have not discussed this matter may do so.

Senator HIGGS.—Will the honorable and learned senator allow the Senate to register a vote on the question?

Senator KEATING.—That is a matter for the Senate to consider.

METEOROLOGICAL DEPARTMENT.

Senator MACFARLANE.—I desire to ask the Minister representing the Minister of Home Affairs, without notice, whether the Government intend this session to bring

in a Bill relating to a Meteorological Department?

Senator KEATING.—Since the Conference was held at Adelaide, the Government have been in communication with the Governments of the States with the object of getting the necessary information to enable them to submit a Bill, if possible, during this session. So far as I know, no replies have yet been received, but a fairly full answer to a similar question was given by the Minister of Home Affairs in another place, and may be found on page 665 of *Hansard* of this session.

FORTS: CALIBRE OF GUNS.

Senator MATHESON asked the Minister of Defence, *upon notice*—

1. Is it the intention of the Military Board or the Army Council, in their defence schemes for the immediate future, to treat the 7.5-inch gun as the most powerful weapon required for the armament of all the fixed defences in Australia?

2. If not, in which forts do they propose to use guns of greater power?

3. Has any consideration been given to the question of employing the 9.2-inch Mark X gun recently mentioned in Colonial Defence Committee despatches?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows:—

These questions are under consideration, and will be submitted to the Council of Defence at its next meeting.

STEAMER MERRIE ENGLAND.

Senator PEARCE asked the Minister representing the Minister of External Affairs, *upon notice*—

What is the additional estimated cost of having the steamer *Merrie England* overhauled at Brisbane instead of Sydney, if any?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

So far as the mere cost of overhauling is concerned, the difference would probably be in favour of Brisbane, where the Government make no dock charges. It would not be possible to give any comparison of the cost of effecting the necessary repairs unless the vessel were overhauled, and prices obtained at both places.

IMMIGRATION RESTRICTION ACT.

Senator CLEMONS (for Senator MILLEN) asked the Minister representing the Minister of External Affairs, *upon notice*—

If any communication has recently been received from the Imperial Government on the subject of Australian legislation designed to exclude Asiatics and other coloured people?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

No, not since 1901.

PERSONAL EXPLANATION.

Senator WALKER (New South Wales).—I ask the indulgence of the Senate while I make a brief explanation. When reading last week's *Hansard* at my home, I discovered that certain views were attributed to me which I do not hold. I find from references made by Senator GIVENS that I am supposed to condemn a certain religion. I absolutely abstained from making reference to religion when I spoke on the question of Home Rule for Ireland, and I take this opportunity of saying that I have been misrepresented. I hold no objection to any particular religion. I am descended from Roman Catholics, as well as Protestants. I have a second cousin who is a nun, and I entertain a very kindly feeling towards Roman Catholics. I have not said or implied that Home Rule means Rome rule.

Senator GIVENS.—Arising out of that, sir—

The PRESIDENT.—No discussion can take place on a personal explanation.

Senator GIVENS.—I should like to make a personal explanation too.

The PRESIDENT.—In making a personal explanation the honorable senator can only explain how he has been misrepresented.

Senator GIVENS.—I am not at all anxious to speak, sir.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

In Committee (Consideration resumed from 15th September, *vide* page 2377):

Clause 3 agreed to.

Schedule.

Senator GUTHRIE (South Australia).—I notice an item of £65 for a jetty at Brisbane. Such an item has not previously appeared on any Estimates, and I desire to know whether it is the intention of the Government to take over the jetties and wharfs in the various States. The Government ought to explain why this vote of £65 is required, and if it is proposed to take over the wharfs and jetties of the various States the question ought to be raised in another manner.

Senator PLAYFORD (South Australia—Minister of Defence).—This vote is required for the construction of a jetty at Brisbane for berthing the Customs launch. At present private wharfs are used for this purpose by the courtesy of the proprietors, and it is thought that the Customs House should have a wharf of its own.

Senator STEWART (Queensland).—I think that the Committee ought to be furnished with some information concerning the proposed expenditure of £1,909 on the Sydney Customs House.

Senator PLAYFORD (South Australia—Minister of Defence).—The work is in progress. The money was voted last year, but was not spent. This is only a re-vote.

Senator STEWART.—Had they no Customs House in Sydney?

Senator PLAYFORD.—If the honorable senator will look at the schedule he will see that this vote is required for additions to the Customs House, and not for the erection of a new building. The money was voted last year, but was not spent. Contracts were let, and the work is in progress.

Senator DOBSON (Tasmania).—It will be recollected that the Minister of Defence made some extraordinary statements about some items which had to be voted for one purpose, but which he intends to spend for another purpose. I should like to know what military officers are responsible for the Defence Estimates, how they were framed, and whether they were seen by the Council of Defence. Has any attempt been made to arrive at uniformity as to the various requirements and suggestions made by the Commandants of the States? How is it that so many sums are to be re-voted for rifle ranges and drill halls? I should have thought that most of the rifle ranges that are necessary had been provided long ago. I also have to complain that all kinds of items are mixed up together. We have votes for additions to barracks, fortifications, rifle ranges, and drill halls, and it seems to me to be very undesirable to lump subjects together in that way. I should like to see them separated.

Senator PLAYFORD (South Australia—Minister of Defence).—The particulars in connexion with the first item under the heading New South Wales, "Fortifications, barracks, rifle ranges, and drill halls,

£1,239," occupy several pages of the specification I hold in my hand. I will give the Committee a sample. Extensions are required for the quarters of the married non-commissioned officers at Chowder Bay. There is also an amount to form a trench at the Armstrong rifle range. The rest of the particulars include such things as lanterns and lamps for drill halls, and so on.

Senator DOBSON.—What officers certified that these things were urgently required?

Senator PLAYFORD.—The Commandant of New South Wales first made his requisition, which went before the board. The board went through the items, and agreed to the expenditure as being necessary. The late Minister of Defence approved in the first instance, and I also approved before the schedule was laid on the table of the other branch of the Legislature. It will be impossible for me to read all the items, but I have every information down to the minutest particular.

Senator STEWART (Queensland).—Let us take, for example, item number 4, New South Wales new works, "Fortifications, barracks, rifle ranges and drill halls, £4,479," of which £360 is a re-vote. A number of other rifle ranges and drill halls are particularized in the schedule. Why not particularize the whole lot under one heading?

Senator PLAYFORD (South Australia—Minister of Defence).—The items make up a very long list. I will mention one by way of sample. It relates to the drill hall at Kogarah, and is to provide a new set of shutters, with appliances.

Senator Lt.-Col. GOULD.—What are the particulars with regard to fortifications?

Senator PLAYFORD.—Part of the expenditure relates to the quarters at St. George's Heights, Sydney, and is to provide bathrooms for the married men's quarters. There are other items in connexion with the fortifications at St. George's Heights, and the fortifications at South Head battery, where two additional rooms have to be provided in connexion with the laboratory. These items are put down to fortifications because they relate to a fortified position.

Senator Lt.-Col. GOULD (New South Wales). — I do not take exception to the amount of money we are asked to vote, but I object to the way in which the items are presented. For instance, fortifications, barracks, rifle ranges, and drill halls are

lumped together in item 4 of subdivision 1 of division 2, New South Wales, and the expenditure is £4,479. The Minister has been unable to show that a single item relates to fortifications exclusively. It would be much more convenient to have the items placed before us in a more collected form. For instance, we should be able to ascertain how much money is to be spent on fortifications alone. We should also know the amount to be spent on barracks and rifle ranges. Expenditure on various rifle ranges is spread over a considerable number of headings. It appears to me that there ought to be a single heading containing the expenditure in a certain direction. The present method has a tendency to mystify honorable senators, as they do not know exactly how the money is to be spent. We do not want the whole of the details in respect of fortifications at South Head, Sydney. If the amount is £5,000 it can be put down under that heading. But when we are asked to vote £100 here, £200 there, and £300 in another place for repairs to various fortifications we are puzzled to know the particular directions in which the money is going. The same objections apply to barracks and drill halls. The fault is in the way the Estimates are presented. I have no doubt that the Minister, if he gives consideration to the matter, will be able to devise a way in which the information can be placed before us so as to avoid unnecessary jumping from item to item, in order to get a grasp of the directions in which money is being spent.

Senator PLAYFORD (South Australia—Minister of Defence).—In going through the Estimates, I was struck with the same considerations as have been mentioned by Senator Gould. I could not, from the way in which the items were put down, form any accurate idea as to what was going to be spent on any particular line. I thought it would be a great deal better if the amounts to be spent on fortifications, barracks, drill halls, and rifle ranges were set out under separate headings, details of which could be furnished if inquiries were made by honorable senators. If I have the constructing of the Estimates next year, I shall take care that due attention is given to the point of view that has been presented.

Senator DOBSON (Tasmania). — I should like to have answers to two questions which I put to the Minister. It must be

borne in mind that these works are being paid for out of revenue, and I take it that the various Commandants will feel it to be their duty to obtain as much money as they can to be spent in their various States. Is any attempt made to secure uniformity in the way in which the Commandants present their requirements? If not, a Commandant in one State actuated by motives of economy may ask for very little money, whereas a Commandant in another State may ask for a great deal. I venture the suggestion that some of these works are not urgently required. I cannot conceive it to be possible that out of eighteen items no less than twelve are necessary for rifle ranges. Are we to understand that the people in these localities have been doing without rifle ranges in the past? Are the members of rifle clubs increasing? I do not think so.

Senator PLAYFORD.—They are.

Senator DOBSON.—Is there more drilling than there used to be? The schedule would suggest to a stranger the idea that we are just starting a new Defence Department.

Senator PLAYFORD (South Australia—Minister of Defence).—Senator Dobson's first question is as to whether there is a uniform system of dealing with the requirements of the Commandants. I reply that there is. In the first place, each Commandant is instructed to economize as far as he can, and not to put down any item of expenditure that is not urgently required. Secondly, the whole of the proposals made by the Commandants are considered by one board. It is not as if the New South Wales Commandant could put down what he liked, and that that must necessarily go upon the Estimates. The whole of the requisitions are considered by a central board, which goes through them in a uniform manner. In respect of rifle ranges the reply is that it is the policy of the Government to do all we possibly can to encourage rifle shooting in this country. In New South Wales more, perhaps, than in the other States, sums of money have been asked for, in order to furnish the necessary facilities to practise rifle shooting, and we are only too pleased when we think the demands are reasonable to grant them. In Victoria, comparatively little has been asked for in this direction. There is only one item—that for the Williamstown rifle range. In South Australia there are a few items of the kind, and in Queensland rather more.

Wherever citizens are willing to form themselves into rifle clubs and practise rifle shooting, we are only too glad to set aside a reasonable sum of money in order to provide the necessary ranges. The Government are pleased to observe that rifle clubs are increasing in New South Wales.

Senator STEWART (Queensland).—There is a sum of £600 set down for a grant to rifle clubs for rifle ranges in New South Wales, and this, I take it, means a grant for several ranges. I see in the same division that £320 is provided for a rifle range at Richmond, and also £350 for a rifle range at Bathurst. I should like some information, for instance, as to the new range at Richmond. We might be informed whether there has been a rifle club there before, or what is the strength of the local corps.

Senator Lt.-Col. GOULD (New South Wales).—For the information of the honorable senator, I may say that in many cases private property is at present utilized for rifle ranges, and, as the owners require the clubs to give up possession, the difficulty is to get suitable sites elsewhere. Under the circumstances, it has become an absolute necessity for the Government to acquire land for the purpose. At Bathurst rifle matches are held regularly, and at Richmond and Windsor there are large forces, who very naturally desire to have ranges of their own. At Singleton, for which £850 is set down for a rifle range, the annual meeting of the Northern Rifle Association has hitherto been held at the goodwill of private land-owners, and the association for the last two or three years has been under notice to quit. It is only in consequence of a promise made that a range would be provided by the Government that the meetings have been allowed to continue on the present range. The rifle club movement has never taken the hold on the people of New South Wales that it has on the people of Victoria, and, therefore, the latter have had to be catered for to a greater extent than the former. I understand that the policy of the Government is not only to encourage volunteers and partially-paid forces, but also to establish rifle clubs; and the Government and Parliament will have to face additional expenditure on this score in New South Wales, because we are all agreed that it is necessary to teach the people to shoot. As to the drill halls, the largest is that at Newcastle, for

which £1,000 is asked as an instalment towards a total cost of £2,000. Newcastle is the head-quarters of the Northern Defence Forces, and from that centre are controlled defence affairs right up to the Queensland border. There are six companies of partially-paid volunteers in and around Newcastle, where, however, there has never been a proper drill hall. The consequence is that when daylight parades are impossible, a night parade has to be undertaken in the absence of those facilities which are necessary to secure efficiency. No doubt, in the money now asked for, is included the cost of necessary administrative officers at the head-quarters of the Northern district.

Senator PLAYFORD.—A rental of £300 per annum is now paid for the building used as a drill hall at Newcastle, so that the proposed expenditure will result in an actual saving.

Senator Lt.-Col. GOULD.—The old court-house was given to the local forces for the purpose of offices, but it was subsequently determined to transfer the buildings to the Post and Telegraph Department; and no doubt it is since then that expense has been incurred in the hire of a drill hall. I claim to have a very fair knowledge of defence matters in New South Wales, and I can assure honorable senators that the drill halls at Armidale, Mudgee, and elsewhere are absolutely necessary if the Defence Forces are to be as efficient as we hope they will be.

Senator PLAYFORD (South Australia—Minister of Defence).—Senator Stewart is quite right in his assumption that the item of £600 is for grants to various clubs—in fact, it is for grants to all the clubs—in New South Wales at the present time. This is a matter controlled by regulation, under which a grant is given according to the number of men enrolled, the lowest being about £20 for a strength of forty men. There is no favoritism at all shown in this matter.

Senator DOBSON.—Of what material are these drill halls made?

Senator PLAYFORD.—They are built of brick, stone, or wood, according to the material most plentiful in the neighbourhood.

Senator GUTHRIE (South Australia).—There is an item of £416 for the purchase of land near Colah Railway Station. Is this for a rifle range, or for fortifications to protect the railway station? I know that

this is a revote, but I think honorable senators are entitled to some explanation.

Senator PLAYFORD (South Australia—Minister of Defence).—My information is that this line is required for defence purposes in connexion with the city of Sydney, on the northern side. This is a revote, and I have given all the information in my possession.

Senator DOBSON.—The Minister will observe that rifle ranges, barracks, and fortifications are mixed up in the votes for Victoria, just as in the case of New South Wales.

Senator PLAYFORD.—If the honorable senator desires, I can give him the information in regard to all the items, which, I believe, in the case of Victoria, amount to about forty.

Senator GUTHRIE (South Australia).—There is an item of £459 for the erection of a store for unserviceable and obsolete stores in Victoria. Would it not be better to put these stores up to auction, rather than undertake what appears to me a ridiculous expenditure on a building in which to keep them? The obsolete stores may not be worth the cost of the building.

Senator PLAYFORD (South Australia—Minister of Defence).—When I saw this item I was struck with what I conceived to be a stupid way of spending money. The fact is, however, that obsolete stores accumulate in small quantities at a time, and they must be kept somewhere until they are sufficiently numerous to sell. Instead of having obsolete stores scattered throughout the various centres in the State, it is thought to be a better plan to have one place where they can be kept until the Department feels justified in having a sale.

Senator GUTHRIE.—Does the Minister mean for the whole of the Commonwealth?

Senator PLAYFORD.—We are now only dealing with Victoria.

Senator GUTHRIE.—Then a similar store will be wanted in each State?

Senator PLAYFORD.—In Victoria the Department is very short of store room, and it is deemed desirable that this central store should be erected, to relieve the pressure.

Senator DOBSON.—Is it absolutely necessary to build quarters for the ranger at the Port Melbourne Rifle Range at a cost of £350?

Senator PLAYFORD.—That item is to enable the ranger to reside on the range. I am informed that that is considered most necessary at so important a place, and there are no quarters at present.

Senator O'KEEFE (Tasmania). — I should like some information as to the proposed expenditure of £5,000 on a rifle range at Brisbane for the metropolitan troops in Queensland. On these Estimates, the first instalment of £1,000 is proposed towards this work, and a foot-note shows that the total estimated cost, exclusive of land, is £5,000. What sort of a range is it that means a cost of £5,000 exclusive of land? Had the land been included in this expenditure, we might have been able to understand the proposal; but £5,000 seems an enormous sum as compared with proposed expenditure on rifle ranges elsewhere.

Senator PLAYFORD (South Australia —Minister of Defence).—I can inform the honorable senator that this is the estimated cost of the range, exclusive of the land.

Senator O'KEEFE.—Is not the estimate excessive?

Senator PLAYFORD.—I do not know why it is estimated that the range will cost so much. We have not yet arranged for the land. A year or two ago a site was chosen, and a great deal of trouble arose in connexion with it. Colonel Bridges is at Brisbane at the present time inspecting a number of sites. We anticipate that a new site will be offered to the Department between Brisbane and Ipswich, and it is thought that it will be more suitable than a site suggested near Sandgate.

Senator GUTHRIE.—Is there a hill to be removed on the land?

Senator PLAYFORD.—I cannot say. I do not know how the amount is made up.

Senator O'KEEFE.—The estimate cannot be compared with those for other ranges.

Senator PLAYFORD.—I find that this amount is for a special range for rifle practise and rifle competitions for the whole of the forces of the State. The officers of the Department say that £5,000 will most likely be required for the purpose.

Senator GUTHRIE.—How many butts can be erected for £5,000?

Senator PLAYFORD.—I cannot be expected to go into details of that kind.

Senator O'KEEFE.—I understand that the proposed range is to be on the lines of the Williamstown range.

Senator PLAYFORD.—Yes; a rifle range for the whole of the forces of the State.

Senator MILLEN (New South Wales). —The Minister has explained that this sum of £5,000 is to be expended in the construction of butts and other conveniences incidental to a rifle range, and it is exclusive of the cost of the land. Do the Government possess the land at the present time?

Senator PLAYFORD.—No.

Senator MILLEN.—Then we are being asked to vote money to put up butts on land for which the Government have not yet got a title, and the Defence Department does not yet know where this land is situated.

Senator PLAYFORD (South Australia —Minister of Defence).—We do not yet know what land we are going to get. We have made no provision in this Bill for the cost of the land, because in the first place we anticipate that we may get a site from the State, for which we will have to pay little or nothing. In the next place, with respect to another site suggested, it is possible that some trouble will arise which may end in a lawsuit. We do not know what the land will cost, and that is why no provision for it is made in this Bill.

Senator MILLEN (New South Wales). —This is the second time in the consideration of this schedule that I have had to direct attention to the fact that the Government are asking us to vote money which we are not in a position to spend.

Senator PLAYFORD.—We hope to be in a position to spend this money before the end of the year.

Senator DAWSON.—The Government are here only asking for authority to spend the money.

Senator MILLEN.—Is it the function of Parliament to sign blank cheques for Ministers to operate on?

Senator DAWSON.—It has been since the history of Parliament began.

Senator MILLEN.—This Senate is supposed to exercise some control over public expenditure. The Minister of Defence, without the slightest concealment, and with a candour which is almost brutal, informs the Committee that the Government propose to spend a portion of the £5,000 on land over which they have yet no control.

Senator PLAYFORD.—Negotiations on the subject have been going on for a long time, and the matter is now almost right for settlement.

Senator DAWSON.—Does the honorable senator think that a special meeting of Parliament should be called to authorize the expenditure of this money when the negotiations on the subject have been completed? As an old parliamentarian, he ought to know better.

Senator MILLEN.—Senator Dawson is sufficiently old as a parliamentarian to know that it is not orderly to speak when some one else is in possession of the Chair. To any one who views this matter in a business-like way, the correct course would appear to be to strike the item out.

Senator DAWSON.—Would the honorable senator give no executive power to the Ministry?

Senator MILLEN. — I answer Senator Dawson by asking why Ministers do not ask for the whole of these votes in one big item. The object of submitting votes in detail is to give members of Parliament an opportunity to say which they approve of and which they do not approve of. I think it would be correct for the Committee to strike out any item of proposed expenditure concerning which Ministers are unable to give any more satisfactory information that has been given with respect to this vote. One hesitates to do that, because one does not desire to hamper the Executive; but if these Appropriation Bills are to be brought down in this way, we may be called upon to mark our objection to the practice by moving a request for the omission of such items. I have a very great deal of reluctance in permitting an item of this kind to pass. It appears to me that the proceedings of the Committee are being reduced to an absolute farce when we are asked to approve of expenditure in connexion with an item which the Minister in charge of the vote knows nothing about.

Senator TURLEY (Queensland). — I think that some explanation can be given in connexion with this vote. There are at the present two rifle ranges in the neighbourhood of Brisbane. One, which has been used for a considerable time, was the property of the military authorities prior to Federation, and it has since been declared to be dangerous. The other range is on private property, the owner of which has given rifle clubs the right to put up butts.

The position is that the military authorities have now no safe rifle range for Southern Queensland anywhere near the metropolis. The acquisition of a site at Nudgee has been under consideration, but the land suggested there for the purpose of a range is portion of a Crown grant for charitable institutions made some thirty-five or forty years ago. The trustees of this land have raised objection to any portion of it being taken for the purposes of a rifle range. Honorable senators will understand that it would cost a considerable sum of money to purchase this land, and it would also cost something to construct a range on it if that site were selected. On the other side of the city of Brisbane, near Woolston, there is a piece of land which, years ago, was gazetted as a rifle range. This land is accessible to the marksmen of the metropolis, and also to marksmen as far away from Brisbane as Rosewood, and, possibly, Toowoomba. The selection of a site at this place would make a difference of thirty-six miles in the distance which marksmen coming from the Ipswich side would have to travel, as compared with the distance which they would have to travel if the land at Nudgee were selected for the purpose. The military authorities are now making inquiries in connexion with the matter.

Senator PLAYFORD.—We have an officer in Brisbane to-day, looking into the matter.

Senator TURLEY.—If he reports in favour of the site already reserved for a rifle range, a considerable sum of money will have to be spent in the construction of the range, which is intended to be the chief rifle range for the State.

Senator GUTHRIE.—Will it cost £5,000?

Senator TURLEY.—It will cost a considerable sum of money. Rifle ranges cannot be constructed for nothing. I can assure the honorable senator that the present range cost a considerable sum, though it is now declared to be dangerous. When the site is decided on, it is reasonable to suppose that the military authorities will desire to construct the range as soon as possible. Marksmen at present have to practise on a range which is not considered safe, or on a range constructed on private property. I am sure that honorable senators agree that it is not desirable that the military authorities of the Commonwealth should be under a compliment to private individuals to provide them with sites for rifle ranges. When the Department has secured

a range of its own, it will be able to effect permanent improvements on it. If the necessary land is acquired within the next few weeks, it is reasonable to suppose that the Department will make every effort to construct the new range at once. I take it that the Government will not spend any more of this money than is found to be necessary for the purpose.

Senator MILLEN.—Did the honorable senator ever know of a Government that did not spend all the money voted by Parliament?

Senator TURLEY.—Did not the honorable senator ever hear of such a thing as a lapsed vote?

Senator MILLEN.—Yes, but always with a request to re-vote it.

Senator TURLEY.—I am sure Senator Millen must often have known instances of lapsed votes, and I understand that it is the duty of the Auditor-General to see that such money is returned to the consolidated revenue. If this money is not voted, and the Government secure the necessary land for a range, it will have to lie idle, whilst those in Southern Queensland, who are interested in rifle shooting, will have to continue to use a range which has been declared by the military authorities to be unsafe.

Senator DE LARGIE (Western Australia).—I do not think there is anything very extraordinary in the fact that the Minister of Defence is asking permission to spend this money. The phrase that we should give facilities to our people to learn to shoot straight has become hackneyed, but unless they are given something in the shape of targets to shoot at, we cannot hope that they will be able to shoot straight. I remind the Committee that unless the land for this rifle range is secured the money will not be spent. They have no intention, I suppose, of hanging the targets in the air. They will have to secure a site, and if it is not secured during the present year the money cannot be spent. It would be very foolish for the Department not to have the right to spend the money if necessary. After the explanation which has been given, the Committee will act rightly in agreeing to the item. It is very foolish, I think, for any one to say that the Minister has no right to come here in these circumstances and ask for a vote.

Senator MILLEN (New South Wales).—I am sure that the Committee is thankful to Senator Turley for his explanation re-

garding this item. From his remarks I gathered that the land it is desired to improve for a rifle range is Crown land.

Senator TURLEY.—I believe it is Crown land at Woolston.

Senator MILLEN.—If it is Crown land, there is a strong probability that it may be given to the Government.

Senator PLAYFORD.—I expect that we shall have to pay for the land.

Senator TURLEY.—I suppose it is worth only £1 an acre.

Senator MILLEN.—I am not objecting to any expenditure on rifle ranges. I shall not vote to diminish the opportunities which our volunteers, partly-paid, or riflemen have to make themselves acquainted with the use of the rifle. I am merely trying to submit the business aspect of the case. We are asked to sanction an expenditure of £5,000 for the improvement of land which has not been secured, and by-and-by we shall be told that we must vote the money for the purchase of the land, because the Government have not only entered into a contract for its purchase, but have spent this grant of £5,000. Practically we are asked to vote not merely £5,000 for the provision of a range, but an unknown sum for the purchase of the site. Would any honorable senator, when acting in a business capacity, consent to sign a cheque for the erection of a house on a piece of land when he did not know how much that land was to cost him? This is the most unbusiness-like proposal I have ever seen submitted to a legislative body. I have not approached the consideration of this question from a State stand-point. We are asked to place in the hands of the Government a sum of £5,000 with a certain knowledge that next year they will come down and go through the farce of asking us to vote a sum for the purchase of a piece of land, and telling us that it must be voted.

Senator PLAYFORD (South Australia—Minister of Defence).—The position which has been taken up by the Government, and which was taken up by the late Government, is a right and proper one. A new rifle range is required in this locality, and if it is wanted it must be paid for. The Government are not justified in putting down a sum in a haphazard way for the purchase of a site when they do not know what it may cost. If we had put down in these Estimates a sum for the purchase of a site, Senator Millen would have been one of the

first to complain and ask, "What is the land going to cost?" And when we had told him that we had not decided where the rifle range was to be placed, and that, therefore, we could not say what the cost would be, he would have asked "What business have you to put down this item; you are deceiving the Committee." We are not deceiving honorable senators; we state frankly and fairly that we anticipate that for the butts and so on in connexion with this rifle range the sum of £5,000 will most likely be required, but that we cannot give any idea of the probable cost of the land. At the present time we have two sites under consideration. The site chosen by the late Minister would cost a very large sum, because it would cut into a special grant for an orphanage, whose managing authorities have stated that they would oppose its purchase for that purpose tooth and nail. If that site were selected, the probability is that we should have on our hands a big law suit, which might involve us in the expenditure of a very large sum. It has been represented to me that between Ipswich and Brisbane there is a piece of land which would answer our purposes admirably. Many years ago it was set aside as a reserve for rifle purposes. It is anticipated that it would not cost the Commonwealth more than £1 per acre, which, of course, is a very reasonable price. Its suitability for this purpose was pointed out to me by no less a person than the Hon. A. J. Thynne when he was here not long ago, and I promised to have the matter looked into. Colonel Bridges is now in Brisbane to examine that or any other site he can hear of. It was hoped that the site would be obtained last year, but it was not, and the money has to be re-voted. Last year the Parliament was committed to the expenditure of £5,000 on a rifle range for Brisbane, in exactly the same circumstances as exist to-day. It is almost certain that within a very short period we shall have a site, and directly it is secured the land will have to be prepared. It is now covered with timber and scrub, and a good width will have to be cleared before the butts can be erected. I should like to be in a position to proceed with the work as soon as possible, because the men in Brisbane are placed at a very great disadvantage in not having a proper range. We wish them to have a thoroughly up-to-date range. We believe that we can get a site at a reasonable price.

Unless the Committee has no confidence in the Government, and thinks that this money will be thrown away, it had better agree to the item, as it did last year. It would have been of no use for us to put down a sum for the purchase of land, because we do not know yet what it will cost. By agreeing to this item, honorable senators will commit themselves to the purchase of a site, and also to a larger expenditure than £1,000.

Senator GUTHRIE (South Australia).—I do not think that the Minister of Defence has enlightened us much on the proposed expenditure of £5,000 on this rifle range. The purchase of the land is a matter of secondary consideration, and probably the Government are quite justified in the position which they have taken up in that regard. It is simply ridiculous for any one to imagine that the cost of clearing the land and providing the butts would amount to £5,000. If we agree to this item, what will it mean? The vote would provide 250 butts.

Senator CLEMONS.—And clear the land, too?

Senator GUTHRIE.—Yes; unless the land be such as is found in Gippsland. This is only a rifle range for Brisbane and suburbs.

Senator TURLEY.—No, for as far out as Toowoomba and West Moreton.

Senator GUTHRIE.—Well, taking a radius of 100 miles from Brisbane, are we warranted in providing 250 butts?

Senator TURLEY.—There will not be 250.

Senator GUTHRIE.—How many butts will there be?

Senator PLAYFORD.—We should have to provide moving targets, sheds, and accommodation for the riflemen.

Senator GUTHRIE.—This is a ridiculously large amount to vote for the purpose. New South Wales, Victoria, South Australia, and Western Australia have not had anything like that sum expended on rifle butts in their respective territories. The land, which has been used as a rifle range, does not need to be cleared.

Senator PLAYFORD.—It has to be abandoned.

Senator GUTHRIE.—Why?

Senator PLAYFORD.—Because it is unsafe.

Senator GUTHRIE.—That is exactly the position in South Australia. The road to the powder-magazine goes right through

the rifle range, which is quite as unsafe, I take it, as the existing rifle range at Brisbane is said to be. The Minister knows that men and cattle have been shot at the Adelaide rifle range. I do not mind £1,000 being spent on a rifle range for Brisbane, but I strongly object to the expenditure of £5,000 for that purpose. If Senator Millen will move to omit the foot-note, he shall have my support.

Senator TURLEY.—The foot-note will not bind the honorable senator to anything.

Senator GUTHRIE.—It will. We are asked to vote £1,000 on the understanding, gathered from this foot-note and from the statement of the Minister, that the total cost, exclusive of land, is estimated at £5,000. If Senator Millen will move to omit the words "first instalment towards cost" from the item, and also the foot-note, he shall have my support, because I do not think we are warranted in voting more than £1,000 for this purpose.

Senator Lt.-Col. GOULD (New South Wales).—I do not see what benefit would accrue from striking out the foot-note. The question is, whether a rifle range at Brisbane is required. We are told that the present one is dangerous. That means that every time the range is used the Government renders itself liable to an action for damages, and the riflemen are open to prosecution for manslaughter if they kill any one. We are informed that the work may cost £5,000, and that £1,000 is required this year. It is only fair that we should vote that amount and leave in the foot-note. If it is struck out it can make no difference, because if the Government find that the money voted is not sufficient it will come to Parliament for more money next year. This is the best way to let us know the probable ultimate cost. I am quite sure that if a new range is required in South Australia, the same treatment will be meted out. I shall give every assistance to the Government wherever there is any necessity for constructing such works in any State.

The CHAIRMAN.—I may point out that section 13 of the Acts Interpretation Act provides that marginal notes and foot-notes are not deemed to be part of an Act.

Senator O'KEEFE (Tasmania).—As the senator who asked for information on this question, I must admit that the replies given by Senator Turley and the Minister have thrown much light upon it. At the same time, I do not like the foot-note.

I agree with those honorable senators who think that it would have been better if the item had read "£1,000 as an instalment towards the cost of a rifle range at Brisbane, part of an anticipated expenditure of £5,000." I can quite understand that it is necessary to have a large rifle range if it is to be of any use for annual rifle meetings. As one who believes in the encouragement of rifle shooting, I think that each State should have a large range to accommodate the riflemen who congregate at the annual matches. If it is considered by the officers that the cost of such a range at Brisbane would be anything like £5,000 I should not object to it. But even the Minister has led us to believe that £5,000 will not be necessary. It would be far more satisfactory if the foot-note were omitted, relying upon Parliament to agree to any further expenditure that was necessary. I quite accept the Minister's assurance that no more money than is actually required will be spent, and I do not propose to vote against the item.

Senator PLAYFORD (South Australia—Minister of Defence).—Some honorable senators appear to be under the impression that simply because there is an estimate of £1,000 for a work which will probably involve the expenditure of £5,000, the larger sum will be spent. I assure them that there is no necessity for that to be the case. The money will not be spent unless it is required. Last year, Parliament voted a sum for drill halls, gun, and waggon sheds in South Australia. The amount was £1,000 as an instalment towards a total cost of £3,200. But we found, during the year, that we could do the work for £1,840. We saved the rest of the money. We frankly say that this is an instalment, and if we can do with less than the amount mentioned we certainly shall.

Senator MULCAHY (Tasmania).—Those who are objecting to the method in which this money is being voted are acting quite rightly and those who take exception to the criticism misunderstand the point. There is a right way of proceeding in regard to expenditure on public works. If £5,000 were asked for the construction and equipment of a rifle range would any one say that Senator Guthrie was not entitled to question whether that was an extravagant sum? We are now asked to vote a sum, which involves a large further expenditure,

in what appears to me to be an extraordinary and irregular way. If the item had read "as an instalment towards works estimated to cost £5,000" we should have known exactly what was intended. But at present we do not know whether the sum is extravagant or not. We are not objecting to Brisbane being provided with a rifle range, but we have a right to expect from the Minister ample information with regard to the work.

Senator WALKER (New South Wales).—It seems to me that in this matter we are bound to support the Government. It is just as well that we should be given an idea of the probable total cost of works towards which we are asked to vote instalments, and I commend the Government for having given us the information. I should also like to have some information as to the item £139, which includes the cost of "two whalers" for Cairns.

Senator Sir WILLIAM ZEAL (Victoria).—It seems to me that we have had a storm in a tea-cup. Exactly the same procedure as is now being followed was adopted last year in connexion with a vote towards the cost of a drill hall at Newcastle, in Estimates prepared by a Government which was supported by my honorable friend Senator O'Keefe. There must be an estimate of all works proposed to be carried out. The money spent may be a little more or a little less. The Government have adopted the only business-like course, and I commend them for so doing.

Senator MATHESON (Western Australia).—I should like to have some information as to the item "Wireless telegraph station, with flagstaff, Naval Forces, Moreton Island, £9." I understood that wireless telegraphy was to be entered upon in a systematic manner by the Federal Government, but apparently the Defence Department has anticipated action by the Post and Telegraph Department. The amount of money is small, but there is a principle involved. We recently passed a Wireless Telegraphy Act, which, as I understand, makes it penal for any one but the Postmaster-General to establish a wireless telegraph station. It seems to me, therefore, that we have placed it out of our power to vote a sum of money to be used by the Defence Department for such purposes.

Senator PLAYFORD (South Australia—Minister of Defence).—The item referred to by Senator Walker is a re-vote for the

purpose of purchasing two whale boats for the Naval Forces at Cairns. The work referred to by Senator Matheson was authorized last year, and taken in hand. The sum of money now to be voted is to finish it.

Senator MATHESON.—What is the system that has been adopted, and what is the cost?

Senator PLAYFORD.—If the honorable member will put a question on the notice-paper I shall be happy to give him the information, but I am sorry to say that I do not know just now.

Senator MATHESON (Western Australia).—I have a question to ask as to the item, "Cable and cable storage tanks for electrical communication between Goode Island and mainland, £428."

Senator Lt.-Col. GOULD.—That was explained last year; this is a re-vote.

Senator MATHESON.—That is no reason why I should not ask for an explanation. This proposal may prejudice the suggestion to fortify Goode Island, a matter which has only recently come under my notice. The armament is at present all on Thursday Island, and it has been proposed to shift it to Goode Island. Nothing has been settled yet; and it seems to be undesirable to pass this vote until it is perfectly certain that Goode Island is to be fortified. Another point is that probably a wireless telegraph station would be infinitely cheaper than the proposed cable.

Senator PLAYFORD.—About £7,000 was voted for this work last year, and only a small balance remains unspent.

Senator MATHESON.—When money has already been spent, there ought to be some indication of the fact on the Estimates; otherwise, the Government would appear to be trifling with the House.

Senator PLAYFORD.—This is plainly marked as a re-vote.

Senator TURLEY (Queensland).—Will the Minister explain what is meant by the item of £74 for fire service at Perth, Karrakatta, Fremantle, Geraldton, and Albany?

Senator PLAYFORD.—My only note as to this item is that the work is now well in hand. This is apparently only a re-vote of some kind.

Senator MULCAHY (Tasmania).—I do not observe that any provision is made in connexion with the rifle range at Hobart; and I should like some information on the matter. That range has been found to be

dangerous, and, in order to remedy the defect, I understand that the Department desire to acquire some land at the back. I am glad to find that no provision is made for acquiring this suggested additional land, but I should be glad to hear the view of the Department as to the proposed removal of this range.

Senator PLAYFORD (South Australia—Minister of Defence).—This is one of those cases in which, if the Government had put down a certain sum of money, we should have been told that we had no idea how it would be spent. The question is whether the present range shall be abandoned, and another one acquired, involving additional expense of which we can at present form no idea. Last year, when the Estimates were prepared, this question was in such a state of chaos that the then Minister really did not know what amount to provide. The present range is, I understand, somewhat dangerous, and it is desired to acquire a little more land, in connexion with which all the plans have been prepared. My desire is to keep the present range, and purchase the necessary additional land; but, after interviews with people, some of whom take that view, while others think that a new range ought to be obtained, I have, like the late Minister, allowed the matter to stand over, in order to see whether a new site can be found. The Government will certainly keep to the present range unless the State offer another equally as good, free of cost, and also bear the expense of fixing the targets, and placing it generally in a proper condition. The Commonwealth will not go to any expense by abandoning the present site unless the State complies with the conditions I have just indicated.

Senator CLEMONS.—Does the Minister mean that this shall be done at the State's expense?

Senator PLAYFORD.—Yes, if we hand over the present range to the State.

Senator MULCAHY.—Is that to be done in the case of the range in Queensland?

Senator PLAYFORD.—There is no Government range in Queensland at the present time, and the circumstances are quite dissimilar.

Senator DOBSON.—Will the Government of Tasmania be able to sell the present range?

Senator PLAYFORD.—If an exchange be made, the Government of Tasmania will be handed the present range, and will probably be able to sell it for many thousands

of pounds for the erection of suburban residences. The Commonwealth Government will not hand the present range over, and then go to considerable expense in refitting a new range elsewhere. I understand that the people interested in this matter in Hobart are looking round for a new and suitable site now, as they have been doing for a considerable length of time; and a decision will have to be come to very quickly, or I shall acquire the additional area required to place the present range in a safe condition.

Senator CLEMONS.—Will this additional land be acquired without the consent of the State Government?

Senator PLAYFORD.—Of course. Notice may be given under the Property for Public Purposes Acquisition Act to acquire the land without consent.

Senator CLEMONS.—And why is that not done by the Commonwealth?

Senator PLAYFORD.—I am waiting now to see whether another site can be obtained as good as the present site. We do not desire to stand in the way of the Tasmanian Government or people, who would like to see the present range cut up for residential purposes; but the Commonwealth must be given another and equally suitable site. A number of sites have been offered, but all have been found to be unsuitable. No action will be taken for a few weeks in order to allow of a further effort in this connexion. When the people interested find a site which they think suitable, I shall send over a competent officer to inspect it.

Senator MULCAHY (Tasmania).—The explanation by the Minister, which sets out the view of his predecessor, is quite satisfactory so far as it goes; but the present range is unsafe, and to put it right will involve the expenditure, not of a small sum, but possibly of a considerable sum, for the acquisition of land at the back. If that idea be carried out it will mean the separation of one of the principal suburbs of Hobart from the city by means of a stretch of land which will cut off communication like a great wall of China. The Minister evidently wishes the State to provide an absolutely safe range; and to do that might involve expenditure which would more than represent the value of the present range given up by the Commonwealth.

Senator CLEMONS.—The present range has never been paid for by the Commonwealth.

Senator MULCAHY.—I have no doubt it will be paid for at some time, at its fair value. As I have already said, the provision of a new and absolutely safe range, with the proper aspect for shooting, might involve the State in an expenditure beyond the value of the land which it would get in exchange.

Senator CLEMONS.—What has that to do with the State, which will not pay for the land?

Senator MULCAHY.—I know that under the present financial arrangements there is a disposition to shift the responsibility from one to another. There is, as I say, no provision in these Estimates for acquiring the land necessary to make the present range safe.

Senator PLAYFORD.—Neither is provision made in the case of the Brisbane range.

Senator MULCAHY.—The Minister of Defence now says that if the State will find another site, as good or better than the present site, the latter will be given up.

Senator PLAYFORD.—I only ask for a range equally as good.

Senator MULCAHY.—At any rate, an unsafe range cannot be permitted close to the city, and the people most interested are satisfied with the idea of making an exchange. If by an exchange the State is involved in more expense than would be represented by the value of the present range, will the Minister find the extra money?

Senator PLAYFORD.—I shall foot the bill to the same amount that I should be put to in order to make the present range safe.

Senator MULCAHY.—I know that at some time in the future an arrangement will be made to pay for transferred properties, but if we ask the Tasmanian Government to finance the purchase of another piece of land, the chances are that the range will remain in its present unsafe condition.

Senator CLEMONS (Tasmania).—The Minister of Defence argues as though the Defence Department had never been transferred. My attitude is that the Commonwealth Government should take the initiative in putting an end to the present state of affairs. The Tasmanian Government should not be asked to spend years in searching for a rifle range as a substitute for the present one; that work should be undertaken and carried out by the Commonwealth Government. I have listened with the greatest amusement to the statement of the Minister that "we"—meaning the

Commonwealth Government—"will not give up the present range until we are given an equally good and valuable range in its place." We all know that the Commonwealth Government hold the land, but it is one of the transferred properties for which we have not yet paid. The Minister refuses to expedite the transfer of a site to the Commonwealth, in return for a site which we hold, but have not paid for, and, so far as I know, will not pay for for some years to come.

Senator PLAYFORD.—I have said that I am willing to accept transfer whenever the State Government is in a position to offer another suitable site.

Senator CLEMONS.—That is not the point.

Senator PLAYFORD.—The matter has been delayed at the request of the State Government.

Senator CLEMONS.—As a member of the Senate, I do not regard that as a satisfactory explanation. The matter is now under the control of the Defence Department of the Commonwealth, and I see no reason why the present or any other Minister of Defence should sit down quietly and say that he can do nothing, because he is waiting for a State Government to take action. The explanation given might be satisfactory if the Department of Defence had not been transferred to the Commonwealth. Preceding Governments have allowed this matter to stand over, and it is high time that the present Government took the initiative, and decided not to wait until doomsday for action by the State Government.

Senator PLAYFORD.—I said that the whole matter would be settled in a very short time.

Senator CLEMONS.—I hope that it will be, seeing that the Defence Department has full power to settle it at any moment. We are dealing in these matters with *per capita* expenditure. I should like to refer the Minister, who has been talking about expense, to the fact that while there is a total sum of £3,196 down for expenditure on defence under the control of the Department of Home Affairs in Tasmania, I find that for Western Australia, a State which has almost the same population, there is a sum put down of £25,223, with an informative foot-note which shows that the total expenditure proposed in that State amounts to £87,700. When I see such *per capita* expenditure

proposed for another State, I am surprised to hear the Minister of Defence talk in a grudging spirit about the expenditure proposed in Tasmania.

Senator PLAYFORD.—I never did anything of the sort.

Senator CLEMONS.—I may possibly have misunderstood the Minister's attitude, but I thought that in discussing the question of a rifle range, the expense was referred to by the Minister.

Senator PLAYFORD.—No, it was not.

Senator CLEMONS.—I think it was. I regret I have missed the opportunity to draw particular attention to the proposed expenditure of £87,700 in Western Australia. Seeing that we have to contribute towards this expenditure, I urge the Minister to go in and spend any amount of money in Tasmania, as that is the only way in which we shall be able to get any return for the money we spend for other people.

Senator TRENWITH (Victoria).—The remarks made by Senator Clemons have struck me as extraordinary in the discussion of the question of defence. The honorable and learned senator speaks of *per capita* expenditure in a particular State as if that expenditure were in the interest only of that State. Surely the question of defence is one which affects the whole of the Commonwealth? It might be necessary to incur the largest expenditure for defence at the least important place in the Commonwealth.

Senator CLEMONS.—The most vulnerable place in the Commonwealth is probably Tasmania.

Senator TRENWITH.—That is not the tone in which the honorable and learned senator discussed the question. He advocated the largest possible expenditure in his State, because, he said, that would be the only recompense that State would get for its share of expenditure in other States. That is a very narrow, not to say an improper, way in which to discuss an important question of this kind.

Senator CLEMONS.—The honorable senator is an excellent judge of propriety.

Senator TRENWITH.—Then, with reference to the item immediately before us, Senator Clemons spoke in a most querulous and ill-tempered manner, it seemed to me, with reference to it. He said it was the duty of the Commonwealth to make the present rifle range at Hobart safe. So far as I can understand, the Commonwealth did not make it unsafe.

Senator CLEMONS.—If the honorable senator had come into the Chamber earlier, he would have known better what he is talking about.

Senator TRENWITH.—It was unsafe when the Tasmanian Government selected it for the purpose of local defence.

Senator MULCAHY.—We did not use Mauser bullets in those days.

Senator TRENWITH.—It was taken over by the Commonwealth in an unsafe condition. The Minister has very fairly said that he will give attention to the matter, and is determined within a few weeks, if no other site is furnished, to take steps on behalf of the Commonwealth to make the present range safe.

Senator PLAYFORD.—Hear, hear.

Senator TRENWITH.—The honorable gentleman has said that if the State Government that is now seeking for a change will assist him in acquiring another site, without entailing unnecessary additional expense on the Commonwealth, he is prepared to fall in with their views. It is proper, in discussing a matter of this kind, to give the Government credit for fairness when they display it, and the honorable gentleman has properly said that if it is found that the proposed new site is more suitable than the present one, and the expense involved in acquiring it is greater than the value of the present site, the Commonwealth Government will be prepared to bear the additional expense. I think that Senator Mulcahy should be quite satisfied with that statement.

Senator MULCAHY.—The Minister did not say that.

Senator TRENWITH.—The honorable gentleman distinctly said that the Commonwealth would be prepared to bear the additional expense up to the amount that would be involved in making the present site safe.

Senator PLAYFORD.—Hear, hear.

Senator TRENWITH.—The Minister desires to have a site as good as the Commonwealth would obtain in the present site at the expense for which the present site could be made a good site.

Senator CLEMONS.—We desire that he should get it, but the matter has been awaiting settlement for years.

Senator TRENWITH.—The Minister says that he does not intend that it shall await settlement for years. He has said that if it is not settled within five or six weeks by the Tasmanian Government finding another site, he proposes to act independently on behalf of the Commonwealth

Senator PEARCE (Western Australia).—I thought, when this item came up for discussion, that some Tasmanian senator would have made reference to the information given us in this morning's newspaper. We find that one of the most serious grievances which, in the opinion of the Premier of the State, Tasmania has against the Commonwealth Government, is the tremendous expenditure on defence in that State.

Senator O'KEEFE.—The time to discuss that question is when we are dealing with the general Estimates.

Senator MULCAHY.—Is this in order?

Senator PEARCE.—I am dealing with defence expenditure proposed in Tasmania.

Senator CLEMONS.—Did the Premier of Tasmania refer to new works?

Senator PEARCE.—I am not concerned with whether he referred to new works or not. I am not dealing with expenditure proposed in Tasmania under the Department of Home Affairs for defence. This gentleman has brought it as a grievance against the Commonwealth that we are spending large sums of money in that State on defence, and he says that while we are doing this there is not a single volunteer in Hobart. If that statement is correct, why should we vote any money for a rifle range there?

Senator MULCAHY.—We are prepared to discuss the matter at the proper time.

Senator PEARCE.—I think this is the proper time. We are discussing now a proposed vote for a rifle range for Hobart. The statement made by the Premier of Tasmania, a gentleman who should be veracious, is that there are no volunteers in Hobart; and, if that statement is correct, there is no necessity for a rifle range there, and Tasmania can be saved this expenditure. Seeing that the Tasmanian Premier makes the lavish expenditure on defence in that State a grievance against the Commonwealth, why should we accentuate the grievance by voting any more money for the purpose? This, it seems to me, affords us a good opportunity to do Tasmania service by preventing further expenditure on defence in that State.

Senator CLEMONS.—Does Tasmania pay for all this?

Senator PEARCE.—Tasmania pays her proportion of the expenditure.

Senator MILLEN. — Tasmania has not complained.

Senator PEARCE. — The Premier of Tasmania has complained. I ask the Minister to say whether the statement that there is not a single volunteer in Hobart is correct?

Senator MULCAHY.—Hobart is not Tasmania. Does the honorable senator see any item in the schedule for Hobart?

Senator PEARCE.—I understand that the first item in this vote is for the rifle range at Hobart.

Senator MULCAHY.—It is utterly inadequate, if it is.

Senator PEARCE.—Honorable senators from Tasmania have themselves raised the question of the Hobart rifle range, and have suggested the purchase of a new range, because the present one is not safe.

Senator TRENWITH.—Does the honorable senator think that the fact that there are no volunteers in Hobart is a reason why there should not be a rifle range there?

Senator PEARCE.—No; but when the Premier of the State makes it a grievance against the Commonwealth that we are spending unnecessary sums of money on defence in that State, and in the same speech declares that there is not a single volunteer in Hobart, the statement is one which can be appropriately discussed at this juncture.

Senator TRENWITH.—The ill-advised utterances of the States Premiers should not influence us.

Senator PEARCE. — I desire to know whether this utterance has been ill-advised. The practice indulged in by the State Premier of Tasmania, and by States Treasurers in all the States, of accusing the Commonwealth Government of unnecessary expenditure, is very objectionable, and when we are given an opportunity to nail their taradiddles down, we should take advantage of it. I believe that the statement to which I have referred is not correct. I believe that a rifle range at Hobart is necessary, and that the expenditure proposed on defence works in Tasmania is not lavish or unnecessary expenditure.

Senator MULCAHY.—Who said it was?

Senator PEARCE. — The Premier of Tasmania.

Senator CLEMONS.—He did not refer to this expenditure.

Senator PEARCE.—He does not differentiate; he refers to the whole of the expenditure on defence in Tasmania.

Senator CLEMONS.—The honorable senator is totally misrepresenting him. Nothing he said had any reference to these votes.

Senator PEARCE.—He referred to defence expenditure, and we are now dealing with defence expenditure. Surely it will be admitted that provision for rifle ranges, fortifications, drill halls, and gun sheds comes under that category.

Senator MULCAHY (Tasmania).—I wish to get back to the point from which this discussion started. I do not think that the Minister quite understands the position. The question is whether, in finding an alternative site, we may have to give more for that land than we should be likely to get for the old site. If we buy an alternative site for less than the value of the site which will be given up by the Commonwealth, I presume that when the valuation of properties is handed in Tasmania will receive only the value of the land. Assuming that the present site is worth £5,000, it may cost us £6,000 or £7,000 to acquire a new site, and if it does, what will be the attitude of the Minister as regards the difference between the two sums? If he will tell us who is going to finance the business he may be able to relieve our minds. I wish to get the site of the rifle range changed by the most ready means available. I think that the State Government will be satisfied to take the chance of the present site being sold, and the proceeds being used for the purchase of another site if the balance required be found by the Commonwealth. If the honorable gentleman prefers to consult his colleagues before replying to my question I shall have no objection, but I should certainly like to get a definite statement on that point.

Senator O'KEEFE (Tasmania).—It may seem strange that there is any necessity to spend public money on a rifle range for Hobart if, as Senator Pearce says, there is not a single volunteer there. But no doubt he can recall the fact that last year, owing to friction between the General Officer Commanding and the local forces, a portion of them were disbanded. I understand that it will not be very long before they will be put on their old footing.

Senator PLAYFORD.—Steps are being taken now, and there is an item on the Estimates for that purpose.

Senator O'KEEFE.—It may be mentioned that, like the Brisbane rifle range,

that at Hobart is used as a central range. Although Tasmania has not a large population, still, until a few years ago, it compared favorably with any State as regards the number of young men who took up rifle shooting. There was always a large attendance of rifle shots at the annual competitions, which, of course, took place at the capital. I take it that it will not be very long before these competitions will be resumed. That is, I think, a sufficient reason for a better rifle range being secured, and a sufficient reply to the question raised by Senator Pearce.

Senator KEATING (Tasmania—Honorary Minister).—Senator Pearce's remarks with reference to the statement of the Premier of Tasmania might have some point if this Bill provided for an expenditure of money in connexion with a Tasmanian rifle range. Senator Mulcahy originated this discussion by asking my honorable colleague what course he intends to follow in completing the proposed exchange of sites. The correspondence on this subject has extended over a period of about fifteen months. In common with other representatives of Tasmania in either House of the Parliament, I have taken some interest in the subject. The rifle range which is now used in Hobart has been used for a great number of years, and is known as the Southern Tasmanian rifle range. It is located just outside Hobart. It occupies some of the most desirable building land in the suburb of Queenborough. It was perfectly safe until the employment of the more modern rifle and bullet. It was only during the construction of a road on the top of a range of hills at its rear that it was found to be unsafe. The road-makers found that the bullets or splashes from them came up close to where they were working. Persons who had built residences on the slopes of the adjacent hills also found that there was some danger from the same quarter. But on a thorough investigation being held, it was ascertained, I think, that there was very little, if any, danger, except when recruits, or cadets, or the stokers from the war ships were firing. Senator O'Keefe remarked that this rifle range is on a parallel with the Brisbane rifle range. It is more. During about three months every summer a number of the men from the fleet practise there. It has been found, in many instances, I believe, that when "stokers' teams" go down

from the warships, the bullets do not always approach as near the targets as the residents would wish. The question of the unsafeness of the range was brought under the notice of the Department some time ago. The residents of Queensborough, and particularly the local governing body, are very anxious that it shall be removed from that locality, because they think that it is unsafe, and militates against the expansion of the city in that direction, and of course the development of their town. They asked the Government some time back to try to find a more suitable site. The rifle range came over with the Department when it was transferred, and I take it that whatever compensation is to be made hereafter to Tasmania in connexion therewith will be based on the valuation at the time of transfer. I think I am putting it rightly when I mention that any exchange which may be made now will not affect the amount that will hereafter be paid or credited to Tasmania in respect of the transfer of the property. Let me state in concrete form what the Minister, in effect, said. "Assuming," he said, "that the rifle range is valued at £5,000 for the purposes of a transferred property, and that in order to make it safe for use I should have to spend £2,200, making a total cost of £7,200 to the Commonwealth, if I now get in its place a rifle range which is worth £6,000, I am prepared to spend the balance of the money up to £7,200, if necessary, to make it safe and effective." The State Government, in having this land re-vested in them, will derive a very considerable benefit, because I think all who know the locality well will agree that its value as a transferred property would bear a very small proportion to its value as a property which could be cut up into building allotments.

Senator MULCAHY.—It might be worth £4,000, or £5,000.

Senator KEATING.—Under these circumstances, the State readily recognises that it is likely to gain a good profit.

Senator MULCAHY.—No profit.

Senator KEATING.—The State considers, I think, that it will make a good bargain, and the Town Board of Queensborough desires that the rifle range should be removed. Three sites were submitted to the Department for inspection. An inspector was sent over to make an inspection. His report was circulated, and I understood that it was the intention of the Department

—as a suitable site had not been offered—to go on with the resumption of certain land behind the present site in order to make it thoroughly safe. But that intention has not been given effect to, because an official request has been made that more time be allowed in order that a further search may be made round Hobart with a view to ascertain if a suitable site cannot be found. I understand that the Minister has deferred to that request, and that he will consent to accept whatever site may be offered if the report of the expert who is sent to examine it is favorable. If, of course, the report is unfavorable, there will be nothing for the Minister to do but to go on with the resumption of the land at the back of the present range. The present range is still being used. There has been no cessation of its use on the part of those who have been accustomed to practise shooting there.

Senator GUTHRIE.—Then nobody has been killed yet?

Senator KEATING.—No; but one of the residents in the neighbourhood has complained that he has found splashes and bullets in his garden and around his house. There may be some danger, if we are to believe all that is said, of the Commonwealth being involved in an action, either on account of some one being wounded or some life being lost through a stray bullet. We are not proposing to spend any money under this Bill, but the matter referred to by Senator Mulcahy relates to a projected exchange of the present range for a safer one in an equally accessible position.

Senator CLEMONS (Tasmania). — I wish to say a few words upon the irrelevant and violent attack that has been made upon the Premier of Tasmania by Senator Pearce. I consider it to be a very unfair attack. The Premier of Tasmania needs no apologist in this Senate, but ought to be defended from misrepresentation; and I venture to say that he was very badly misrepresented by Senator Pearce. I know what the Premier said with regard to the Defence Forces, and I believe, as a senator representing Tasmania, that he was fairly representing what, in his opinion, is the present condition of the Defence Forces of the State. He said that the efficiency of the forces was not so satisfactory as it was prior to Federation, and that in spite of that fact they cost a little more.

Senator O'KEEFE.—He is reported to have said that they cost three times as much as previous to Federation.

Senator PLAYFORD.—Ten times as much, he is reported to have said, in the Melbourne newspapers last week.

Senator CLEMONS.—The Minister ought to have learnt by this time not to place a hasty dependence on what is said by the Melbourne or any other newspapers. It should strike him that it is absurd for it to be reported that the Premier of Tasmania—who may be assumed to know something about the finances of his own State—has made such a statement.

Senator PLAYFORD.—He also said that there is not one volunteer in Hobart.

Senator CLEMONS.—The Minister ought to know the present condition of things with regard to the volunteers in Hobart. I believe that the Premier was practically right in what he said as to that point.

Senator PEARCE.—Does the honorable and learned senator assert that there is not one volunteer in Hobart?

Senator CLEMONS.—No; but I do say that the Premier was fairly right in saying that the condition of the Defence Forces at the present time is not so satisfactory as it was prior to Federation. In fact, I believe so myself. I believe that he was also accurate in saying that the cost is greater. That is practically the whole of what he said.

Senator PEARCE.—Does the honorable and learned senator indorse the statement to which I referred that there are no volunteers in Hobart?

Senator CLEMONS.—If Senator Pearce knew anything about the condition of the Defence Forces in Tasmania, he would be aware that there was serious trouble last year with regard to the volunteers. The question is not yet wholly settled. If the honorable senator took that interest in the Tasmanian Defence Forces that he wishes us to assume that he takes, he would know that the present Ministry has failed to carry out the promise made by the previous Minister of Defence, and has left out of the Estimates a vote which ought to have been put in, and the omission of which has been objected to in both Houses of this Parliament for the last three years. It has been objected to, not only by me, but by almost every Tasmanian representative. Yet it remained for the present Government to perpetrate the same blunder the other

day. It had to be pointed out by the previous Minister of Defence.

Senator PEARCE.—I did not refer to that matter, but to what appears in to-day's newspapers.

Senator PLAYFORD.—What item did I leave out of the Estimates affecting Tasmania?

Senator CLEMONS.—I will mention it when the Appropriation Bill comes before us.

Senator PLAYFORD.—The honorable senator is making a general statement, but he will not give me the details.

Senator CLEMONS.—I am referring to an omission in the Estimates alluded to in another place, and when the Appropriation Bill comes to the Senate I shall have something to say about it.

Senator PLAYFORD.—Why not mention it now?

Senator CLEMONS.—Because this is not the proper time.

Senator PLAYFORD.—Then the honorable senator has no right to refer to it now.

Senator CLEMONS.—I say again, with regard to the attack on the Premier of Tasmania, that it was unwarrantable and in very bad taste. He needs no apologist, but it is desirable that the Premier of a State should be saved from misrepresentation. As far as I understand what he has said, I believe that every word of it is justified.

Senator PEARCE.—Does the honorable and learned senator believe that the expenditure on defence in Tasmania is ten times what it was previous to Federation?

Senator CLEMONS.—No. I know what the Premier said; I was in Tasmania when he spoke.

Senator O'KEEFE.—Does the honorable senator believe that the Premier is correctly reported in the official organ, the *Hobart Mercury*?

Senator CLEMONS.—He may have been misreported, but I indorse every word that I believe he said.

Senator PEARCE (Western Australia).—Senator Clemons charges me with having misrepresented the Premier of Tasmania, but, as a matter of fact, I was particularly careful to quote him as reported in a Melbourne newspaper to-day. I am not a thought reader, and cannot find out what the Premier actually said, if the report is not true. What I did was to ask the Minister whether the report was accurate. Senator Clemons champions the Premier, not in regard to what he is re-

ported to have said, but in regard to what the honorable senator believes him to have said. I leave it to the Committee to say whether or not I have misrepresented him.

Senator PLAYFORD (South Australia—Minister of Defence).—It is amusing to hear Senator Clemons saying that in consequence of something that I have done a line has been left off the Estimates, affecting the Tasmanian Forces, and that in consequence they are in a fearfully disorganized state.

Senator CLEMONS.—I said nothing of the sort.

Senator PLAYFORD.—But the honorable senator did. He absolutely refused, however, to tell me what line I have left out. I have not the slightest knowledge of having done anything of the kind. So far as I know, I have left out nothing in any way affecting the efficiency of the Tasmanian Forces. The amusing part of it is that when I ask him to give me particulars he says he will not until the Appropriation Bill is under consideration. He says it would not be in order to do so now. Then why did he discuss the matter?

Senator CLEMONS.—What I said was that the Minister did not put in something that was promised by his predecessor; and if he will read the debates in the other House he will see that that statement is true.

Senator PLAYFORD.—If the honorable and learned senator will not tell me what item has been left out I cannot answer him. As to the statement of the Premier of Tasmania, I only know what has appeared in the newspapers. The Premier was reported last week to have said that the cost of the Defence Forces of the State was ten times as much as it was prior to Federation.

Senator CLEMONS.—Ten times?

Senator PLAYFORD.—Ten times. My colleague in the House of Representatives had to answer a series of questions on the point. The Premier was also reported to have said the Defence Forces were less efficient than they were before Federation. If the reports in the newspapers are not accurate I cannot help it. I will read the paragraph published in to-day's paper—

HOBART, Tuesday.

The Premier, when seen in reference to military matters, stated that before Federation defence cost Tasmania £17,000, and it now costs £45,000. There was, he said, practically not a volunteer in Hobart. There was a large staff drawing big salaries and heavy travelling expenses, but virtually unemployed.

Of course, the word "practically" may mean more than it seems. But the fact of the matter is that at the present time there are 142 volunteers in Hobart.

Senator CLEMONS.—What is the newspaper from which the Minister is quoting?

Senator PLAYFORD.—The *Age*, of to-day. On the present Estimates, we have made provision for the number of volunteers to be increased to 389. I think we have done all that is absolutely necessary at present. Senator Mulcahy wants to know exactly what I propose to do in regard to the rifle range. We have a range that is valued at £5,000, and on which it is estimated £1,000 will have to be spent to make it quite safe. The Government of Tasmania desires us to adopt another range that will be absolutely safe. I am quite willing to give the Government for a new range the present range plus the amount that would have to be spent to make it safe. If that is done the Department will be in exactly the same position as if we spent the money on the present range.

Senator MACFARLANE.—Provided the new range is accessible.

Senator PLAYFORD.—Yes; if it is not we will not accept it.

Senator TURLEY (Queensland). — I should like the Minister to give some information as to the item of £10,000 for the extension of the Melbourne Post Office. When is it proposed to commence the work?

Senator PLAYFORD (South Australia—Minister of Defence).—The information I have is that the estimated cost of the proposed extension is £30,000. The amount now submitted is the first instalment towards the cost of building the basement and ground floor portion of the ultimate extension northwards, covering about one-half of the present unoccupied portion of the site. The additional accommodation provided will be absorbed by the mail branch, including provision for the registration, inquiry, and stamps business. The work will include the erection of temporary iron and wood telegraph office at the north-east angle, and the pulling down of the present brick telegraph office and rebuilding it at the north-west angle of the site, at the corner of Elizabeth-street and Little Bourke-street. I suppose it is intended to call for tenders and commence the work immediately this Bill is passed, and to place a further sum on next year's Estimates for its continuance. The

is to pass these Estimates, so that we may commence the works, especially in view of the fact that there are numbers of unemployed. As I have said, it is intended to first proceed with the basement and the ground floor, which can be utilized immediately they are finished.

Senator CLEMONS (Tasmania). — I had intended to bring an important matter under the notice of the Government at a later stage, but the item referred to by Senator Turley affords an equally suitable opportunity. I desire to show what the effect of this *per capita* expenditure is, and, possibly, to ask the Minister some questions in regard to it. We are now asked to spend in the State of Victoria the sum of £10,000 *per capita* on the extension of the General Post Office. Although I mention this particular item, it is only as an illustration; the point I wish to raise would be equally forcible in regard to any of the States. When we are asked to vote these sums, the assumption we are bound to make is that the undertakings are going to be profitable. I understand that this and other estimates are not placed before us until the officials of the Post Office have satisfied themselves that the expenditure will show a profit.

Senator MILLEN. — Does the honorable senator really believe that?

Senator CLEMONS. — As Senator Millen will see at once, it is a great strain on the imagination, but I am asked to believe, for instance, that the construction of a telephone line between Melbourne and Sydney will be a source of profit. If the item under discussion, or any other item, is not going to be a source of profit, I suppose it is a fair assumption that we ought not to vote for it. On the other hand, I wish to direct attention to the pockets into which any profit will go. If I understand this matter rightly, the profit over and above, say, interest on expenditure and the cost of carrying on the service, will go to the State concerned. In other words, the expenditure on the General Post Office in Victoria will be charged *per capita*, but the profit, if any, will go to Victoria.

Senator PLAYFORD. — I do not think that in the Committee stage this question ought to be discussed. I referred to it on the second reading, and gave an explanation.

Senator MILLEN. — The Minister did not give us any explanation, but merely told us where we could find one.

Senator CLEMONS. — Does the Minister deny that any profit which arises from this proposed expenditure in Melbourne, will go to the State of Victoria? I take it that the Minister agrees with me in that view.

Senator TURLEY. — But if there is a loss?

Senator O'KEEFE. — Then all the States will have to share that loss.

Senator CLEMONS. — Precisely. All the States will have to bear their share of this expenditure, but the profit, if any, will not go to the States who subscribe the capital, but to the State in which the money is spent.

Senator PLAYFORD. — That has nothing to do with the question before us.

Senator CLEMONS. — It has a great deal to do with the question.

Senator PLAYFORD. — We can do nothing practical in the matter.

Senator CLEMONS. — I can assure the Minister that I intend to move that an item, which we have not yet reached, shall be struck out, so that, at any rate, I am going to try to do something. I am not sufficiently well informed on this particular item to feel justified in making any attempt now, but I shall do so later, for what I take to be the good and sound reasons I have given. I have grave doubts as to the justification for placing a great many of these items amongst new services and new expenditure. Does the Minister propose to justify the classing of this proposed expenditure of £10,000 as new expenditure? If he does, he is, of course, only following the example set, I think wrongly, though most people think rightly, by a Treasurer in some previous Government. Unless Senator Playford can justify the classing of this item as new expenditure, we are not justified in voting the money of any other State towards the cost of the work; and on a later item I shall certainly call for a division in order to test the question.

Senator PLAYFORD. — If the honorable senator is correct he ought to attack every item, because the same principle applies throughout.

Senator CLEMONS. — The same principle does largely apply throughout, and it is for the Minister, and not for me, to justify the position. It is for the Minister to say for what good and satisfactory grounds this item is to be regarded as new expenditure and charged against the States *per capita*, while, under the book-keeping

system, the profits, if any, will go to the State in which the money is spent.

Senator DE LARGIE.—If the same principle applies, why not move the amendment now?

Senator CLEMONS.—The same principle does not operate in every case, but only when there is a transferred service in which a profit may be made. For instance, we have just dealt with the Defence Department, in which no profit can be made, and in regard to which we cannot quarrel with the debiting of the expenditure *per capita*.

Senator PEARCE.—Is there a profit on the postal business in any State?

Senator CLEMONS.—There is undoubtedly a profit in both New South Wales and Victoria.

Senator PLAYFORD.—On the contrary, there is a big loss on the postal business in Victoria.

Senator CLEMONS.—I think the Minister of Defence is wrong.

Senator KEATING.—There is a loss of over £40,000 in Victoria owing to penny postage.

Senator CLEMONS.—I am speaking from memory, but I am sure there is a large profit made in New South Wales.

Senator MILLEN.—Not at all.

Senator PLAYFORD.—There is a profit in South Australia.

Senator CLEMONS.—Whether there be a profit or not, we must assume that the moneys we are asked to vote represent a profit-making investment. I remind the Minister that if these proposals were put before us, as representing opportunities for losing money, it would be our bounden duty to vote against them—we vote for them only on the clear assumption that a profit will be returned.

Senator O'KEEFE (Tasmania).—There are one or two items connected with the Post and Telegraph Department which bring to mind a discussion which took place when the Estimates were before us last session. I refer to what appears to be the excessive cost of providing post and telegraph offices in small country towns in different parts of Australia. It was then pointed out that a system, which seems to have obtained before this service was transferred, was apparently being continued. In small towns, where post and telegraph offices could be erected for £500 or £600, quite adequate to the needs of the population, there is frequently

expended £1,000 or £1,500. I am sorry that I missed an opportunity to refer to the new works in New South Wales which have just passed under review, but I ask the Minister to give us later on some fair explanation of the cost of post and telegraph offices in that State. We are now considering the Department as administered in Victoria, and I particularly call attention to the item of £2,500 for a post office at Warracknabeal, on which, I may say, I intend to divide the Committee. The sum proposed seems out of all proportion, when we consider the very small number of officials required to do the postal work in that town. Warracknabeal may be in the centre of a big district, but surely less than £2,500 would build a post-office equal to all legitimate requirements. Then I should like the Minister to give us some information as to the item of £1,200 for a post-office at Moonee Ponds. Is that for an entirely new office, or for additions to the office already there?

Senator PEARCE.—The office there is a contract office.

Senator O'KEEFE. — There is another item of £800 for a post-office at Leon-gatha, and I should like to know whether that town is sufficiently large, or is the centre of a sufficiently large and important district, to justify such an expenditure. Would not a less sum suffice for the legitimate requirements of Leongatha? There is also a re-vote of £797 for a post and telegraph office at Sorrento, which is neither a very important nor a very large place. It seems to me that a practice to which exception was taken last year is being repeated this year. Where it is proposed to erect a new post-office, no matter how small the place, the business to be done, or the revenue likely to be earned, the fact that it is a Government work is apparently held to justify needless extravagance. We know that that has been the tendency in many parts of Australia in the past under State control, and it appears that the same tendency continues to operate under Commonwealth control. Although many of the items in this part of the schedule appear to me to be too large, I propose to divide the Committee on only one, and that is the item of £2,500 for a post-office at Warracknabeal. Although this expenditure is to take place in Victoria, as it is to be distributed *per capita*, honorable senators from other States are entitled to question it.

Senator PLAYFORD (South Australia—Minister of Defence).—The information that I have from the Post and Telegraph Department concerning the Warracknabeal Post-office is that the present building is altogether unsuitable for a large postal business. It is in bad repair, and has been constructed on defective foundations. It is proposed to re-use all available material from the present building in the new erection. I am informed that there is a good deal of work done at this post-office, and that seven or eight employes are engaged in it.

Senator O'KEEFE.—Including boys; most of them are boys.

Senator PLAYFORD.—I am not aware of that. I am informed that considerable business is done there, that the present building is unsafe, and, consequently, we cannot repair it. The honorable senator also criticised the vote of £1,200 for Moonee Ponds.

Senator O'KEEFE.—I merely asked for information concerning it.

Senator PLAYFORD.—The information I have on the subject is that the business at present is carried on by a contract postmaster and staff, and the office is producing a revenue of £1,810 per annum. The late Postmaster-General personally visited Moonee Ponds, and minuted the papers as follows:—"The accommodation provided in the contract post-office is altogether inadequate for such an important centre. I, therefore, approve of a suitable building being provided, and an official office established." Then the honorable senator referred to the Leongatha Post-office, and I find it is pointed out by the Postmaster-General's Department that Leongatha, is, perhaps the busiest contract office in the State of Victoria. The present accommodation is inadequate for the large business carried on there. The revenue derived from the post-office at this place for the year ending 30th September, 1903, was £1,201.

Senator O'KEEFE.—£800 suffices there, and £2,500 is asked for Warracknabeal.

Senator PLAYFORD.—I accept the advice of the authorities of the Department that the sum asked for is required. They consider that £2,500 is not too large an amount in view of the work which is done at Warracknabeal.

Senator STANFORTH SMITH (Western Australia).—I think that in this Appropriation Bill there is a tendency displayed

to centralize expenditure in the capital cities. There is an item of £30,000 for Melbourne General Post Office, and a large sum is set down for telephone services and other facilities for the benefit of the capital cities, whilst the country districts that are in need of facilities cannot be said to be generously dealt with. I find that Warracknabeal is a very important farming centre. It has a population in the town itself of 2,000, and there is a large farming district surrounding the town. It possesses a Lands Office, Court-house, two banks, agencies of insurance companies, two flour mills, a cheese and butter factory, three friendly societies, six hotels, municipal buildings, a hospital—to which an infectious ward is to be added at a cost of £1,200—five churches, agricultural and pastoral societies, and so on. I do not think that the sum proposed in the schedule is unnecessarily large for a post-office at a large farming centre. Although the population of the town is at present only 2,000, it is likely to be very largely increased in the near future. That is an aspect of the case which we should bear in mind in considering these votes. If honorable senators desire to reduce the expenditure proposed in this Bill, it would be better to take something from the large sums proposed to be spent in the capital cities, when we find that so little expenditure is proposed for country centres that are really in need of postal facilities.

Senator O'KEEFE (Tasmania).—I move—

That the item, Department of Home Affairs, Posts and Telegraphs, "Warracknabeal, £2,500," be reduced by £500.

That, in my opinion, will leave a very large margin. £2,000 should be quite sufficient to build a post-office that will accommodate all the requirements of Warracknabeal for some years to come, even though the place should grow much faster than its most sanguine friends at present anticipate.

Senator PEARCE (Western Australia).—I trust that the Committee will not carry the amendment. Some reasons should be given for it. We have had a mere assertion that the vote proposed is too large, but we have had no information given as to the size of the town of Warracknabeal, and the amount of postal business done there.

Senator O'KEEFE.—I asked for information, and the Minister gave none as to the revenue derived from the post-office at Warracknabeal.

Senator PEARCE.—There is no proof that the sum proposed is excessive for the purpose for which it is intended. If the Committee accepts the amendment we shall, I think, place ourselves in a peculiar position. The officers of the Post and Telegraph Department have satisfied the Postmaster-General that a post-office at Warracknabeal is necessary. The officers of the Home Affairs Department have been satisfied that an office which will cost £2,500 is required there. How can we act in opposition to this expert advice unless we have proof that the information on which the departmental officers have based their conclusions is insufficient or misleading? We should not cut £500 off this vote, in a slapdash fashion, without regard to whether we are acting wisely in so doing. We have no information before us condemning the proposed vote, but in support of it we know that this item has had to run the gauntlet of the two Departments to which I have referred.

Senator O'KEEFE.—Then we might just as well not criticise these votes at all.

Senator PEARCE.—We are justified in criticising them to elicit information.

Senator O'KEEFE.—And if we still think we are right we should not take action?

Senator PEARCE.—If we contend that a proposed vote is too large we should give some proof in support of our contention. We cannot set a mere assertion on our part against the opinion of the experts of the Post and Telegraph and Home Affairs Departments.

Senator Sir JOSIAH SYMON (South Australia).—I feel that what Senator Pearce has said would lead to the conclusion that, if honorable senators question any of these items, all the Minister has to do is to get up in his place and say that the officers of the Department say that the expenditure proposed is necessary, and we must immediately affirm it.

Senator PEARCE.—So we should, unless we can disprove it.

Senator Sir JOSIAH SYMON.—I do not take that view. Great weight should certainly be attached to the views of the officers of the Departments. We have no means of ascertaining their views, except by the fact that a certain sum is inserted in the schedule to the Bill. That, in my opinion, is not sufficient, and the Committee would depart from its duty if it accepted the mere statement embodied in

the schedule as proof, not merely that the officers of the Departments have so recommended, but that their recommendation is absolutely well founded. I listened to all that the Minister said, and gained no information whatever from the honorable gentleman. I do not know the population of Warracknabeal.

Senator STANFORTH SMITH.—There are 2,000 people in the town itself.

Senator Sir JOSIAH SYMON.—I am glad to have that information, although the Minister did not furnish it. I know nothing of the post and telegraph necessities of this place, but I do know that when last year a sum of £600 was put down for certain additions to the post-office at Mount Gambier, an important place in South Australia, possessing twice the population of Warracknabeal, and the centre of a flourishing and rich district, the vote proposed was criticised, amongst others, by Senator McGregor, who said that it was not sufficient for the purpose. That vote was set down on the recommendation of the officers of the Post and Telegraph Department, and the experts of the Home Affairs Department, after inspection, agreed that £600 was all that was necessary to make the additions required. Senator McGregor on that occasion questioned the opinion of the officials as embodied in the amount appearing in the schedule to the Appropriation Bill, and as a consequence of that, and under a promise I made to him, the item of £600 was passed, though he said it ought to be more. I took the opportunity of visiting Mount Gambier, and making some inquiry, because I recognised the extent of the business which was done, and the necessities of the place, and subsequently further inquiries were made. Other plans were drawn out, with the result that an additional enlargement was arranged for, or a re-arrangement of the offices was determined upon. I am not sure whether the point was decided by the last Government or not—my impression is that it was—but this Government have adopted the result of the second inquiry, questioning the opinion of the experts in the first instance, and have inserted in this Bill an additional sum of £600, making the vote £1,200. There is an illustration of the advantage of not swallowing wholesale the items in the schedule, but of questioning the opinion of the experts. The only way in which we can give an intelligent vote is by getting the information on which the departmental

officers have acted. Senator Smith has told us that the population at Warracknabeal is about 2,000, and I ask the Minister to give some information about its postal and telegraphic needs, and the amount of business done there. Otherwise I shall vote with Senator O'Keefe on the ground that, by comparison with the expenditure of £1,200 on the post-office at Mount Gambier, we are not justified in voting twice that sum for Warracknabeal.

Senator PLAYFORD (South Australia—Minister of Defence).—Senator Symon has instituted a very unfair comparison. At Mount Gambier we had an old post-office to be added to, at a cost of £1,200. In that case it was not necessary to pull down the old building.

Senator Sir JOSIAH SYMON.—Does the Minister say that the whole place had not to be gutted and re-arranged? That is practically rebuilding.

Senator PLAYFORD.—At Warracknabeal a post-office has to be erected because the present building is in a bad state of repair. I cannot tell Senator Symon what revenue is received, because the officer in attendance is not provided with that information; but he is quite satisfied, as is the Department, that it would be a waste of money to attempt to repair the present building, and that the best and cheapest course is to take it down and use the old material as far as possible. It is contended by the Department that this expenditure is clearly warranted. Although Warracknabeal may not have a large population, still it is the centre of the Mallee country, and a place to which a great many mails are brought to be sorted. The revenue is not less than £1,000, if it is not as much as £2,000, and eight or nine hands are employed.

Senator O'KEEFE.—Are they post and telegraph officials, or are they mostly messengers?

Senator PLAYFORD.—It is impossible for me to give that information. My honorable friends may be quite sure that the Department was as economical as possible in the framing of these Estimates. In the case of the Mount Gambier Post-office the economy of the Department was carried so far that they put down on the Estimates only half what ought to have been asked for, and afterwards had to double the outlay.

Senator Sir JOSIAH SYMON.—No; we put down what we were advised by the experts was sufficient. We questioned their figures, and then we increased the amount.

Senator PLAYFORD.—In this case it is proposed to reduce the item by £500. If we find that we can get the work done for less than the amount asked for the whole of the vote will not be spent. From personal experience, I can say that the Department of Home Affairs, with its officials, is very careful in making its estimates, and cuts down the expenditure as far as possible.

Senator DOBSON (Tasmania).—I rise to ask Senator Playford what duties, if any, the Inspector-General of Public Works has to perform with regard to these matters. I understand that when the post-office at Hobart was finished, he made his appearance and inspected the building, although the clerk of works had been there daily for two years, and the work had been passed by the architect. When it is proposed to erect a post-office or other building at a cost of, say, from £1,500 to £3,000, would it not be just as well to get this skilled officer to give us some advice before we are asked to vote the money for the purpose, and involve the Commonwealth in what may prove to be an unnecessary expenditure? I have had considerable experience of these items, and from my own knowledge of a locality could say whether a £500 or £1,000 school or post-office ought to be erected. From my general knowledge, I should say that £2,500 would be a most generous sum to vote for a post-office at Warracknabeal. In all these cases the architect would do well to form his plans in such a way that a building could be added to as the business extended. If Warracknabeal is situated in the centre of a large district, and the business should increase, there is no reason why additions to the building should not be made five or seven years hence. I should think that an expenditure of £1,500 would supply the requirements of this district. In Tasmania we can build in wood for about £50 a room, and in brick for about £80, £90, or £100. We could put up half-a-dozen living rooms for £600, a long room for £200 or £300, two or three offices for £150 each, making a total outlay of less than £2,000. Even if eight officials are employed at Warracknabeal, and there is a good deal of mail sorting to be done, I

cannot understand why £1,500 should not provide a very good post-office. I ask the Minister to say whether the services of the Inspector-General of Public Works could be employed usefully in a matter of this sort? Because it is quite likely, as has often happened, that advice has been given by some politicians to the townspeople in this form, "You had better ask for enough; you might just as well have £2,500 as £2,000." I am quite sure that in some instances bad advice will be tendered simply for the purpose of getting as good a building as possible in the township; and in the case of a large building, a skilled officer might be sent to see whether the expenditure proposed was absolutely necessary.

Senator PLAYFORD (South Australia—Minister of Defence).—What Senator Dobson has said is a slander on the Department which first asked for this accommodation to be supplied. Surely the Deputy Postmaster-General of a State in which a new post-office is proposed to be erected, or in which additions or repairs are required to be made to a building, would never ask for more accommodation to be supplied than was absolutely required?

Senator MULCAHY.—Yes, they do that very frequently.

Senator PLAYFORD.—I do not think they do. I do not believe that the Deputy Postmaster-General in Victoria would care about having a magnificent palace erected for a post-office in Warracknabeal. His first inquiry would be, "What is the amount of work to be done there?" His next consideration would be, "What accommodation ought to be provided for the doing of that work?" and his third point would be, "What further accommodation is required to meet the convenience of the public. Then his requisition would be sent to the Public Works branch, and the Inspector-General would see that the plans and specifications for the new work were of such a character that they would carry out the wishes of the Department. I know that the Department cuts down and economises as far as it reasonably can. It is absurd to expect the Inspector-General of Public Works to visit the different States, and to examine every little post-office.

Senator DOBSON.—I referred to the cases of big post-offices.

Senator PLAYFORD.—The Post and Telegraph Department has to say what its requirements at a place are, and the Pub-

lic Works branch carries out its wishes in that respect. The latter has not a word to say as to what the requirements are, because that is quite outside its function.

Senator MILLEN.—What are our functions in the matter?

Senator PLAYFORD.—The function of my honorable friend in the matter is to criticise. A critic has about the easiest billet there is. As Pope said—

A man must serve his time to every trade,
Save censure—critics are all ready made.

Senator MILLEN (New South Wales).—It is quite true that critics are ready made, but critics do not want making when business is put before them in this way. What easier thing can there be than to criticise here. Criticism is forced upon us. I cannot say whether this important country town is entitled to an expenditure of £2,500. It is impossible for me to, and apparently the Minister cannot, say that it is.

Senator PLAYFORD.—No; I do not pretend to know, and no man in my position could say.

Senator MILLEN.—It would be farcical if it were not serious that we have in charge of the Bill a Minister who comes down here, not for the first time, and says, "I do not know anything about the proposal. Just sign the cheque. It is all right. The officers of the Department are absolutely conscientious, and not by any possibility could they err." If honorable senators will mentally cast their eyes over the country towns of Australia, what will they find written up in bricks and mortar? Monuments to the tendency of departmental officers to lavish expenditure. I am not impugning their good faith, but unconsciously they get into the habit of making our public buildings as lavish as possible, and the only thing to restrain them in the accommodation they provide is the amount of the parliamentary vote. If we like to vote £5,000 in this case, I have not the slightest doubt that they would delight the heart of Warracknabeal and their official feelings by erecting a very noble building. But the question is whether £2,500 is a reasonable sum to pay for the accommodation of those who have to work in the post-office. I do not know whether it is or is not, nor does the Minister. We do not know whether the eight employés are boys or men, or whether the number includes four telegraph messengers.

I am not in a position to attack the amount. For all I know, and for all the Minister can tell me, it ought to be not £2,500, but twice that sum. The difficulty is to find out whether we are justified in passing these votes for works, the necessity for which has not been shown.

Senator PLAYFORD.—The Committee has done it in connexion with a number of items.

Senator MILLEN.—I admit that, but to what a position are we reduced if that is considered to be an argument for passing this item? I intimated with regard to other items that I had about exhausted my capacity for agreeing to votes without sufficient information; and unless the Minister is prepared to tell us more about this item than he seems to know at present, there will be nothing to do but to vote against it.

Senator MULCAHY (Tasmania).—I can sympathize with the Minister in having to defend items as to which he can have no personal knowledge. But all the same, he is responsible, and his colleague, who is in charge of the Department which these works concern, ought to have supplied him with the necessary information. Surely it ought not to be difficult to show the amount of mail matter that goes through the Warracknabeal Post-office, and the amount of telegraph business transacted. The amount seems rather large for the purposes of a post-office, for what is little better than a country village.

Senator PLAYFORD.—Warracknabeal is a very important country centre.

Senator MULCAHY.—I do not like to vote for a reduction, which after all may not be sufficient. Surely we ought to be able to build a post-office in a country town for something like £2,000. We have no information as to the character of the building, the material of which it is to be constructed, or anything of the kind.

Senator STEWART (Queensland).—I find, on referring to the report of the Public Service Commissioner that at the Warracknabeal Post-office there are employed a postmaster, two telegraph operators, a junior postal assistant, and four telegraph messengers. The salary of the postmaster is £260; the two telegraph operators receive £200 each; the junior postal assistant receives £60; and the messengers receive respectively £42, £35, £41, and £32.

Question—That the item, Department of Home Affairs, Post and Telegraph, "Warracknabeal, £2,500," be reduced by £500—put. The Committee divided—

Ayes	...	...	...	11
Noes	...	...	...	15
Majority				4

AYES.

Dobson, H.	O'Keefe, D. J.
Gould, A. J.	Stewart, J. C.
Higgs, W. G.	Symon, Sir J. H.
Macfarlane, J.	Walker, J. T.
Millen, E. D.	<i>Teller:</i>
Mulcahy, E.	Clemons, J. S.

NOES.

Best, R. W.	Matheson, A. P.
Croft, J. W.	Pearce, G. F.
Dawson, A.	Playford, T.
Diake, J. G.	Smith, M. S. C.
Fraser, S.	Story, W. H.
Guthrie, R. S.	Turley, H.
Henderson, G.	<i>Teller:</i>
Keating, J. H.	de Largie, H.

Question so resolved in the negative.

Amendment negatived.

Senator O'KEEFE (Tasmania). — I should like to have some information as to the revenue of the Cairns Post Office, and the number of officers employed. It is proposed to spend £2,500 on the office, the total estimated expenditure being £3,000.

Senator PLAYFORD (South Australia —Minister of Defence).—The only information that I can give is that which is furnished to me by the Department. I will read it:—

The Postal Inspector reports that the accommodation in the present building for the public is totally inadequate, being merely a portion of 8-feet verandah blocked in, and part of original walls of main building opened and counter-inserted. Behind the counter a partition 7 feet high blocks all light that could otherwise enter from counter shutters when open. The space for handling mails is very limited, in fact, the place is blocked when the mail is being sorted. The public lobby, the telephone exchange, silent cabinet, officer in charge table, and telegraph office are all under skillion roof, and in summer months working under such conditions must be very trying to the staff, which for the greater portion of each day consists of from twelve to fourteen officials. The mail room is positively dark, the only daylight available being from small windows in back skillion. It is proposed to utilize the present building as a residence for the Postmaster.

The revenue is £6,500; there are thirteen hands employed, and their salaries amount to £1,460 per annum.

Senator MILLEN (New South Wales). —I draw attention to the discrepancy between the expenditure on the Cairns office,

where thirteen officials are engaged, and where the revenue is £6,500, with that on the Warracknabeal office, where only eight officers are employed, and the revenue is comparatively trifling. Yet £2,500 is to be spent at Warracknabeal, and only £3,000 at Cairns. I shall not object to this expenditure, but I express a fear that the officials have been too economical in the case of Cairns. If it were possible to do so I should be inclined to move that the vote be increased. It seems a monstrous piece of cruelty to ask thirteen officials to work in premises which will cost only a beggarly £3,000, when at Warracknabeal eight officers, including four boys, work at an office which is to cost £2,500.

Senator PEARCE (Western Australia).—There is always a certain amount of satisfaction in being able to say, "I told you so," and we cannot blame Senator Millen for indulging in that pleasure. The honorable senator has, however, missed one very important point. The Minister of Defence informed us that the postmaster at Cairns will reside in the old premises, which means, of course, that quarters will not be provided for him in the new office. In the case of Warracknabeal, however, we are told that the new post-office includes a residence for the postmaster. When these facts are taken into consideration, it is seen that the two offices are practically on the same plane. The fact that a residence for the postmaster is not being provided at Cairns, means a difference of at least £500 in the cost, so that the office at that place may be taken to represent a cost of £3,500 as against £2,500 at Warracknabeal.

Senator TURLEY (Queensland).—I am sure the representatives of Queensland accept with pleasure the congratulations of Senator Millen on their extreme modesty in not asking for a larger building at Cairns. I think, however, that the postal officials at that place will be satisfied if they get a building in which they will be able to properly carry on the work. During the parliamentary trip to Queensland, several members of the Commonwealth Parliament saw the post-office at Cairns, and must have been convinced of the impossibility of satisfactorily conducting the business in such a building. The post-office at Warracknabeal is to be a brick building, whereas that at Cairns will be of wood, and, consequently, can be provided at a consider-

ably reduced cost. At Cairns the postal business of a very large centre is conducted. From that town are distributed the mails for the whole of the Gulf country from Normanton, through Croydon, up the Chillagoe line, and right on to Herberton and Georgetown.

Senator DOBSON.—Why is the office built of wood?

Senator TURLEY.—Because, I suppose, such a building is considered sufficient for the purpose. Most of the public buildings in that part of the Commonwealth are constructed of wood, and, I suppose, cost much less money than brick buildings elsewhere. For my own part, I do not know that buildings of wood are not just as good or better than brick buildings anywhere.

Senator DOBSON (Tasmania).—Can the Minister explain why the post-office at Kadina is to cost £1,600, which is much more than is provided for other post-offices in this division? We might have some information as to the relative size of Kadina, and the importance of the postal business there transacted.

Senator Sir JOSIAH SYMON (South Australia).—If there is a prosperous town in Australia, it is Kadina. Every honorable senator will agree that while Cairns, in the matter of a post-office, has been justly done by, Warracknabeal has been generously treated; and Kadina, with a population of over 2,000, is much larger than the latter place.

Senator GUTHRIE.—There is a population of 2,000 at the mines outside Kadina.

Senator Sir JOSIAH SYMON.—I am excluding the population at the mines. Kadina is a central and flourishing town, which is progressing rapidly, and is within a short distance of the mines to which Senator Guthrie refers. In comparison with Warracknabeal, there ought to be £3,000 spent at Kadina on the post-office, and I am greatly astonished at the moderation of the Government officials in this respect. We have here ground for the statement that we may fairly question the basis on which this and other items in the schedule are framed.

Senator GUTHRIE (South Australia).—I see that £500 is set down for the improvement of the post accommodation at Millicent. But this work has been completed for a considerable number of weeks. An inducement was given to the contractor, in the shape of a bonus, to construct the work within a certain time before the

winter, and what I have to complain of is that the additional accommodation has not been made available for the public. The nights are inclement throughout the south-east of South Australia, and yet the people, in spite of the fact that the accommodation has been provided, are kept waiting in the streets for their letters; and, on this point, I should like some explanation. The whole of the south-east of the State is badly provided with post-office accommodation.

Senator PLAYFORD (South Australia—Minister of Defence).—I did not know that this work had been completed, and the officers, by whom I am advised, have no explanation to offer in regard to the inconvenience complained of. I have no doubt, however, that if the matter be brought before the postal authorities, it will receive attention. One room, I understand, has been added to the post-office, and there must be some reason why it is not being used. I shall be glad to give Senator Guthrie the information later on.

Senator GUTHRIE (South Australia).—I ask the Minister to take a note of the complaint, and to at once make inquiries why the improved facilities are not made available for the public.

Senator MILLEN (New South Wales).—Under the Western Australian items, £13,200 is set down for the purchase of sites for post-offices, which, in the absence of any information to the contrary, we may assume will cost from £600 to £700 each. I should like to know whether these sites are limited to the buildings proposed under the same heading.

Senator PLAYFORD (South Australia—Minister of Defence).—In this matter there is a re-vote of £205, and the new service item of £13,200 is to provide the cost of sites already acquired, and to purchase other sites, including that for the Fremantle Post-office. I think the principal portion of the £13,200 is required for the latter office, which will stand on a most expensive site.

Senator CLEMONS (Tasmania).—The Minister may be right in his explanation, but I am bound to point out that there is a separate item of £2,500 for the Fremantle Post-office. A foot-note to this item indicates that the total estimated cost of the land and buildings is £20,000, though the Minister encourages us to think that the £13,200 includes the cost of the land for this post-office. Does the Minister still think that the £13,200 covers the purchase of the land at Fremantle?

Senator PLAYFORD.—Yes

Senator CLEMONS.—I have no hesitation in saying that it is an outrage on our sense of economy to propose that £20,000 shall be expended on a post-office at Fremantle. I do not suppose that any honorable senator ever heard of such an expenditure in any town of the same size or importance throughout the Commonwealth; and I intend to move that this item be reduced. The other States are asked to invest a large portion of this £20,000 in what may be a profitable undertaking for Western Australia. They are to find the greater part of the capital, while the Western State is to get all the profit. As a Tasmanian representative, I cannot assent to this extravagant investment for the benefit of Western Australia.

Senator PLAYFORD.—This vote was agreed to last year.

Senator CLEMONS.—I am not going to agree to it now, and I move—

That the item, Department of Home Affairs, "Fremantle Post Office (towards cost), £2,500," be reduced to £1,500.

Senator PEARCE (Western Australia).—This item was fully explained when it was under discussion last session. The present post-office at Fremantle was built in close proximity to the sea jetty by the State Government in the early days, when the outlet for the port was the sea. Later developments have made the river the harbor, and moved the centre of the business portion of the city a distance of a mile and a half from the present post-office, which now stands practically on the outskirts of the town. To make provision for a post-office on the business portion of Fremantle at the present time necessitates the purchase of land, which has been greatly enhanced in value as the result of the development of the place?

Senator CLEMONS.—Is the land bought yet?

Senator PEARCE.—I do not think it is.

Senator CLEMONS.—What proportion of the sum proposed will be required for the purchase of the land?

Senator PEARCE.—I think that £7,000 or £8,000 will be required for that purpose.

Senator Sir JOSIAH SYMON.—There is a sum of £13,200 down for the purchase of land.

Senator PEARCE.—I think that sum is intended to cover the purchase of various

sites. The total estimate for land and buildings at Fremantle is £20,000, and of that amount I think that £7,000 or £8,000 will have to be spent on the land, if the post-office is to be situated within the business area of the town of Fremantle. It is now a town of considerable size, and has a population of about 25,000. It must be borne in mind that the value of the present post-office and the land on which it is situated will be a set-off against this expenditure, because if it has not been transferred the Commonwealth will not require to pay for it, and if it has been transferred it can be sold. In reference to the vote of £13,200 for the purchase of land, I think it has been recognised that in the growing towns of Western Australia, post-offices will, at no distant date, have to be provided, and an initial step has here been taken in making provision for the purchase of sites. This, in my opinion, is a good business proposition, because land in many of the rapidly-growing towns of Western Australia will, in a year or two, be very greatly enhanced in value.

Senator FRASER.—Are there no Crown allotments in those towns?

Senator PEARCE.—There are; but if they are required for Commonwealth purposes they must be purchased from the State Government in just the same way as land purchased from private individuals.

Senator MILLEN (New South Wales).—I very much regret that Senator Clemons should have brought under review, in connexion with his amendment, the principle recently adopted of distributing the expenditure in connexion with these votes upon a *per capita*, as against a State, basis. The honorable and learned senator has told us that he has moved a reduction as a protest against the adoption of that principle. I think that he has made a serious error in so doing. The question whether these votes should be charged on a *per capita* or a State basis involves a principle which ought to be discussed, quite apart from the merits of any particular proposal for expenditure.

Senator CLEMONS.—I think that this is an outrageous expenditure.

Senator MILLEN.—This does not seem to me to be at all a favorable opportunity for the discussion of that great principle. The Senate and the other branch of the Legislature should be afforded an opportunity to discuss the question. There would appear to be some grave doubt as to the constitutionality of the system recently

adopted by the late Treasurer. Sir George Turner altered the system previously followed without consulting Parliament, and he informed honorable members in another place that, although he had consulted the Crown Law Officers, they were unable to give him any definite advice on the subject. Referring to the provision in the Constitution dealing with the matter, the right honorable gentleman said—

The provision to which I refer has puzzled me a very great deal, and although I have consulted the law advisers of the Crown in regard to it, I have not been helped very much by their opinion.

I find that Mr. Hughes, the honorable and learned member for West Sydney, interposed at a later stage with the question—

Has the right honorable gentleman any reason to believe that the Crown Law Officers regard his action as unconstitutional?

To that question, Sir George Turner replied—

No, it was difficult for me to say whether it was constitutional or otherwise.

A matter of this kind should not be determined by the discussion on any particular item in this Bill. I should welcome an opportunity given to the Senate to express an opinion as to the method on which these votes should be charged, but Senator Clemons should not force the Committee to express an opinion on the subject by recording a vote on an amendment to a particular item appearing in this Bill.

Senator STANIFORTH SMITH (Western Australia).—The question whether the expenditure on these buildings should be charged as new expenditure is not a matter of very great importance, when we consider that if it is not so treated the States will be credited with the amount when the transferred properties are paid for by the Commonwealth. Exactly the same result will be brought about, and we are merely anticipating that result to some extent by the adoption of this method of charging new expenditure.

Senator O'KEEFE.—This should be treated as new expenditure only when we have a common purse.

Senator STANIFORTH SMITH.—I do not think the question is so important as it might appear at first. I find that Fremantle has nearly as large a population as Launceston.

Senator PEARCE.—It has a larger population. It has a population of 25,000.

Senator MULCAHY.—The population of Launceston is about 24,000

Senator STANFORTH SMITH.—I do not think that if it was proposed to build a new post-office in Launceston, £20,000 would be considered too large a vote to cover the building and also the cost of the land required.

Senator CROFT.—The value of the existing building and land at Fremantle must be taken as a set-off against this amount.

Senator STANFORTH SMITH.—That is so, and in the circumstances £20,000 for the building and land is not too large a vote for a post-office at an important place like Fremantle.

Question.—That the item, Department of Home Affairs, "Fremantle Post Office (towards cost), £2,500," be reduced to £1,500—put. The Committee divided.

Ayes	...	...	...	5
Noes	...	...	...	14
<hr/>				
Majority	...	...	...	9

AYES.

Fraser, S.
Macfarlane, J.
O'Keefe, D. J.

Stewart, J. C.
Teller:
Clemons, J. S.

NOES.

Best, R. W.
Croft, J. W.
Givens, T.
Gould, A. J.
Higgs, W. G.
Keating, J. H.
Matheson, A. P.
Millen, E. D.

Pearce, G. F.
Playford, T.
Smith, M. S. C.
Trenwith, W. A.
Turley, H.

Teller:
de Largie, H.

Question so resolved in the negative.
Amendment negatived.

Senator O'KEEFE (Tasmania).—I desire to obtain from the Minister, if possible, some information concerning the re-vote of £205, and the vote of £13,200 for the purchase of sites for post-offices in Western Australia. When speaking to the item of £2,500 towards the cost of the Fremantle Post-office, Senator Pearce indicated that very probably a large proportion of this item of £13,200 might be required for the purchase of sites, when a convenient opportunity arose to get them cheaply. If a large portion of the amount is to be spent in that way, I, for one, shall not take any exception to it, because I believe that it would initiate a very good system.

Senator STANFORTH SMITH.—A large portion of the amount is required for the purchase of a site for the Fremantle Post-office.

Senator O'KEEFE.—But an item to which we have just agreed has a footnote to the effect that "the total estimated cost of land and building" for the Fremantle Post-office is £20,000.

Senator STANFORTH SMITH.—Part of the item of £13,405 is included in that estimate of £20,000.

Senator O'KEEFE.—If it is, then it is rather an unsatisfactory way of submitting the business to the Committee.

Senator MATHESON.—The sum of £20,000 appears only in a footnote, not in an item.

Senator O'KEEFE.—I should like the Minister to say whether the item of £13,200 is included in the sum of £20,000?

Senator PLAYFORD (South Australia—Minister of Defence).—This sum of £13,200 is required for the purpose of buying sites, including that for the Fremantle Post-office. We do not know exactly what we shall have to pay for the land, but we know that it will be a very large sum indeed. The balance is required so that the Government may be in a position to buy sites at a reasonable rate whenever opportunity arises. Honorable senators must trust the Government to spend the vote in a judicious way.

Senator CLEMONS (Tasmania).—Can the Minister of Defence give the Committee an estimate of the cost of the building for the Fremantle Post-office? So far, no one knows what it is to cost. A footnote says that the total estimated cost of the land and the building is £20,000. But we have heard from Senator Pearce and the Minister that at present it is uncertain what the land will cost. Senator Pearce estimated that it will cost £7,000, but of course he does not know what the amount will be. We ought to know what the building is to cost. Surely that amount has been ascertained.

Senator PLAYFORD.—The estimated cost of the building is £10,000.

Senator STEWART (Queensland).—I wish to know whether the new post-office at Fremantle is to be built on the site of the old one.

Senator PLAYFORD.—No; on a new site.

Senator STEWART.—It seems rather extravagant to vote £10,000 for a post-office for a place like Fremantle, with a population of about 20,000. By the time the site is purchased, and the building is

erected, I suppose that this post-office will cost about £30,000.

Senator PLAYFORD.—£20,000.

Senator O'KEEFE.—Are we to understand that the estimated cost of the site for the Fremantle Post-office is included in the item of £13,200 for the purchase of sites?

Senator PLAYFORD.—Yes.

Senator STANFORTH SMITH (Western Australia).—There seems to be some confusion in regard to the items, and it is caused, I think, by the footnote. The total sum put down on this portion of the Estimates for the purchase of post-office sites is £13,200, including a site for the Fremantle Post-office. The item of £2,500, to which we have agreed, is a re-vote towards the cost of that building. I do not think it can be stated accurately what the cost of the land or building will be. I do not know that a site has been decided upon, and, of course, until the form of the site is known, the plans of the building cannot be drawn, and therefore it is impossible to estimate accurately the cost of the building.

Senator PLAYFORD.—The estimated cost of the building is £10,000.

Senator CLEMONS (Tasmania).—I am not going to repeat the remarks I made this afternoon with regard to the proposed expenditure on telegraphs and telephones; but since I spoke I have made an estimate, which may perhaps be interesting, of the amounts which are being appropriated in this Bill for the various States, excluding any votes for the Defence Forces, because the Defence Department is not a profit-making one. I propose to deal merely with the votes for post-offices. Seeing that the expenditure is to be charged *per capita*, it is practically an investment of capital by all the States of the Commonwealth in different States on the condition that the profits accruing therefrom shall go, not proportionately to the States that subscribe the money, but to the respective States in which the money is expended. The figures work out in this way: New South Wales, £84,000; Victoria, £57,000; Western Australia, £48,000; South Australia, £26,000; Queensland, £24,000; and Tasmania, £11,000. Queensland, as Senator Turley says, suffers, and so does Tasmania. That is no unusual position for those States to occupy under this Federation.

Senator GUTHRIE.—So does South Australia.

Senator CLEMONS.—South Australia is not so badly off as are the two States I have mentioned. When I consider these figures of expenditure in conjunction with other figures, into the details of which I shall not enter now, but which arise from the bookkeeping sections of the Constitution, I feel that it is my bounden duty, in the interests, not only of my own State, but of every other State that suffers, to object to such expenditure as this. I shall not labour the point further, but shall content myself with moving the reduction of the item "New South Wales portion of trunk telephone line between Sydney and Melbourne, £19,000," by £9,000.

Senator MATHESON (Western Australia).—I have a prior amendment to propose. I move—

That the item, Postmaster-General's Department, New South Wales, "Construction and extension of telegraph lines, instruments, and material, £12,000," be reduced by £4,000.

If honorable senators will look at the footnote, they will observe that £4,000 is for work necessitated by the erection of a new telephone line between Melbourne and Sydney.

Senator CLEMONS.—That is what the amendment that I intended to move referred to, but I thought it best to move the reduction in regard to the New South Wales portion.

Senator MATHESON.—A reduction must also be moved with regard to the vote for the construction and extension of lines, which is directly concerned with the proposed trunk line. I maintain that the work is an absolute luxury. It is not essential.

Senator FRASER.—Telegraphic business is concerned in the item.

Senator MATHESON.—I am proposing to reduce the vote by £4,000, which sum is necessitated by the proposal to erect the trunk line. I wish to have that specific amount struck off. I repeat that the work is not essential in any sense of the word, and there is no proof that it will pay. The amount provided for the work in these estimates, consisting altogether of £34,000, falls short of the total amount which will have to be expended by some £16,000, of which no mention whatever is made on these Estimates. That is to say, £16,000 will have to be spent later on to complete the work. I take these figures from the loan Estimates placed before the House of

Representatives by Sir George Turner. Every one knows how accurate Sir George Turner's figures were in matters of expenditure, so that what I say cannot be challenged on that ground. I have nothing whatever to say about the proportion of expenditure between States. I do not attack this vote on that ground in any sense.

Senator MILLEN.—Of course the honorable senator does not; a Western Australian senator would not touch that aspect.

Senator MATHESON. — I do not see the drift of the interjection. My reason is this: There are a large number of works in connexion with telephones in all the States that are absolutely essential. Amongst others, as I pointed out in my second-reading speech, there is the question of the erection of a common battery switchboard in Melbourne. That is an essential work for the convenient working of the telephone system of this city. Such a switchboard has been in operation in Sydney alone of all the capital cities of Australia.

Senator MILLEN.—Who supplied it?

Senator MATHESON.—The Commonwealth.

Senator MILLEN.—No.

Senator MATHESON.—As a matter of fact, the money was down on the loan Estimates of Sir George Turner, and the work has since then been paid for by the Commonwealth.

Senator Lt.-Col. GOULD.—And charged against New South Wales.

Senator MATHESON.—I do not care about that; it was paid for.

Senator MILLEN.—It was ordered before the Commonwealth came into existence.

Senator MATHESON.—The fact remains that a common battery switchboard is essential to the proper working of the Melbourne telephone system, and to the Adelaide system also. I will not speak of the other States capitals, because I wish to confine myself to official documents. I have authority for making that statement in the official document issued in connexion with the loan Estimates. On this point, I will read a cutting from a newspaper dealing with the question. It is dated the 9th of the present month, and is taken from the *Age* or the *Argus*, I am not sure which; but the point is of no importance, because this is not a party question. It says—

The serious condition of the Melbourne Telephone Exchange, and the need for an improved service, has been impressed on the attention of the Postmaster-General. When money is available, Mr. Chapman will have a new switchboard

secured, and the entire service remodelled. The work is, however, so costly that he hesitates to put it all in hand at once. Certain changes in management have been made some months ago, with such satisfactory results that the officials now claim that there have been fewer complaints during the first quarter than ever before.

I say that that completely justifies the ground that I take up. Such a switchboard is essential to the working of the telephone system of this State, which is paid for by the subscribers, who get a most inefficient service, because Mr. Chapman says the Commonwealth cannot afford to undertake the work. Yet the Government is prepared to spend this large sum of £34,000, supplemented by £16,000, on an absolutely non-essential work. I maintain that this is one of the grossest pieces of extravagance the Commonwealth Government has ever had the audacity to place before Parliament.

Senator MILLEN.—Does the honorable senator include the Fremantle Post-office in that statement?

Senator MATHESON.—The comparison is perfectly absurd. That vote has been passed, so that I need not comment upon it.

Senator Lt.-Col. GOULD.—Compare the trunk telephone line with the transcontinental railway.

Senator MATHESON.—What is the use of trying to draw a red herring across the trail in that fashion? What has a railway to do with a gross piece of extravagance in the telephone service, when the telephone system of this State and of other States is almost useless, without up-to-date and proper apparatus? It is not even as though every service in connexion with the Post and Telegraph Department were complete. A number of works have been commenced in Victoria and New South Wales, but are not yet completed, and there is no chance of their being completed, because of this tremendous extravagance in other directions. I will take one item after the other, and point out what is deficient. Item No. 1: Under the heading of "Telegraph and Telephones. New South Wales," is a vote of £12,000 for construction and extension of lines and instruments and material. Leaving out the amount of £4,000, which I have proposed to omit, the remainder is £8,000. The loan Estimates of Sir George Turner show that £23,000 will have to be spent before that work is completed. In Item No. 2, we have a vote of £12,000. The loan Estimates show that

£57,000 will have to be expended before that work is complete. Item No. 3 is "Towards establishment of metallic circuits in connexion with the telephone system" in Sydney—£9,000. To complete that system, £100,000 will have to be spent. That fact is taken from the loan Estimates. Then there is an item of £4,000 for the construction of conduits in Sydney and suburbs. The entire sum required to complete that work will be £28,500.

Senator PLAYFORD.—How much has been spent in the meantime? Those loan Estimates are ancient history.

Senator MATHESON.—They are dated 1903—two years ago. Of course, I can only quote the total amounts mentioned there, but I undertake to say that nothing like £100,000 has been spent in New South Wales on metallic circuits, which are essential to the proper working of a telephone service in a city like Sydney, where there is an electric tramway system. In the case of Victoria, we have a sum of £25,000 for the construction and extension of telephone lines, instruments, and materials. For the completion of that system £92,600 was put down on the loan Estimates. I do not think that the work is anything like complete. There was, for instance, a proposal to construct conduits for the telegraph and telephone system. That is a work that is recognised to be absolutely essential. It should be carried out as soon as possible.

Senator PLAYFORD.—Not essential.

Senator GUTHRIE.—Not essential where there are no electric trams.

Senator MATHESON.—It was stated in the official document to be absolutely essential to carry out the work.

The CHAIRMAN.—Is the honorable senator discussing the division under consideration?

Senator MATHESON.—I am justifying the reduction of the vote by £4,000, by pointing out that other essential work requires to be done. I can only justify my amendment by showing that the money is required for other works. Conduits for telegraphs and telephones are being instituted at the present moment in small sections, but the amount required for that purpose is £54,653. I maintain that all these different works ought to be thoroughly and satisfactorily completed before we dream of touching a piece of extravagance like a telephone line between Melbourne and Sydney. It is maintained that the line will

pay. I have already pointed out what is the basis upon which it is expected to pay. It is expected that there will be thirty-five talks, each lasting for three minutes, for 300 working days of the year. That is to say, it is estimated that every twelve minutes some fresh person will make use of the wire, and hold a conversation. I maintain that, at 6s. 6d. for three minutes' conversation, it will be impossible to justify that estimate. Senator Givens has handed to me a paper which he has asked me to quote on this subject. It is a communication addressed to him by Mr. R. T. Scott, Secretary of the Post and Telegraph Department. It points out that it will be absolutely impossible for any one in Sydney or Melbourne, or any intermediate place, to hold a conversation over the line, whilst another conversation is in progress. The question was raised during the second reading of the Bill as to whether two or three conversations could be carried on at the same time over the line. Mr. Scott writes that that will be absolutely impossible—that only one conversation can be carried on at once. That disposes of any possibility of an increase in the amount of business in that direction.

Senator BEST (Victoria).—I think that Senator Matheson is quite unwittingly taking a course totally unjustified by the actual circumstances. He wishes the Committee to understand that this trunk telephone is a luxury, whereas it is nothing of the kind. On the contrary, the experts of the Post and Telegraph Department, whom he is prepared to be guided by in some respects, have furnished evidence that this expenditure will be a substantial paying investment from the very beginning.

Senator MATHESON.—Where does the honorable and learned senator find the "evidence"?

Senator BEST.—The estimates of the experts are the evidence. Where there is a reasonable prospect of profit held out by the Department, the officers of which are justified from their experience in submitting proposals in order to cope with the volume of business between the two States, surely we ought to pay some regard to their recommendations. In Victoria, of which State alone I shall speak, this trunk system has been applied to places like Geelong, Ballarat, and Bendigo, which are recognised as populous centres; and in each case the expenditure has been more than justified by the results. The trunk line ●

Geelong, a distance of fifty miles, was constructed in 1889.

Senator MATHESON. — What is the charge? That is the essential point.

Senator BEST.—Not at all. The first year's revenue from this trunk line was something like £129, which has gone on increasing until at the present I believe it is about £1,600. The experience of Geelong has been more than repeated in the case of Ballarat and Bendigo; so that in Victoria alone the system has justified itself as a profitable investment. I am aware it may be suggested that there will be a diminution in the telegraph business between Sydney and Melbourne; but that has not been the experience in the case of the cities I have mentioned. The diminution in the telegraph business has been of the most nominal character, the trunk telephone service having created its own special business and revenue.

Senator DOBSON.—The estimate of profit allows for some diminution in the telegraph business.

Senator BEST.—But experience shows that the diminution is comparatively small. When there is a profitable investment, founded on experience, it is surely a dog-in-the-manger policy to refuse to take advantage of it. It is our duty, as far as we can, to offer the utmost facilities for the transaction of business as between the various centres of population, and, as these trunk lines are recognised as efficient means to that end, we ought not to hesitate to extend their operation, particularly when the estimates show that at the outset the return would be 5 per cent., and ultimately equal to 10 per cent. The revenue from the trunk line between Ballarat in 1899 was £811 17s. 3d., and in 1904 it had jumped to £1,821 9s. 3d.

Senator MATHESON.—What is the charge for the conversation?

Senator BEST.—I am not in a position to say what the charge is, and I do not regard it as an element in the question. The honorable senator may rest assured that the postal authorities, recognising this as a purely business transaction, will make the charge as small as possible consistent with a profitable return. The revenue from the trunk line between Melbourne and Bendigo in 1900 was £505 11s., whereas in 1904 it had risen to £1,259 10s. 2d. The revenue from the line between Melbourne and Geelong in 1889 was £129 2s. which had increased by 1904 to

£1,661 11s. 2d. Could any evidence be more conclusive, or afford clearer justification for expenditure in a similar direction between two great centres like Sydney and Melbourne? I ask honorable senators to disabuse their minds of the improper suggestion by Senator Matheson that this proposed expenditure is a piece of extravagance intended to provide a luxury. I am now in a position to say that the charge on the trunk line to Geelong is 10d., to Ballarat 1s. 2d., and to Bendigo 1s. 6d., for a conversation of three minutes.

Senator MATHESON.—Look at the difference in the distance!

Senator TRENWITH.—And also the difference in population and magnitude of business.

Senator BEST.—On the figures I have given, I contend that the proposed expenditure is justified. At the same time, I quite agree with Senator Matheson as to the absolute necessity of a common battery switchboard for Melbourne; but we must content ourselves with dealing with the proposal now before us.

Senator MILLEN (New South Wales). —Senator Clemons furnished the Committee with some figures as to the amounts which are expended in the various States, but he was very careful not to point out the differences in population. I do not say that it is a particularly powerful argument on this particular item to consider the apportionment of expenditure in each State, but, in view of the later utterances by Senator Matheson, it is desirable to deal with this aspect of the case. According to Senator Clemons, £84,000 will be expended in New South Wales, and £48,000 in Western Australia. As the population of New South Wales is, roughly, five times that of Western Australia, the latter State, instead of receiving £48,000, ought to get about £16,000 or £17,000. If we put the figures at £18,000, we see that Western Australia is receiving £30,000 more than she is entitled to on a population basis.

Senator MATHESON.—What has that to do with my argument?

Senator MILLEN.—It has nothing to do with the argument of the honorable senator, but it has a great deal to do with my argument. I think, however, that I can make it apply even to the argument of the honorable senator, who is objecting to this trunk line on

the ground that it is a luxury. I shall not quarrel with the use of that term by a gentleman who possesses a considerable vocabulary, but I contend that, so far from being a luxury, the line will be a considerable convenience. If there is one justification for the State monopoly of any public service, it is that the State can render the service to a large number of people at a minimum cost. Indeed, that is the only justification for State control; and having charge of the expenditure in this Chamber, we are entitled to see that these conveniences are distributed as fairly as possible amongst the people of the various States, not because they are the people of those States, but because they are citizens for whose convenience we have to provide. The population of Melbourne and Sydney is about 500,000 each, with a considerable scattered population in the towns between the two cities. I could not, on the spur of the moment, estimate what that scattered population may be, but it raises the total number of those who would be inconvenienced by the trunk line to something over 1,000,000. Is that large population not to be considered, when we are giving to Western Australia £30,000 more than she is entitled to on a population basis? Surely it is carrying criticism to an extreme point when we say that a population of over 1,000,000 is to be denied a convenience, for which they will be called upon to pay just as we now pay for telegraph and telephone services. As to the distribution amongst the various States, this ill-used Western Australia—one of the representatives of which always poses as the champion of economy in other States—would, in 1903-4, have gained £25,000 in money expended within her borders if the estimate be made on a population basis, and last year the figure would have been £54,000. It appears to me that, from the very conditions, Western Australia must continue to receive every year a very handsome bonus from the rest of the States. The one State which loses is that of Victoria, and it is not difficult to understand why. Victoria is comparatively small in area and fairly settled, and having constructed a large number of its public works prior to Federation, it requires less expenditure on development to-day than does Western Australia. But it is absolutely unfair and unreasonable to ask us to shut our eyes to the fact that the other States are contributing large sums

for the convenience of the people of Western Australia.

Senator MATHESON.—I never asked honorable senators to shut their eyes to anything of the kind.

Senator CROFT.—All honorable senators for Western Australia do not object to this expenditure.

Senator MILLEN. — I am not saying that they do. I am not raising the question whether the sums spent in Western Australia ought or ought not to be charged on a *per capita* basis, but merely drawing attention to a fact. When Senator Matheson opposes the extension of this convenience to a large number of people, because of the expense, I may reasonably remind him of the large expenditure in his own State, contributed by the rest of the Commonwealth. The question of the Victorian switchboard has nothing to do with the matter before us. If a switchboard is essential, let it be provided.

Senator STANFORTH SMITH.—“Hang the expense!”

Senator MILLEN. — Not so; but the Commonwealth is not reduced to such a position that if the board be absolutely necessary, we cannot afford to purchase it.

Senator MATHESON.—Mr. Chapman says we cannot afford it.

Senator MILLEN.—Sometimes the honorable senator does not accept Mr. Chapman as an authority.

Senator MATHESON.—I accept him, as an authority on this occasion, at any rate.

Senator MILLEN.—The question of whether this trunk line should be constructed is one which we can decide quite irrespective of the fact that a switchboard may be required for Melbourne.

Senator MATHESON.—Except that, if the trunk-line is provided, there will be no money for the switchboard.

Senator MILLEN.—Does the honorable senator apply that argument when he seeks to saddle us with an annual loss on a transcontinental railway?

Senator MATHESON.—I never suggested that the Commonwealth should be saddled with any annual loss.

Senator MILLEN.—The honorable senator asked us to sanction a proposal which would have resulted in an annual loss much greater than the capital cost of this work. Perhaps the honorable senator can tell me the official estimate of the loss anticipated on the Kalgoorlie to Port Augusta railway,

as the figures are too great for me to remember? I know that the annual loss on that railway, estimated to continue for ten years, amounted to a sum sufficient to have constructed this telephone line several times over. When I find that the honorable senators who plead the poverty of the Commonwealth as a reason why this telephone line should not be constructed are those who have asked us to launch out into an expenditure of several millions on a railway, I may be pardoned if I question their professions of economy. The questions to be considered in connexion with this matter are whether the number of people likely to be inconvenienced by the construction of the line, and the revenue to be derived from it, justify the proposal as a purely business transaction. Honorable senators who are supporting the proposal may reasonably ask those who oppose it to disprove the double contention that the number of people who will be inconvenienced by the construction of this work and the revenue likely to be derived from it justify the passing of this vote.

Senator O'KEEFE (Tasmania).—Senator Millen argues that because the departmental experts who have reported on this work believe that it will pay interest on the cost of construction it should be immediately undertaken as a business proposition.

Senator MILLEN.—That is not my argument at all.

Senator O'KEEFE.—I understood the honorable senator to argue in that way, and certainly that was the argument used by Senator Best.

Senator MATHESON.—If that is not the argument, there is no argument in favour of the proposal.

Senator BEST.—It was my argument.

Senator TRENWITH. — And it is a very good argument.

Senator O'KEEFE.—It would be a good argument if the Commonwealth Government followed the old practice of the States of paying for the construction of these works out of loan money. The Federal Parliament has, I think, wisely determined that necessary public works shall be constructed out of revenue, and that being the case, we are asked to provide £34,000 out of revenue for this line. If we were taking this out of loan money—

Senator Lt.-Col. GOULD.—It would be all right.

Senator O'KEEFE.—No, it would be all wrong. But if we were borrowing

money for the construction of these works, so long as it could be shown beyond the shadow of a doubt that they would be reproductive, it would be all right. But while we are pursuing the better system of constructing necessary works out of revenue—

Senator BEST.—We must not indulge in profitable investments?

Senator O'KEEFE.—Senator Best is a little premature. Within the next year it is proposed to take £34,000 out of revenue for this purpose, and there will be that amount less available for the establishment of services in the remote districts of Australia, where the people are in great need of postal and telegraphic facilities.

Senator BEST.—The honorable senator overlooks the fact that this means increased revenue year after year.

Senator MULCAHY.—For New South Wales and Victoria.

Senator O'KEEFE.—Senator Best knows as well as I do that this work is in the nature of a luxury. There is already telegraphic communication between Sydney and Melbourne, and honorable senators must know that only a very small proportion of the people of Sydney and Melbourne, and the towns along this line, will be inconvenienced by it.

Senator BEST.—Will the honorable senator apply that argument to the lines between Geelong, Ballarat, and Bendigo?

Senator O'KEEFE.—The honorable senator can apply his argument in his own way. I know that many requests have come from remote places in Australia for a very small expenditure to secure the establishment of post-offices, and necessary postal and telegraph facilities, and the system pursued by the Commonwealth Government is, that unless the people making these applications can show that the works for which they ask will pay, they are denied these necessary facilities. I was for several months in correspondence with the Post and Telegraph Department to secure the establishment of a wayside post-office for the convenience of a community of some seventy or eighty settlers, at a total cost of £10 a year. The establishment of that convenience was delayed month after month, because the person who offered to run the post-office would not reduce the charge proposed to £5 a year. There are honorable senators here who have been as many years in Parliament as I have been months, and they

know that it has not always been contended that post-offices and similar public conveniences should be looked upon as money-making concerns.

Senator BEST.—It is no detriment if they are.

Senator O'KEEFE.—Of course not. I dare say that the present Minister of Defence has often urged that a number of people opening up a new settlement should be provided with conveniences of this kind, even though they may not pay from the start. Because expert opinion estimates that this line will pay, it is contended that we should immediately take from our annual revenue a sum of £34,000 for this work, and that means that there will be so much less available for expenditure on necessary facilities for remote places.

Senator MILLEN.—The honorable senator's argument is that all the small places should be satisfied before the big centres get anything.

Senator O'KEEFE.—No, but while the States are crying out about Federal expenditure, and the Federal Government are trying to keep it down, in view of the comparatively small number of the people of the Commonwealth who will be inconvenienced by the construction of this work, I think it might well be allowed to stand over for a year or two.

Senator BEST.—Suppose the honorable senator were offered an investment which would repay itself in ten years. what would he do as a private individual?

Senator O'KEEFE.—I should put money into it if I had it. But I submit that we have not the money to put into this work. If we followed the old system of floating loans for the construction of these public works this would be good business. Fortunately, we are not going in for loan expenditure, and we are not in a position at present to spend money out of revenue on a work of this kind. I shall support the amendment, and when we come to the item of £19,000 for the New South Wales portion of the telephone line between Sydney and Melbourne, I shall move that it be struck out as a protest against what I believe to be unnecessary expenditure.

Senator TRENWITH (Victoria).—It seems to me that the argument presented by Senator O'Keefe is that the Government should be careful to look round for unprofitable works, in order that they might go on with them first.

Senator O'KEEFE.—The honorable senator knows that that was not my argument.

Senator TRENWITH.—That is a construction which might be put on the argument presented by the honorable senator. The probability is that this expenditure will return a profit.

Senator MULCAHY.—To whom?

Senator MILLEN.—To the Commonwealth.

Senator MULCAHY.—To the credit of New South Wales and Victoria.

Senator TRENWITH.—Suppose that were so—though we know it is not—and there was no loss to the Commonwealth. We must remember that the Commonwealth Government monopolizes this form of public service, permitting no other person to undertake it, and that a large number of persons require its performance and are prepared to pay for it.

Senator MATHESON.—We have no proof of that.

Senator TRENWITH.—A large number of persons require its performance, and are prepared to pay for it. In view of the fact that the Commonwealth can perform the service without any loss, and with a likely prospect of profit, it seems to me that this is a work which we ought to undertake from business considerations, and in fulfilment also of the duty which the Commonwealth Government owes to the people. Senator O'Keefe said that but a very few persons would be inconvenienced by this line. If the estimate made that the line will pay be correct—and we have every reason to believe that it is—it implies that a very large number of persons will actually speak over this line. But it does not follow that the advantage will be only to those who speak over the line. If the line should lead to an accession of business throughout the Commonwealth, as it may well do, those who speak over the line may represent but very few of the persons who will be actually benefited by its use. If Senator O'Keefe were the proprietor of a very large manufacturing business, and by being able to speak over this line, and thus quickly ascertaining some circumstances in connexion with his business, could set 10, 50, or 100 men to work whom he would not otherwise employ, it could not be said that he was the only person benefited by the use of the line. There are a hundred ways in which one can easily conceive that the advantages of this convenience will extend far beyond the persons who actually

use the line. I think that to follow the practice of calculating how the different States will be benefited by these works is a very unfederal way of dealing with them. As Senator Millen has put it, there are, and will be for many years to come, many reasons why some States which have a small population must have a large expenditure in connexion with conveniences of this sort. The reason is that they are extensive in area and sparse in population, and the proper object of the Government is to extend such conveniences as it monopolises as far as possible over the Commonwealth. Senator Clemons mentioned Tasmania. As a Tasmanian, I am delighted to hear of anything being done for that State which can be done. It is a very small place, and has been settled for a very long time. It is reasonable to assume that it has conveniences of this character more generally distributed over its area than have newer places, and therefore it requires to-day very much less than they do. But I do hope that this proposal will be carried.

Senator O'KEEFE. — But Sydney and Melbourne are not new places.

Senator TRENWITH.—No; and they are not asking for an expenditure that will not return a revenue.

Senator O'KEEFE.—They are asking for one convenience on top of another, for they already have a telegraphic service.

Senator TRENWITH.—They are asking for a convenience which they require, which is necessary for cities of their magnitude, which exists in other parts of the world similarly situated, for which they can pay, and in connexion with which a profit will be returned. I would suggest to the honorable senator that the readiest way to get the £10 for which he was so assiduously looking is to encourage the Government to embark in undertakings of this kind that will return a profit which may be distributed in connexion with districts such as he has in his mind.

Senator MULCAHY (Tasmania). — I think that this question ought to be discussed purely on its merits, and without any regard to the *per capita* basis of distribution. At the same time, the position of Tasmania should be laid before the Committee, because it is a very unfortunate one in regard to this particular question. Senator Trenwith has just pointed out that the Commonwealth is to take the revenue and the profit from the

undertaking. I hope that the line will be profitable, though I do not think we have yet quite enough information on that subject. Assuming that it will be profit-earning, we start on this basis: That Tasmania will have to find one-twentieth of this expenditure of £34,000. Victoria and New South Wales, however, will collect the revenue from the line; that will not go into the Treasury of Tasmania.

Senator MILLEN. — We are asked to spend £11,000 in Tasmania at a time when we are asked to spend £84,000 in New South Wales. In such proportion as Tasmania may contribute to the £84,000, New South Wales will contribute to the £11,000.

Senator MULCAHY.—If the honorable senator will remember, I set aside the question of the *per capita* payment. Tasmania entered the Federation knowing very well that some States had expended far more per head on telegraphic, postal, and other works than it, with a smaller area, had found it necessary to do. We knew that we should have to bear a share in the works already undertaken and carried out, and that we should have to continue to take a share therein, because we regard the telephonic and telegraphic system as belonging to the Commonwealth, and not to the States individually. But, inasmuch as we do not intend to borrow the money—and I think our finances will be all the better if we do not—we have to consider whether works of this kind might not be postponed for a little time. If this telephone line, which it seems to be perfectly justifiable to erect between two cities with a population of half-a-million each, and is desirable, if not necessary, for business, is carried out, Tasmania will have to pay a large proportion of the expenditure, probably £1,500, which is a serious item to that State in the present condition of its finances. I contend that we should halt before we plunge into the expenditure, and see if it is absolutely required.

Senator MATHESON (Western Australia).—It is a great pity that this question has been approached as it has been by many honorable senators, and that comparisons have been drawn between the expenditure in one State and the expenditure in another, not only on this occasion, but in connexion with other Bills. The proposal ought to be approached simply on its merits, without any question about which State is to benefit by the expenditure. I

really do not see that that affects the issue at all. Looking at the proposition from the business point of view, Senator Best has drawn a comparison by a reference to the profits derived from the trunk lines to Geelong, Ballarat, and Bendigo. The volume of business must always depend upon the charge. For instance, to Geelong, one has to pay a fee of 10d. for a conversation of three minutes. It is perfectly obvious that a person will willingly spend 10d. in conversing for that time with Geelong, when a telegram containing sixteen words would cost him 9d. Then the charge for a three minutes' conversation is 1s. 2d. to Ballarat, and 1s. 6d. to Bendigo. In all these cases, it is obvious that it is advantageous to use the telephone. One can easily understand that the business of these lines increases year by year, as their advantages are discovered. But when you come to a question of paying 6s. 6d. for a three minutes' conversation, it is a very different matter.

Senator GUTHRIE.—How many words could a person send by telegraph for 6s. 6d.?

Senator MATHESON.—A person could send sixteen words for a shilling.

Senator BEST.—Compare that with a three minutes' conversation, and remember the saving of time there would be.

Senator MATHESON.—I maintain that this through telephone line will only be used by extremely rich persons, who can afford to pay high fees where profits amounting to thousands of pounds are involved.

Senator MILLEN.—It may save a man the expense of going from Sydney to Melbourne, or *vice versa*.

Senator MATHESON.—This telephone line will be used by Government officers, who will not pay, by the rich banks, the rich insurance companies, and the rich shipping companies.

Senator BEST.—That is no crime.

Senator MATHESON.—I never suggested for a second that it is a crime.

Senator BEST.—Their money is as good as that of anybody else.

Senator MATHESON.—Undoubtedly; but their number is extremely limited. There are not many rich companies making those profits who could afford to pay that fee for a communication. It is perfectly ridiculous on the part of the honorable senator to talk about the hundreds of

thousands of persons living in Sydney, and also in Melbourne, because not one of them will ever dream of using this line as a means of communication. I grant, readily, that the populations of Sydney and Melbourne are what he represents them to be; but, so far as they are concerned, this line will be like caviare to the million—they will never dream of using it. What will happen in the meantime? I approached the proposition from the point of view that it was ridiculous to go in for this class of work while essential works were left incomplete. I do not think that even Senator Best, with all his desire to secure this through telephone will deny that a common battery switch-board is an essential work in Melbourne. It is well known that the telephone system here is absolutely incomplete, and that if owned by a private individual, without a common battery switch-board, it would be called a swindle, because the service is incomplete and unsatisfactory. It is on these grounds that I object to this vote. The telephone system in Melbourne is used by the bulk of the population, whose interests should be considered. These are the reasons why I advocate the supply of their requirements, and oppose an extravagant expenditure. This through telephone is to be erected solely for the convenience of a few rich persons, who are not prepared to guarantee the loss. It was distinctly stated by one honorable senator after another, in the debate on the second reading of the Bill, that it was impossible to get a guarantee against loss from the rich companies who were going to derive a benefit from the Federal expenditure. That is unanswerable. When we pressed for the names of the persons from whom a demand had come for the work we were told that there was no evidence that it had been demanded by any one. No evidence can be adduced to satisfy us that there has been a public demand for the line. It is being thrust upon the Commonwealth simply as a convenience for Ministers. In my second-reading speech I made no secret about my view.

Senator TURLEY.—A public demand is not always a safe thing to act upon.

Senator MATHESON.—I quite agree with that remark, but it is equally clear that, unless a public demand exists, it must be an unnecessary work. In reference to long distance telephones, I read in a newspaper only a week or two ago that an installation had been put

in between Glasgow and London, with most disheartening results; that, owing to the charge, it was found that subscribers did not care to make use of the system, and though I cannot quote an authority for the further statement I am about to make, I believe it is a fact that the telephone system between London and Paris does not pay either.

Senator PLAYFORD.—Two different languages.

Senator MATHESON.—The question of language will be no obstacle to the use of the telephone by business people, because business men will always be able to communicate in French if they have business with Paris, and *vice versa*. I am afraid it would be a waste of time to object further to this vote, therefore I must be satisfied with having placed on record my protest against a most extravagant and premature expenditure at the present moment.

Question—That the item, Postmaster-General's Department, New South Wales, "Construction and extension of telegraph lines, instruments, and material, £12,000," be reduced by £4,000—put. The Committee divided.

Ayes	...	...	4
Noes	...	...	20
Majority	...	...	16

AYES.

Higgs, W. G.
Mulcahy, E.
O'Keefe, D. J.

Teller:
Matheson, A. P.

NOES.

Best, R. W.
Croft, J. W.
de Largie, H.
Drake, J. G.
Fraser, S.
Gould, A. J.
Guthrie, R. S.
Henderson, G.
Keating, J. H.
Macfarlane, J.
Pearce, G. F.

Playford, T.
Smith, M. S. C.
Stewart, J. C.
Story, W. H.
Symon, Sir J. H.
Trenwith, W. A.
Turley, H.
Walker, J. T.

Teller:
Dobson, H.

PAIR.

Clemons, J. S.

Millen, E. D.

Question so resolved in the negative.

Amendment negatived.

Senator O'KEEFE (Tasmania). — I move—

That the item, Postmaster-General's Department, "New South Wales portion of trunk telephone line, between Sydney and Melbourne, £19,000," be left out.

I move this amendment as a protest against the construction of a work, which I regard

as an absolute luxury that will only be enjoyed by a very small proportion of the people, whilst the £34,000 involved in it will mean that a number of settlers in the remoter parts of the country will have to wait longer for services which are absolutely required.

Amendment negatived.

Senator GUTHRIE (South Australia).—There is a considerable amount of money to be spent in each of the States on conduits for the purpose of placing telephones underground. In many cases that work is necessitated by the construction of electric tramways, whose wires interfere with the telephone and telegraph wires. I trust that the Government will take good care that where private companies are permitted by State Acts to construct electric tramways, the rights of the Commonwealth are conserved. The onus of such expenditure as this should be thrown, not upon the people of the Commonwealth, but upon the companies who receive franchises to carry on electric tramway enterprises. If it were not for the fact that electric tramways exist in some of our cities, the telephone and telegraph wires might be carried overhead at a relatively low cost as compared with the underground system. The time will arrive when the rights of the companies that own electric trams in Western Australia and Queensland will terminate. Possibly they may be renewed.

Senator STANFORTH SMITH.—They will not be renewed; the works will be taken over by the municipalities.

Senator GUTHRIE.—That may or may not be so. If the rights of the companies are renewed, we ought to be careful to protect the taxpayers against having to pay to put telegraph and telephone wires underground. The private companies should be charged with this expenditure.

Senator PLAYFORD (South Australia —Minister of Defence).—The Commonwealth has protected itself most completely, in the Post and Telegraph Act, against such interference as Senator Guthrie has mentioned. We prevent other persons from bringing wires within a certain distance of ours, and, if necessary, we can compel them to remove wires. But the reason why we wish to place our wires in conduits underground is not on account of interference by wires charged with electricity that are controlled by private companies, or even by the States Governments, but is that by

reason of the increase of telegraph and telephone business our wires have become so numerous that it is a great deal better to put them underground. We have never been compelled to do so because of interference by other electric works. We have taken good care to protect ourselves in that respect.

Senator DOBSON (Tasmania).—I draw attention to the vote of £1,500 for machinery and plant for the Government Printing Office. I understood that our work was being done in the State Government Printing Office. How is it that we have to pay for machinery?

Senator PLAYFORD (South Australia—Minister of Defence).—Linotypes and other machinery belong to the Commonwealth Government. They are used for the printing of our debates and other work.

Senator WALKER.—Are they insured?

Senator PLAYFORD.—We are protected in that respect.

Senator MATHESON (Western Australia).—When the Minister of Defence, on the second reading of the Bill, was dealing with the proposed expenditure on special defence material, he informed the Senate that, although we might pass the proposal to expend £140,000, it was not the intention of the Government to spend the whole of the money in the way set down in the schedule, but that the idea was to devote £10,000 to cordite, and £22,000 to rifles. I pointed out at the time that this method of dealing with the financial proposals of the Commonwealth was extremely unsatisfactory. I should now like, if possible, to obtain a pledge from the Minister that, if he intends to make any alteration in the allocation of the money voted, he will come before us with Supplementary Estimates, as was done on a previous occasion. I have taken some trouble to look into the matter, and I find that Supplementary Estimates were submitted for the year ending 30th June, 1904, consisting to a large extent of alterations in the original votes. Where money was not going to be expended in the way authorized by Parliament, the special Bill, which both Chambers had an opportunity to discuss, clearly defined the alterations which had been made. If that is the course which the Minister proposes to adopt on the present occasion, I do not think much can be said against it, because it is clear that the honorable gentleman, who has recently been given charge

of the Department, has taken the Estimates over as he found them, and apparently has formed a different opinion on the subject from that held by his predecessor. But unless Supplementary Estimates are submitted, I maintain that our proceedings will be most unsatisfactory. The Senate may not agree with the proposals of the Minister.

Senator PLAYFORD.—I told the Senate the other day that every opportunity would be given to consider the suggested alterations. I promised that the whole matter should be laid before honorable senators, who would thus be enabled to consider and vote on any of the proposals.

Senator MATHESON.—But the Minister's idea was to bring the proposed alterations before us in the form of a motion.

Senator PLAYFORD.—No.

Senator MATHESON.—I remember that Senator Best suggested that the alterations should be submitted in the form of a Bill, but the Minister did not acquiesce.

Senator PLAYFORD (South Australia—Minister of Defence).—There are two ways of carrying out what Senator Matheson desires. When it was suggested to me on the second reading that I should introduce a special Bill in order to alter the allocation of the moneys, I did not answer, because it struck me that the matter might be more readily adjusted on the present Estimates in another place. There is no trouble in obtaining a message from the Governor-General, with a recommendation that certain alterations be made in the appropriations, and including those alterations in the Estimates for this year. Those altered Estimates would come before us in the ordinary way, and we should be afforded an opportunity to criticise and make suggestions. I did not wish to say definitely that I would bring in a special Bill, seeing that the object could be attained in the way that I have described. What the Senate very properly desires, and what I have promised, is, first, that the total amount shall not be altered; secondly, that I shall indicate the items I propose to strike out and the new proposals I intend to introduce. I stated that I would provide for a supply of cordite and rifles, and leave out the votes for accoutrements, saddles, and so forth, which I do not believe to be so necessary in time of war. The Senate will have an opportunity to see what I propose, and if they have the slightest

objection, they can make their opinion felt by means of their criticism. I should not bring in a Bill to provide for the small alterations which will be proposed when, as I say, the object can be attained by means of an ordinary appropriation. The Senate has the right to be consulted on the suggested alterations, and I promise that an opportunity shall be afforded.

Senator MATHESON (Western Australia).—It was worth while raising the question in order to get this definite information from the Minister. As a matter of fact, we failed to get any such expression of opinion when the matter was raised on the second reading, and the proposals were left in what I considered an extremely unsatisfactory condition. I should be glad to know now, after the lapse of a week, what conclusion the Minister of Defence has arrived at in regard to the suggestion to substitute 9.2 guns for 7.5 guns at Fremantle?

Senator PLAYFORD (South Australia—Minister of Defence).—The honorable senator cannot expect me, in the course of a few hours, or a few days, to arrive at a definite conclusion on a subject so important. What I have done is, first of all, to stop all expenditure at the Fremantle fort. There, the work being carried out was with the object of mounting 7.5 guns, and, of course, it would be of no use allowing operations to continue if there was any prospect of substituting 9.2 guns. The work at the fort, where the 6-inch guns are to be mounted, will, of course, go on, because there is no question raised in regard to that proposal. The recommendation for the mounting of 7.5 guns came from the three officers who advise me, and I have considered it only fair to forward them Senator Matheson's speech, and ask for a report. Further, I have telegraphed to England, asking the Secretary of the Defence Department, Captain Collins, who is at present in London, and who is an old naval officer, to make inquiries as to what progress has been made with the 7.5 guns which were ordered about the 15th or 16th April last. When I receive the reply from Captain Collins, I shall know what steps to take. If the 7.5 guns are half finished, I suppose the work will have to go on, and we shall have to utilize them in some other way. If, on the other hand, little or no progress has been made with their manufacture, I shall very possibly order operations to be suspended until

a decision is arrived at one way or the other. In the meanwhile, I shall get the report from the officers to whom I have referred Senator Matheson's speech, and lay the matter before the Council of Defence. Then, in all probability, I shall obtain the very best advice I can from expert authorities in England, and, if I have any doubt in my mind as to the calibre of gun that should be obtained, I shall ask the Colonial Defence Committee of Great Britain to report on the whole subject. All this will doubtless delay the work for some considerable time, and under the circumstances the £24,000 which is set down for the 7.5 guns and ammunition will be a saving on the present year's expenditure. At any rate, the Government will be put in a position different from that anticipated by Senator Clemons, who endeavoured to make out that the votes on the Estimates would not be sufficient for the purposes named.

Senator GUTHRIE (South Australia).—I am glad that the Minister of Defence has taken steps to countermand the order given for the 7.5 guns. If the Council of Defence, or the other experts whom it is proposed to consult, should recommend 9.2 guns, there will be no necessity to procure them from England, seeing that there are two guns of the kind in South Australia.

Senator PLAYFORD.—Those guns are no good; they are in no way equal to the 9.2 mark x guns.

Senator GUTHRIE.—The guns in South Australia are as good as any that are being manufactured to-day, although it may be necessary to make some slight improvement in the breeches.

Senator PLAYFORD.—Those guns are not as good as the 7.5 guns for penetrating armour.

Senator GUTHRIE.—Gunners in the Royal Artillery tell me a different story. At present the 9.2 guns lie buried in the sandhills in South Australia, and something ought to be done with them. If they are not wanted at Fremantle they ought to be mounted somewhere else.

Senator DE LARGIE.—We do not want such guns at Fremantle!

Senator PLAYFORD.—Those guns were ordered by the South Australian Government, and when I was Agent-General in London in 1895 I tried to sell them to the Japanese Government. The Japanese Government, however, refused to take them, because they were not up to date.

Senator GUTHRIE.—I do not think that the Western Australian people ought to refuse those guns simply because at present they are buried in the sand. They represent a large amount of money, and they are not out of date.

Senator PLAYFORD.—Not absolutely out of date, but they are getting towards that condition.

Senator GUTHRIE.—It is of no use keeping the guns in South Australia, not because they are out of date, but because, with a variety of armament, a variety of ammunition must be stored to a great extent.

Senator PLAYFORD.—As little variety as possible is desirable in the armament, so that one class of ammunition only may be required.

Senator GUTHRIE.—I am sure that if the Minister gets reports from the authorities on these 9.2-inch guns, it will be found that they are as good as anything that can be brought from England to-day.

Senator DE LARGIE.—Has the honorable senator any objection to mention his authority?

Senator GUTHRIE.—I have an objection, but the authority is good enough for me.

Senator DE LARGIE.—The honorable senator has been misled.

Senator GUTHRIE.—How does Senator de Largie know that, when he has seen the guns, and knows nothing about them?

Senator DE LARGIE.—I have heard of them.

Senator PLAYFORD.—They are Armstrong guns.

Senator GUTHRIE.—They are Armstrong guns, and are in good order; their mountings are also in good order, and no objection can be raised to them. All I ask is that before the Minister orders 9.2-inch guns from England he will obtain a report on this matter. If he does I feel satisfied that it will be found to substantiate my statement.

Senator MATHESON (Western Australia).—I think that Senator Playford may be congratulated on the way in which he proposes to treat this matter. I have no objection to any part of the programme which he has carried out or proposes to carry out in this connexion. I should like, however, to say that if the honorable gentleman eventually finds himself compelled to refer this matter to the Colonial Defence

Committee—and he could refer it to no higher authority—I should like to be allowed an opportunity to submit my case in writing, so that it may go forward with the other papers, because everything depends on the way in which cases of this kind are put. I have had the advantage, with the honorable gentleman's permission, of reading the despatches of the Colonial Defence Committee, and I can quite see that there is certain information in connexion with Fremantle which has not been put before the Committee in the way in which I should put it. As the authorities of the Department hold very definite views on this subject they are not likely to put my views as strongly before the Committee as I should put them myself. I trust, therefore, that the Minister of Defence will see his way to consent to what I ask. In view of the attitude which the honorable gentleman has taken up on this subject, I shall not detain the Committee, but there are one or two facts which I desire to mention in connexion with matters which were alluded to in the previous debate on the Bill. I have ascertained that the fort at North Fremantle was originally designed for 9.2-inch guns, and could easily be adapted to the 9.2-inch guns I advocate.

Senator PLAYFORD.—The design was altered when the 7.5-inch guns were decided on.

Senator MATHESON.—The design was altered to a certain extent. The distances between the pivots or centres of each gun were not altered, but they would require to be altered slightly for the 9.2-inch guns I advocate. It would mean a difference of twelve feet between the guns, and of one foot in the contour line, neither of which alterations presents any insuperable difficulty or involves any large additional expenditure. So that so far as the capacity of the fort for taking these guns is concerned, there is no difficulty whatever. The next point which I believe the experts raise is that at 4,000 or 4,500 yards the 7.5-inch gun can penetrate 6 inches of Krupp steel. They say that no ship would develop its attack until it came within the striking radius of the 7.5-inch guns. I hold that that contention is simply put forward to strengthen their case. I cannot conceive it possible that any ship, knowing that its armour would be penetrated at 4,500 yards, whereas it could not be penetrated at 6,000 yards, would not stop at the range at which

it was immune from destruction, and where with 9.2-inch guns it could shell the forts and destroy them.

Senator PLAYFORD.—There would be a good deal of trouble involved in destroying these forts, and unless a gun were hit, the damage done would not be excessive.

Senator MATHESON.—The honorable gentleman is entitled to hold that opinion. I have fortified myself with facts connected with the bombardment of Port Arthur by two Japanese ships. I take this statement from a cutting from the *Age* of 26th October, 1904—

The two armoured cruisers bought by Japan from the Argentine, namely, the *Nisshin* and *Kasuga*, have bombarded with their heavy guns, and have silenced the Russian forts eastward of the Golden Gate, which lies eastward of the Port Arthur entrance.

I have turned up the record of these two ships in *Brassey*, and I find that they have 6 inches of Krupp steel armour, and are armed with 8-inch guns. These guns are not quite as powerful as the 9.2-inch guns I advocate, but with them they were able to bombard and silence the forts referred to.

Senator PLAYFORD.—The honorable senator does not tell us what guns the forts were armed with.

Senator MATHESON.—I do not, because I do not know; but it is perfectly clear that the forts were not armed with guns sufficiently powerful to damage these cruisers protected by 6 inches of armour, and that would apply to the Fremantle fort with 7.5-inch guns at a range of 6,000 yards. If the experts are going to maintain that a ship attacking the Fremantle fort will come inside a convenient range for the 7.5-inch guns, my case of course drops to the ground. But I can hardly conceive it possible that any intelligent naval officer would run such a risk. Then we are told that it is absolutely inconceivable that a foreign cruiser would waste her ammunition against a fort. If that be so, no foreign cruiser is going to attack Fremantle. If such a vessel cannot afford to spend her ammunition in silencing the guns of the Fremantle fort before she attacks the shipping, I cannot conceive it possible that the expedition would go in that direction at all. The object of the expedition would be to destroy the shipping, and it seems to me that it is obvious that the attacking cruiser would be supplied with sufficient ammunition to carry

out the object in view. I was anxious to say these few words, because they deal with objections shortly raised by the Minister of Defence in his second-reading speech, and I desire that any person referring to the debates on the subject shall be able to consult my answer to the objections which the honorable gentleman raised.

Senator WALKER (New South Wales).—I understand that the item in connexion with the *Cerberus* is to be withdrawn.

Senator PLAYFORD.—I have no objection to it being struck out.

Senator WALKER.—I move—

That the item, Defence Department, "Mounting 8-inch breech-loading guns on *Cerberus*, £2,000," be left out.

Senator GUTHRIE (South Australia).—Before the amendment is agreed to, I think the Minister might inform the Committee who is responsible for recommending that these guns should be mounted on a ship that is not fit to go to sea. A grave error has been committed by the officers who are responsible for recommending to the Minister that we should mount these guns on a ship that has been condemned as unseaworthy, and whose boilers are not fit to get up steam. It is an absolute scandal that such a recommendation should be put before Parliament. I admit that the Minister has done right in advising that the item should be struck out, but the officer responsible for this recommendation should also be struck out.

Senator PLAYFORD (South Australia—Minister of Defence).—I have not been able to ascertain exactly who is responsible for this recommendation. As I was not responsible for submitting the item to Parliament, I have not been too curious to inquire.

Senator DE LARGIE. — The honorable gentleman is responsible now.

Senator PLAYFORD.—No, because I am agreeing to the proposal to strike the item out. In speaking on the second reading of the Bill, I mentioned that these guns would not be required. I think that the item can be explained by the fact that about twelve months ago it was understood that the *Cerberus* could be repaired and rendered serviceable for a few more years, and it was proposed that she should then be supplied with better guns. Two new 8-inch breech-loading guns were

to be placed on board of her. Subsequently a thorough examination of the vessel was made, and the conclusion arrived at was that she was not worth repairing, and was practically only fit for scrap iron. By an oversight, the original recommendation for re-arming her with these guns was allowed to stand. It was overlooked, evidently, by my predecessor, and I have explained that it never came before me until it was submitted to Parliament in this Bill. When I saw it I at once made inquiries, and found that these guns were not required. The recommendation was made in the belief that the *Cerberus* could be put into fighting trim, and it was overlooked when the idea of repairing the vessel was abandoned. We have now, however, done the right thing in proposing to strike out the item.

Senator GUTHRIE (South Australia).—In this connexion I should like to ask the Minister if there is any periodical survey of the ships belonging to the Commonwealth. It is absolutely necessary that there should be such a survey of the Commonwealth ships, and some responsible officer should report on their condition. I am informed that the *Cerberus* has been running with boilers in such a condition that it is a wonder that they did not long ago blow up, and blow every one on board the ship into another world. At the present time there is no periodical survey of ships belonging to the Commonwealth. I hope that the Minister will take steps to introduce a regulation providing for a half-yearly survey of all ships belonging to the Commonwealth.

Senator PLAYFORD (South Australia—Minister of Defence).—I do not know whether a periodical survey is made or not; but I know that the officers applied to me for money for effecting the repairs, evidently after they had made an examination of some sort. I know that one or two of the gun-boats are undergoing repairs. I shall ascertain whether periodical examinations are held, but I should imagine that they are.

Senator GUTHRIE.—They are not.

Amendment agreed to.

Schedule, as amended, agreed to.

Postponed clause 2 consequentially amended, and agreed to.

Title agreed to.

Bill reported with amendments.

ADJOURNMENT.

PUBLIC SERVICE CLASSIFICATION: ACCOMMODATION FOR OFFICERS ADVISING MINISTERS.

Senator KEATING (Tasmania—Honorary Minister).—I move—

That the Senate do now adjourn.

I take this opportunity of intimating that, now that the Appropriation (Works and Buildings) Bill has been advanced to the report stage, it is the intention of the Government to give effect to a promise it has made on more than one occasion, to afford an opportunity to those honorable senators who have not addressed themselves to the classification scheme of the Public Service to express their views. In accordance with its appearance on the notice-paper, private business will take precedence to-morrow, and will, it is anticipated, occupy the attention of the Senate until the suspension of the sitting for dinner. Immediately after the report on the Appropriation (Works and Buildings) Bill has been disposed of, I shall move the adjournment of the Senate, not intending to take any other Government business after the dinner hour. That will afford to those who wish to speak on the classification an opportunity to address the Senate. In answer to an interjection which came earlier in the day, when I was intimating the course the Government intended to follow, I wish to point out that it is absolutely impossible for a substantive motion in regard to the classification scheme to be submitted. There is a motion on the notice-paper for a day far ahead, and it will be impossible by giving notice of a substantive motion, to anticipate a discussion thereon.

Senator PEARCE.—So long as it did not clash with that motion, it could be done.

Senator KEATING.—I think it would lead to the consideration of all kinds of points of order. On the motion for the adjournment of the Senate to-morrow evening, it will be competent for honorable senators to address themselves to the subject, and so long as there is an understanding that they will do so, I trust that they will expedite the discussion as much as possible, in order that the Government may finally dispose of the classification scheme in the light of the criticisms which have been levelled at it in another place, as well as here. The Government will see that a suitable record is taken of all criticisms of the classification based upon the

policy of the Public Service Act. It will also see that before the classification scheme is finally disposed of the Commissioner will be fully apprised of all such criticisms which have been levelled at it in another place and here. With that intimation, I earnestly hope that to-morrow evening honorable senators will assist the Government to bring to a satisfactory conclusion the discussion of the principles of the Act, in so far as they relate to the concrete expression of them in the classification scheme.

Senator DE LARGIE (Western Australia).—Every honorable senator must have noticed this afternoon the inconvenience to which the leader of the Senate was put in having to continually leave his seat at the table in order to consult the officer sent here with information concerning the various items in the Estimates for works and buildings. It would conduce greatly to the speedy transaction of business and the convenience of the Minister if the officer were provided with a seat at the table.

Senator GUTHRIE.—Oh, no.

Senator DE LARGIE.—I do not see that it is an innovation to which any one could very well object, because seats are now provided at the table for the clerks and the members of the *Hansard* staff.

Senator STANFORTH SMITH.—There were three officers in attendance upon the Minister to-day.

Senator DE LARGIE.—Yes, but that did not save the Minister the necessity of having to continually leave his seat at the table in order to consult them upon certain items. It is unreasonable to expect that a Minister can be conversant with every item in any set of Estimates. It would be offering no indignity to the Senate to allow an officer to sit at the table and give to the Minister all the assistance he requires. On the contrary, I believe it would add to the dignity of the Chamber to allow the officer to sit by the elbow of the Minister, rather than have the latter continually walking to and from the officer in his box. I do not know that an alteration of the Standing Orders would be necessary to permit my suggestion to be carried out. Of course, if the Minister did not need assistance the officer would not take a seat at the table, but if the Minister did require the assistance of the officer a seat could be provided at the table for him.

Senator PLAYFORD (South Australia—Minister of Defence).—I can imagine only two occasions when a Minister would

be likely to require the assistance of an officer, and that is in connexion with the annual Appropriation Bill and the Appropriation (Works and Buildings) Bill, because it is utterly impossible for any Minister to have all the information necessary to give the many explanations asked for regarding the various items. The Secretary to the Minister has a book, in which he can turn up a particular item more quickly than the Minister can do. Therefore he is of great assistance to the Minister at a time when honorable senators are asking for information about items. There are only two occasions in a session when it might be advisable—and certainly it would be a convenience to the Minister—for the Secretary to be accommodated at the table. Instead of the Minister having to leave his seat at the table to consult the Secretary, and an honorable senator having to pause in his speech until the information has been obtained, it might be just as well if the Secretary could sit immediately alongside the Minister, and hand to him the information just as it was asked for.

The PRESIDENT.—Or the Minister could sit alongside the Secretary's box.

Senator PLAYFORD.—It would not be so convenient for me to sit near the box, unless I had a table upon which to place my papers.

Senator Lt.-Col. GOULD.—There are very strong objections to bringing officials into the Chamber.

Senator PLAYFORD.—I suppose there are. Perhaps on the next occasion I may be allowed to have a table near the Secretary's box. That would obviate the necessity of the Secretary being within the Chamber.

Question resolved in the affirmative.

Senate adjourned at 9.59 p.m.

House of Representatives.

Wednesday, 20 September, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

SLANDERS ON AUSTRALIA.

Mr. KELLY.—The following cablegram appears in this morning's *Argus*, and is published in almost identical language in the *Age* :—

Addressing the electors of the West Division of Birmingham, Mr. R. L. Outhwaite, late of Mel-

bourne, who has been chosen as Liberal candidate for the constituency in opposition to Mr. Chamberlain, referred to "General" Booth's proposals to send 5,000 emigrants to Australia. He characterized "General" Booth's proposals as farcical, and declared that land monopoly in Australia had gone so far that shortly no land would be left for the sons of Australian farmers.

In view of the fact that the Government of New South Wales is now offering in England farms to intending settlers in the State, will the Prime Minister take steps to at once authoritatively correct the very false impression which this slander would give?

Mr. DEAKIN.—I hope that the replies furnished by the Premiers of the States will enable us to repel a large part of the insinuations conveyed by that statement. In Queensland, not 15 per cent. of the area of the State has yet been alienated.

Mr. FISHER.—That is not the point.

Mr. DEAKIN.—That answers the point made by Mr. Outhwaite.

Mr. FISHER.—In Queensland the Government have had to buy back land in order to settle people on the soil.

Mr. DEAKIN.—The assumption in England will be that Australia possesses very little land which is not alienated, and in the grasp of monopolists. Our reply should be, first, that in Western Australia and Queensland there are enormous areas of unalienated Crown land, and, next, that where land monopoly exists in Australia it is due to defective local laws, which can be amended. I hope that the evil will be remedied at the earliest possible moment.

Mr. KELLY.—I would also like to ask the Prime Minister if he is aware that the *Age* of Saturday last reports him as having spoken on the subject of immigration in the following terms:—

But what would tempt them to come was something which they, in this Parliament, had not the power to offer—the land. It was the land laws of this country which were the real obstacles to immigration. . . . Even our own people cannot get the land; our farmers' sons—the people who ought to be the first to be considered—cannot get it. This it was that drove people to America. Why were their Victorian farmers' sons going to Queensland, to Canada, to America? Simply because they were land starved.

Will he see that that statement receives the same authoritative contradiction as he has given to Mr. Outhwaite's?

Mr. DEAKIN.—The report of the *Age* is necessarily an incomplete condensation. The statement made by me in this Chamber needs not the slightest contradiction or qualification. It was absolutely true.

Farmers' sons have left Victoria by hundreds, because suitable land is not available in the State, and I am informed that many more farmers' sons have left at least two of the other States for the same reason. Within the limitations I laid down, it is unfortunately true that Australia is losing population because of her defective land laws.

Mr. WEBSTER.—Is it the intention of the Government to withdraw advertisements from newspapers which stoop to misrepresent, vilify, or discredit the Commonwealth?

Mr. DEAKIN.—Our advertisements are distributed by the Government Printer, and the Commonwealth has adopted the Victorian practice of allowing no political interference with their distribution. The press, as a whole, is treated merely as a commercial agency for making known to the public what the Government desire to make known.

LEAVE OF ABSENCE.

Motion (by Mr. DEAKIN) agreed to.—

That leave of absence for one month be given to the honorable member for Bendigo on the ground of absence on public business.

PAPER.

The CLERK laid upon the table the following paper—

Return to an order of the House, dated 1st September, relating to correspondence on silver and decimal coinage.

IMMIGRATION RESTRICTION ACT.

Mr. ROBINSON asked the Prime Minister, *upon notice*—

1. Whether his attention has been directed to the following statements relating to the immigration laws regarding labour under contract in force in the Dominion of Canada:—

"The section (*i.e.*, section 3 of the Immigration Restriction Act 1901) prohibits 'any persons under a contract or agreement to perform manual labour within the Commonwealth.' . . . The provision is one which obtains in Canada." . . .—(*Melbourne Age* leading article, 4th September, 1905.)

"Canada, where the immigration laws were more stringent than those of Australia, and administered with greater severity." . . .—(Report of speech by Hon. J. C. Watson, M.P., in *Melbourne Argus* of 16th September, 1905.)

2. Does he consider that such statements convey an accurate representation of the Canadian legislation on the importation of labour under contract?

3. Whether he is aware—

- (a) That by the Canadian Acts 60-61 Vict. Chap. II.; 61 Vict. c. 2; and 1 Edw. VII. c. 13—the prohibition of the influx of labourers under contract is restricted to “aliens and foreigners,” and does not apply to British subjects?
- (b) That the said Acts “apply only to the importation or immigration of such persons as reside in, or are citizens of, such foreign countries as have enacted and retained in force, or as enact and retain in force, laws or ordinances applying to Canada of a character similar” to those in the said Acts?
- (c) That the said Acts do not affect the exercise of the powers of the Governments of the Dominion of Canada or of the various provinces thereof in connexion with the promotion of immigration?

4. Whether, in view of the importance of the immigration question, the Government will issue, as a Parliamentary Paper, a digest of the Canadian laws relating to immigration?

Mr. DEAKIN.—The answers to the honorable and learned member's questions are as follow:—

1 and 2. Yes, the statements referred to have come under my notice, but are not mine.

3. I am advised that the quotations of the honorable member are correct, but the Canadian Acts are available in the Library for the inspection of honorable members. I cannot say in what manner they influence the exercise of the executive powers of the Governments referred to.

4. This is hardly necessary, in view of the fact that the laws are available to members.

COMMERCE BILL (No. 2).

In Committee (Consideration resumed from 19th September, *vide* page 2470):

Clause 5—

1. An officer shall inspect and examine all prescribed goods which are imported, or which are entered for export or brought for export to any wharf or place.

2. The officer may where practicable take samples of any goods inspected by him pursuant to this section, and the samples so taken shall be dealt with as prescribed.

3. For the purposes of this section an officer may enter any ship, wharf, or place, and may break open any packages, and may do all things necessary to enable him to carry out his powers and duties under this section.

Mr. GLYNN (Angas).—I think that the Minister of Trade and Customs should now tell us what particular goods he proposes to include in the schedule. The clause gives him absolute power to say what goods shall be inspected, and provides that such goods must be inspected. Whether the Department could carry out such wholesale inspection is another matter; I do not think it could. It has been already pointed out that a tremendous staff of experts would be

required to do the work provided for by the Bill. Under this clause there is no limitation as to what goods shall be prescribed, and the officers must inspect and examine all prescribed goods. A great deal of discussion would have been saved last night if we had been informed whether the Minister's promise to the deputation from the Chamber of Commerce which waited on him would be carried out, and I think debate will be saved now if the Minister will at once say whether he proposes to limit the Bill to the extent indicated in his reply to the deputation.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I propose to circulate this afternoon notice of a new clause, of which I intend to move the insertion. I made a certain promise to the deputation referred to, and I intend to keep it by submitting this clause. The new clause which I have had drafted will stand as clause 13A, and reads as follows:—

Sections seven and ten of this Act shall not apply to any goods other than—

- (a) articles used for food or drink by man, or used in the manufacture or preparation of articles used for food or drink by man; or
- (b) medicines or medicinal preparations for internal or external use; or
- (c) manures.

Mr. TUDOR.—What about apparel?

Sir WILLIAM LYNE.—When the insertion of the proposed new clause is moved, honorable members can take their own course in regard to it. So far as I can judge, there is some need for dealing with wearing apparel; but I intend to propose this new clause to carry out my promise to the deputation, and its wording substantially embodies that promise so that I may not be accused of making one statement at one time and another statement at another time. I shall have something to say in reference to the application of this provision to apparel and other articles when the proposed new clause is under consideration, which will not be until the remaining clauses of the Bill have been dealt with. Several honorable members last night wished to obtain detailed information in regard to the proposed method of administering the measure after it has become law, and I am now prepared to give a rough outline of the procedure which it is intended to follow. In order to avoid expense and duplication of work, arrangements will be

made in those States, where grading or inspection is now being carried on—and there are several States in which this work is being done to a limited extent—either to take over the staffs now employed by the States, in which case the States Governments will be saved further expense, or to make the States officials Commonwealth officers for the purpose of carrying out the provisions of this measure. In the latter case, these officials will continue to do their work as at present, and their grading, inspection, &c., will be accepted by the Commonwealth Department, if satisfactory arrangements can be made. No extra expense need be incurred in either case, and the Governments of the States will be asked which course they prefer to see adopted. I emphasize that statement to show that the intention is to interfere as little as possible with the working of the States Departments. In those States where no machinery now exists for carrying out inspection, it will have to be created, chiefly in connexion with the Customs Department, but in every State there is some inspection, and in most of the States certain articles of export are graded. The wishes of each State as to the articles of export to which the measure shall be made to apply will be fully considered.

MR. KELLY.—Will not section 99 of the Constitution prohibit the differentiation between the States?

SIR WILLIAM LYNE.—The States Governments are as anxious as is the Commonwealth Government that the reputation of their productions shall be fully maintained. I had a discussion with the Comptroller-General of Customs this morning as to the method which he would be likely to suggest for the adoption of similar trade descriptions for the various States, and I do not think that the Constitution Act will prohibit slight differences in regard to the various States. If it is afterwards held that it is the duty of the Commonwealth Government to see that the exact provisions exist in each State, the States Governments will be asked to harmonize their work with that which falls within the province of the Commonwealth. If the States authorities desire that the work shall still be performed by their own officers, we shall meet them by appointing their officers to carry out the provisions of the Act. If, on the other hand, they desire that the Customs officers should do all that is required, we can so

arrange matters. I hope that I have made it abundantly clear that it is intended to fully consult the wishes of the States, and I place this statement on record so that it may be referred to in future in the event of my being called upon to administer the Act. The honorable and learned member for Northern Melbourne suggested that it might be necessary to make some amendment to meet the objections raised by the honorable member for North Sydney with regard to trade descriptions appearing in and swelling Customs entries. The honorable member for North Sydney said that trade descriptions would weight the Customs entries to such an extent as to make them even more complicated and difficult to deal with than they now are. I have here a statement from the Comptroller-General of Customs with regard to that matter. It reads as follows:—

The provision as to Customs entry applies only where there is no trade description on the goods themselves.

Where these goods comply with the prescribed conditions they will be marked, either by means of labels on the goods or by brands on the cases. Such additions will not be dealt with in Customs entries. The memorandum proceeds—

In cases where there is a trade description on the articles, under section 7 or 10 of the Bill, nothing more is necessary or can be required.

The Comptroller-General is very emphatic on that point. He maintains that nothing more can be required so far as the Customs entries are concerned—

The wording of the Customs entry would not be affected by any such proclamation. There is no power under the Customs Act or this Bill to require a trade description to be placed in the Customs entry. Thus we might have a proclamation which required the exact ingredients of all patent medicines to be set out on the goods. The Customs entry would say only "Patent Medicines" as now—nothing more.

The Comptroller does not think that the provision in the Bill will have the effect that the honorable member for North Sydney supposes. I wish also to place these matters on record, so that there can be no mistake as to what is intended. The memorandum continues—

The provision as to the Customs entry would apply only in cases like this. Goods have no trade description on them. They are entered at the Customs under the Tariff heading (no more, no less) as "Carbonate of Ammonia." If they happened not to be carbonate of ammonia in the trade sense, but rubbish, we could then say,

"You have described your goods as carbonate, when they are not so; consequently, you have given a false description."

I brought with me a Customs entry which will serve as an illustration—

Sec. 68.

No. . Forms 6, 7, 8.

AUSTRALIAN CUSTOMS.

IMPORTS.

Entry—Fixed Rates. Entry—Ad valorem.

State of Victoria. Port of Melbourne.

20th day of May, 1905.

Ship, *Mary Jane*, from London. Station, V.R.

Owner—Brown & Co. Agent—Jones.

No. on Manifest.	Marks.	Numbers.	Description of Goods.	Country of Origin.	Invoice Value.	Value for Duty (Quantity or Weight).	Rate of Duty.	Duty.
26	A in diamond over M	17	7 cases, carbonate of ammonia	England	£ 70	cwt. 7	s. 5 per cwt.	£ s. 1 15

Paragraph 5 on the back of the entry form reads as follows:—

(5) That the description of the goods in this entry, and the particulars in the invoice, are true in every respect.

The statement proceeds—

The proclamation under sections 7 and 10 can only require a description on the goods themselves; it says nothing about the Customs entry. The wording of the sections shows this emphatically; see the words "unless there is applied to them (*i.e.*, the goods, not the entry) a trade description," &c. The proclamation cannot affect the entry, and we cannot require on the Customs entry more than the law requires now. Though there is no necessity for any amendment yet to meet any objections, the following words—new clause—might be inserted:—"In any Customs entry no further description of any goods shall be necessary other than such as may be required under any Customs Act in force."

I am prepared to agree to that if any honorable member wishes to move an amendment in that direction. I think that I have made the position as clear as possible.

Mr. HIGGINS (Northern Melbourne).—I understand from the Minister that he does not intend that the Governor-General shall have power by proclamation to dictate what is to appear in a Customs entry.

Sir WILLIAM LYNE.—Certainly not.

Mr. HIGGINS.—Then I would ask the Minister to see that the draftsman makes that clear in clause 7, because I have not

the slightest doubt that clause 7, taken in conjunction with clause 3, confers power to dictate as to what shall appear in a Customs entry. The question dealt with in the clause now under consideration is the inspection of imports and exports, and I would ask the Minister whether the provision has been brought under the consideration of the Attorney-General or of the Law Officers.

Sir WILLIAM LYNE.—It was drafted by the Attorney-General.

Mr. HIGGINS.—I should like to know whether the Attorney-General has considered the constitutional aspect of the provision. It purports to empower Customs officers to inspect and examine all goods entered for export, or brought for export to any particular place. Not only so, but the Customs officials are empowered to take samples of such goods, and for that purpose to enter any place in which the goods are stored. They are further authorized to break open packages, and to do everything necessary. Now, judging from the decisions of the High Court, that tribunal is disposed to follow American decisions, and it has been held in America, throughout a very long line of cases, that the Federal jurisdiction does not extend to goods which are intended for export, that the goods must have actually been started in motion on their way to parts abroad, or from one State to another. The American Courts have gone so far as to decide that timber cut in the hills of New Hampshire, and brought down to a wharf for the purpose of being sent to Maine, was not subject to the Federal jurisdiction because it had not started in motion towards Maine. Of course, this is quite a novel line of thought for us—this conflict between the State and the Federal jurisdiction; but it may be brought home to us very emphatically before long. According to those decisions, if a Customs officer broke into a store on a wharf where goods were lying for export, and took samples of such goods, an action for trespass would lie against the Commonwealth. In connexion with that action, the question would arise whether this clause was valid. The first impression the clause has produced upon my mind is that in America it would be held to be invalid. The American Courts have gone so far as to declare that if goods are intended and are marked for export, and are to start upon their export journey the very next day, or even the next

hour, they are still within the State, as distinguished from the Federal jurisdiction. They must have actually been put in motion before the Federal jurisdiction commences. I would not venture, in the face of what the Minister has said, to move an amendment until the matter has been further considered, but I suggest that the Minister should undertake to bring the clause under the notice of the Attorney-General and the Law Officers, and that he should consent to its being recommitted in the event of any honorable member desiring that it should be further considered. I am strongly with the Minister in the object that is sought to be attained, but I do not desire to see the Commonwealth rendered liable to an action for damages arising out of an insufficiently-considered provision. The clause as it stands applies to goods which are not in movement from Australia to parts beyond it. It is sufficient that they should be entered for export or brought for export to a particular place. Under clause 6 every person who intends to export has to give certain notice. If the American cases apply, and I see no reason why they should not, the mere intention to export does not bring the goods within our jurisdiction. I consider this is a very grave matter, which should be looked into before we proceed further.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I should scarcely feel justified in refusing the very reasonable request of the honorable and learned member for Northern Melbourne, whom I recognise as one of the highest constitutional authorities in this Chamber. As I said, the Bill was drafted under the supervision of, if not by, the Attorney-General. At the same time, the point referred to by the honorable and learned member may not have been specially submitted to my honorable colleague for his consideration.

Mr. GLYNN.—I directed special attention to it during the second-reading debate.

Sir WILLIAM LYNE.—If the clause is agreed to I will undertake to bring it under the special notice of the Attorney-General, and, in the event of there being any doubt with regard to its validity, I will consent to its recommitment.

Mr. HIGGINS.—That is if we ask for it.

Sir WILLIAM LYNE.—Yes.

Mr. JOSEPH COOK (Parramatta).—I listened to the statement of the Minister

with a great deal of satisfaction. It was very good so far as it went, but it still left the provisions relating to exports in the same position as formerly. Every one will be gratified to know that the Minister intends to restrict the operation of the Bill so far as imports are concerned.

Sir WILLIAM LYNE.—And also with regard to exports.

Mr. JOSEPH COOK.—But only to the extent of modification. That is the point of my complaint. I think that we should merely look after our imports as to their purity, and let other countries look after our exports. That is the rule all over the world. I object to the Minister having power to examine exports and prescribe the descriptions that should be attached to them. I do not consider it is proper that Customs officials should have power to go into a ship's hold, break open packages of fruit, and condemn the contents, if they are not in accordance with the standard prescribed by the Minister. The Minister does not propose to in any way modify the provisions of the Bill in that regard. I shall heartily support the amendment he proposes, but my point is that we ought to leave our exports alone, unless with the full concurrence of the States. The Minister has told us that he intends to consult the States as far as possible, but the point is that the States do not desire his interference in any way. The Government were told that very plainly at the Hobart Conference. The States declare that they can manage their own export trade better than can the Commonwealth. Therefore, I suggest that the Minister should confine the operation of this Bill to the protection of infant life, and of the consumers of the community generally. He should be content with insuring that goods imported are true to name and description, and in every way fit for human consumption. The suggestion of the honorable and learned member for Northern Melbourne, if it were incorporated in the Bill, would achieve that very desirable object. Why should the Minister fetter a health proposal of this kind, by taking unto himself power to interfere with the trade of our ports, both inwards and outwards? I ask the honorable gentleman not to apply to the export trade of Australia the drastic powers proposed, unless he first obtains the consent of the various States to do so. I think that we ought to let well alone in this matter. It has already been thoroughly thrashed out. The States assert

that they do not desire our interference, so far as their exports are concerned. In no other country in the world are things mixed up in the way that the Minister is now proposing. I wish to particularly emphasize that point. We are constantly endeavouring to come into closer contact with the rest of the Empire. Then why cannot we follow the example which the Imperial Parliament has set us in the Merchandise Marks Act? Why cannot we do, as is done in every other part of the world—look after our imports, and leave other countries to adopt the same practice in regard to the goods which we export? That seems to me so elementary a proposal that I wonder why the Minister wishes to step aside from it and enforce the drastic powers provided for in this Bill. Let me take the case of fruit to illustrate my meaning. This Bill provides that a shipper must give notice of his intention to export fruit. The fruit is sent to the wharf, and under the Bill it would then be obligatory on the part of a Customs officer to inspect it. For the purpose of examination, he might follow that fruit to the ship's hold, and under clause 5 he might "break open any packages and do all things necessary to enable him to carry out his powers and duties." I say that such a course of procedure cannot be necessary. The provision in question must be evaded if our fruit and butter industries are to be carried on. Why, I ask, should we enact impossible provisions in any Bill?

Mr. HUGHES.—In what way is the provision impossible?

Mr. JOSEPH COOK.—As I have already pointed out, fruit may be growing upon the tree this morning, and may be shipped to-night for New Zealand. How is the Minister to be notified that a shipment is to be made, and how is the fruit to be assembled on the wharf for inspection before it is shipped? It is impossible to carry out the provision without unnecessary interference, which may possibly lead to the destruction of the trade. I think that we ought, as far as possible, to make provisions which, by their very reasonableness, may be easily carried out. This cannot be the case in regard to many articles of perishable produce. If our trade is to continue, this Bill must remain a dead-letter, and we ought not to aim at any such result.

In order to give effect to the views which I have indicated, I move—

That the words "or which are entered for export, or brought for export to any wharf or place," be left out.

Mr. DUGALD THOMSON (North Sydney).—I think that the Minister is to be congratulated upon having made to the Committee, even at this late stage, a statement which should have accompanied the introduction of this Bill. That statement has removed some of the clouds through which we have been endeavouring to grope our way in considering the provisions of the measure. I am glad to see that in regard to the particular matter which was raised by me last evening—I refer to the question of whether the full trade description which might be required from importers of any article should appear in the Customs entry—there is a proposal indorsed by the Comptroller-General to amend the Bill so as to make it clear that that shall not be a requirement. I agree with the honorable and learned member for Northern Melbourne—whose opinion upon a legal question is infinitely to be preferred to my own—that under the proposal to combine the provision in respect of the Customs entry with clause 7 of the Bill, there is no doubt whatever that the proclamation could require a full detailed trade description to appear in that entry. Now the Minister states that the only intention is that if there is no other trade description, then the trade description should be included in the Customs entry.

The CHAIRMAN.—Order! I would point out to the honorable member that we are now adopting a rather unusual procedure. The honorable member is, upon a statement made by the Minister, apparently about to discuss a matter which was really debated last evening. The Minister has arranged that this question of the Customs entry shall come up for consideration at a later stage, and if I allow the honorable member to proceed upon the lines he is now following, I shall, of course, have to extend the same privilege to every other honorable member, and I am afraid that the adoption of that course would not tend to facilitate business. Consequently, I ask the honorable member to confine his remarks to the question under consideration. I did not prevent an incidental reference to the matter in question; but it seems to me that the honorable member is about to enter upon a detailed discussion of a subject

which will come up for consideration at a later stage.

Mr. DUGALD THOMSON.—I have no desire to transgress your ruling, sir. I was merely alluding to a question which was raised by the Minister, and to which reference has been made by other honorable members. In concluding my remarks, I only wish to say—and I mention the matter now, because the Minister has to consider the proposed amendment of the clause—in reference to the allusion by the Comptroller-General to the importation of an article alleged on a Customs entry to be carbonate of ammonia, when it was not true to name, but was in reality rubbish, that there is no necessity to deal with such a matter in this Bill. Under section 234 of the Customs Act, any person passing a Customs entry false in any particular is liable to punishment. Incidentally, I would also draw the Minister's attention to the fact that the services of State officers are availed of by the Commonwealth, and paid for by the States.

Sir WILLIAM LYNE.—The Commonwealth will partially pay for those services.

Mr. DUGALD THOMSON. — On the other hand, where State officers are not available, the Commonwealth would provide all the staff that is necessary. The salaries paid to these officers would constitute "new" expenditure, and would be charged against the States upon a *per capita* basis; therefore some of the States, already paying for their own services, would also be called upon to partially pay for the services rendered in other States by Commonwealth officers. I think that the point raised by the honorable and learned member for Northern Melbourne deserves the serious consideration of the Minister. It is very questionable whether the Commonwealth can treat goods as exports until they actually come under the control of the Customs authorities as exports. If the opinion expressed by the honorable and learned member be correct, the notice which it is necessary to give under a subsequent provision cannot be demanded by the Commonwealth. In any case, I think that the requirement to give notice is a very serious matter.

Mr. HUGHES.—Which clause are we discussing?

Sir WILLIAM LYNE.—Clause 5.

Mr. HUGHES.—The honorable member is discussing clause 6.

Mr. DUGALD THOMSON.—I am discussing the first and last paragraphs of clause 5, upon the question as to where the powers of the Commonwealth begin in regard to exports.

Mr. HUGHES.—The question only arises in respect of clause 6.

Mr. DUGALD THOMSON.—It arises in connexion with the words "which are entered for export" in paragraph 1 of this clause. The question at issue is as to whether the power of the Commonwealth begins when goods are entered for export, or when they are actually being exported.

Mr. HIGGINS.—They may be entered for export and not exported.

Mr. HUGHES (West Sydney).—I admit that it is a very proper thing not to impede in any way the operations of trade, but to facilitate them as far as possible. At the same time, it is very necessary that we should do something better than merely follow the practice of the Empire in this connexion. The deputy leader of the Opposition has affirmed that we should be content with looking after our imports and that we should allow the other portions of the Empire to look after our exports. But what, I ask, is the practice which they usually adopt? It is to hurl upon us every conceivable species of rubbish that they can. If we wish to follow their illustrious example in this respect, well and good; but if, on the other hand, we desire to acquire in the markets of the world some reputation for selling decent goods, it would be just as well for us to have the assurance which the Government *imprimatur* can give that those goods are what they purport to be. Nothing upon earth differs more widely than do the labels upon certain goods from the goods themselves. It appears to me that the illustration given by the honorable member for Parramatta as to fruit being on the trees in the morning, and on the ship in the afternoon, is a remarkable one. As a matter of fact, half the apples shipped from Tasmania are picked at least a week—and, in some cases, a month, and even six weeks—before they are shipped.

Mr. McWILLIAMS.—No.

Mr. HUGHES.—I will guarantee that there are hundreds and thousands of apples stored to-day in Tasmania.

Mr. McWILLIAMS.—Because the apple season closed months ago.

Mr. HUGHES.—The honorable member for Parramatta must have had citrus

fruits in mind ; but I should like to ask him whether New South Wales has exported any citrus fruits during the past five years.

Mr. JOSEPH COOK.—Any quantity have been exported to New Zealand.

Mr. HUGHES.—That may be so, but New Zealand is about the only place to which they have been exported. The honorable member has had more experience in such matters than I have had ; but I do know that if a ship with a cargo of potatoes, onions, or fruit on board, comes in to port at 6 a.m., that cargo is inspected and passed twenty-five minutes after it has been placed on the wharf. That is done day after day.

Mr. JOSEPH COOK.—Inspection of that kind is only a farce.

Mr. HUGHES.—The honorable member may apply that term to any duty that may be well or indifferently discharged. This inspection, however, is properly regarded by the Health Board as a very important work. Under section 52 of the Customs Act, exhausted tea, and tea adulterated with spurious leaf, or with exhausted leaves is deemed a prohibited import whilst—

All goods having thereon or therewith any false suggestion of any warranty guarantee or concern in the production or quality thereof by any person public officials Government or country—

are also prohibited.

Mr. JOSEPH COOK.—Is notice given of the inspection to which the honorable and learned member has referred ?

Mr. HUGHES.—No ; because there are powers under the Customs Act that have to be exercised in respect of various matters.

Mr. JOSEPH COOK.—Then why should we provide for a notice in this case ?

Mr. HUGHES.—Because it will facilitate the work. I hold that the amendment ought not to be carried, for the simple reason that it is possible now for a man to ruin our markets in England by a shipment of inferior fruit.

Mr. McWILLIAMS.—It cannot be done.

Mr. HUGHES.—It can be done. If a man in England purchased twenty-five tons of butter from New South Wales, and found that it was "cheesy," that fact would operate prejudicially to other consignments from the same State.

Mr. LEE.—But what if it were sent as "pastry" butter ?

Mr. HUGHES.—Can the sale of butter that is unfit for human consumption be justified on the ground that it is sold only as "pastry" butter ? I presume that a man does not expect to obtain the best factory butter when he buys pastry butter.

Mr. LEE.—He inspects the consignment that he proposes to buy.

Mr. HUGHES.—He might buy it on the guarantee of the Government stamp. One would imagine, from the interjections of honorable members opposite, that all sales of butter were perfectly *bonâ fide*. The man on the box has to earn his living by selling the butter consigned to him, and he will sell it whether it is oleomargarine or axle-grease. The sooner he clears the various lots catalogued the better it is for him. It is very important that our produce should have a reputation on the English market, because competition is very keen. It is all very well to say that the Danish supply of butter has reached its limits, but we cannot overlook the fact that the Siberian, Russian, and other European sources have yet to be tapped. Those places are only a few days' journey from England, and we ought to do our best to put the best article on the market, so that a buyer will accept the Australian brand as an assurance that he is getting a good article.

Mr. LEE.—This Bill does not provide for a brand being put on the goods.

Mr. HUGHES.—It would prevent one man from ruining the whole market by an inferior shipment. I do not hesitate to say that the most conservative and ignorant people in the Commonwealth are those who send their goods to England.

Mr. McWILLIAMS.—And some of those who try to regulate the trade are far worse.

Mr. HUGHES.—As an illustration of the way in which apples are packed in Tasmania, I am informed that one man, 15 stone in weight, stands on a case while a fellow worker nails down the lid.

Sir WILLIAM LYNE.—I have also seen that done.

Mr. HUGHES.—If such consignments are found to be bad on reaching England, an attempt is made to show that the fault is due to defective refrigerating machinery. I have good evidence that apples are packed in Tasmania in the way I have stated. We are here to look after the interests of the Commonwealth, and we cannot give special consideration to the position of Tasmania. We desire to establish a high

reputation for our produce in the markets of the world, and it appears to me that the passing of this Bill will materially help us to do so.

Mr. McWILLIAMS.—I have a prior amendment to move.

Amendment, by leave, withdrawn.

Mr. McWILLIAMS (Franklin). — I move—

That the word "shall," line 1, be left out, with a view to insert in lieu thereof the word "may."

During the debate on the motion for the second reading of this Bill, I showed what effect legislation of this kind was likely to have on our export trade. While in Tasmania a few days ago I found that the fruit-growers and shippers of that State viewed with alarm the passing of the Bill, and after the remarks made by the honorable and learned member for West Sydney, one can understand why they should dread the passing of such legislation by a Parliament, many of the members of which display an ignorance of the very rudiments of the trade which they dare to criticise. The honorable and learned member for West Sydney has spoken of fruit being stored for weeks and months before being shipped from Tasmania to England. As a matter of fact, he has confused shipments of fruit to the mainland with consignments to the English market.

Mr. HUGHES.—Does the honorable member say that apples are not stored for a month in Tasmania?

Mr. McWILLIAMS.—I say that not an apple stored to-day in Australia will be shipped to England. The honorable and learned member has based his opposition to the amendment on a wholly wrong foundation. Every argument that he has advanced is applicable only to the Inter-State trade, to which he, as a member of the legal profession, ought to know this Bill will not apply.

Mr. HUGHES.—I accept the honorable member's word that apples for export are not stored in Tasmania, but I do say that apples are stored, and that some will be found there to-day.

Mr. McWILLIAMS.—There are probably hundreds of thousands of apples stored there to-day, but not one of them would come under the operation of this measure.

Mr. HUGHES.—But is it not possible that, with the growth of the apple trade, the fruit will have to be stored as I have said?

Mr. McWILLIAMS.—No; because our only chance of success in shipping apples

to England lies in the fact that we are able to put them on the English market when American and European supplies are not available.

Mr. HUTCHISON.—It is proposed that this Bill shall apply to the Inter-State trade.

Mr. McWILLIAMS.—But as it stands it will not apply to it. I can assure the honorable and learned member for West Sydney, who appeared to doubt the accuracy of the statement made by the honorable member for Parramatta that apples are on the trees in the morning, and on the ship at night, that they are on board the ship within twenty-four hours of their being picked. The vessels by which fruit is consigned from Tasmania go there under special contract. A shipper purchases a certain amount of space, to fill which he may require 30,000, 40,000, or even 50,000 bushels of apples. But because of wet weather, or for some other reason, there may be a shortage, and he will then telegraph to his agents in the country to at once send down 2,000, 3,000, or even 5,000 bushels. Sometimes apples are hanging on the trees only two days before being sent away by the English steamers. They are picked, packed, and conveyed from, say, the Huon to Hobart by small steamers, which run alongside, and transfer them to the English steamers. Without any attempt on the part of the State to grade them, the State Government having found it impossible to carry out what this clause makes mandatory. But it does not pay to ship away faulty apples, because, even with the reduction of 33 per cent. which we now enjoy, the freight and charges are much more than the value of inferior fruit. I am convinced that the Minister wishes to assist this industry, and that he will not insist on the provision if we can show that it will seriously hinder exportation. I have always advocated that every case of fruit shipped to England shall have branded on it in letters $1\frac{1}{2}$ inches long the name of the grower. That would give the best guarantee obtainable as to its quality.

Mr. HUGHES.—But a man may send inferior fruit, expecting only an inferior return.

Mr. McWILLIAMS.—There is always a great rush to send away fruit by the first boat of the season, because the early shipments obtain the highest prices. An

inspector who did not know this would, no doubt, condemn the fruit as unfit for export, because it is fruit which no one in Tasmania or Australia would buy, being immature. But it is most valuable to the grower, because it reaches England when no other apples are on the market. The average price of the fruit shipped from Hobart this year has been over 5s. a bushel clear, which is the best answer that can be given to the statement that inferior fruit is shipped. If the Minister agrees to the substitution of the word "may" for the word "shall," he will still have power to interfere when he thinks that an attempt is being made to defraud, or to carry on improper practices. I do not care how high a penalty is imposed on the man who ships as first class what is second or third class, or deleterious.

Mr. HUGHES.—"May"—at whose discretion?

Mr. McWILLIAMS.—At the discretion of the Minister. As I am not a lawyer, I shall not discuss the point raised by the honorable and learned member for Northern Melbourne, and mentioned during the second-reading debate by the honorable and learned member for Angas. Practically all the wharfs and sheds in Tasmania are owned by the Marine Board, and I do not know if a Commonwealth officer could break into one of those sheds for the purpose of inspecting the fruit stored there.

Sir WILLIAM LYNE.—I will accept the amendment.

Mr. BAMFORD (Herbert).—The clause provides for the inspection of both imports and exports. So far as the inspection of exports is concerned, I think the proposal of the honorable member for Franklin a very sensible one, but, in my opinion, the inspection of imports should be imperative in every case. I suggest that the clause should be amended to read—

Shall inspect and examine all prescribed goods which are imported, and may examine all prescribed goods which are entered for export.

Mr. LEE (Cowper).—I think that the Minister has done well to accept the amendment. I would, however, suggest the omission of the word "break" in sub-clause 3. It is sufficient to provide that an officer may "open" any packages.

Mr. BATCHELOR (Boothby).—It seems to me not to make much difference whether the word "may" or the word "shall" is employed. The Minister will have the right to limit his prescriptions

to particular classes, and if inspection is a good thing in regard to the goods falling within the prescription, it should be thorough, and carried out with every care. I am not at all impressed by the practical difficulties suggested by the honorable member for Franklin and the honorable member for Cowper, because the very practices to which they object are being followed in some of the States without the slightest inconvenience. The honorable member for Franklin contends that fruit which is packed on one day, and has to be stowed in the ship's hold on the next day, cannot very well be inspected under the provisions of the Bill. But no real practical difficulty need arise in the rare cases in which fruit would have to be shipped under such conditions. Furthermore, I do not consider that the honorable member would facilitate matters in any way by substituting the word "may" for the word "shall," as he proposed, because his amendment would be made in the wrong place. Throughout this debate I have been endeavouring to arrive at a conclusion as to what can be accomplished by the Commonwealth that cannot be done by the States. If we cannot do better than the States authorities, we should leave the whole matter alone. I require a little more information upon this question. Some of the States are already doing excellent work, and it appears to me that under a Bill of this kind they might be to some extent hampered.

Mr. JOSEPH COOK.—Does the honorable member know of any State that has asked for a measure of this kind?

Mr. BATCHELOR.—No; and, furthermore, I am not aware of any organization of producers or shippers that has asked for such a measure. In connexion with the Sea Carriage of Goods Bill the initiative was taken by the fruit-growers of South Australia, who were keenly alive to the necessity of some legislation to protect themselves against losses through neglect on the part of ship-owners. If any advantage is to be gained by passing such a measure as that now before us, surely those whose living depends upon the success of the export trade might be expected to show a sufficient amount of interest to induce them to ask for this legislation. In the absence of an expression of any wish on their part, we may assume that they do not want the Bill. The Commonwealth could bring about uniformity in the conditions regu-

lating the inspection of exports; but a similar result might be brought about by means of an agreement among the States. I am not sure, however, that uniformity is desirable, because the regulations required have to be adapted to the varying conditions of the different States. Those States which are doing nothing in the matter of inspection, and which allow of the exportation of any goods, irrespective of quality, should be brought into line.

AN HONORABLE MEMBER.—Which of the States do that?

MR. BATCHELOR.—I am not aware that New South Wales has any system of inspection for exports.

MR. G. B. EDWARDS.—Yes, she has a Board of Exports.

SIR WILLIAM LYNE.—The Board of Exports is of no use, and has never done any good.

MR. G. B. EDWARDS.—Neither will this Bill be of any use.

MR. BATCHELOR.—If we cannot accomplish any more good than has been achieved by the Board of Exports in New South Wales, we should allow matters to remain as they are. We want legislation of a practical character, or none at all. Under present circumstances, I see some difficulty in the way of empowering the Minister to do the work contemplated. The States are extending their operations every year, because the officials are recognising the necessity for more and more inspection and supervision. They are doing the work well now, and we had better leave them to carry it on for the present. If we are subsequently requested by them, or by any important section of the community, to aid in the work, I shall be perfectly ready to assist in bringing the Commonwealth powers into operation. I have had considerable experience with regard to the State control of exports, and I have learned that it is best to move slowly in these matters. I contend that the good work now being done in certain States is based upon the result of experience, and I am inclined to support the suggestion of the honorable member for Parramatta that the provisions relating to the supervision of exports should be eliminated from the Bill.

MR. KNOX (Kooyong).—I listened with pleasure to the very practical speech of the honorable member for Boothby. Not only did he evince a desire to improve this measure, but he has given us the result of

his wide practical experience in connexion with the export trade. I think that the amendment should be agreed to. As the clause stands, the Customs officials would fail in their duty if they did not examine every article imported or exported, and I do not think that we should place the Minister and his officers in any such invidious position. I was pleased to hear the statement made by the Minister to-day, which was fully in accord with the promise he made to the deputation representing the Chamber of Commerce. I would suggest that, in view of the very large number of amendments that are being proposed, and of the radical alterations which are being made in the clause, it would be better to postpone it for the present, and recommit it at a later stage.

SIR WILLIAM LYNE.—I could not consent to adopt that course.

MR. WEBSTER (Gwydir).—I regret that the Minister so readily accepted the amendment, because it appears to me that it will be fraught with very serious consequences.

SIR WILLIAM LYNE.—No, it will not.

MR. WEBSTER.—We should take care that any legislation we may pass will prove effective. It is proposed that we should enact legislation which will supersede the laws at present in existence in some of the States. I contend that by substituting the word "may" for "shall" we shall be robbing the provision of the only word which is likely to make the administration of the law effective. There is no reason why the inspection of goods should not be made mandatory in this Bill.

MR. JOSEPH COOK.—All powers should be used with discretion.

MR. WEBSTER.—All power is used with discretion by sensible men. The question at issue is one of supreme importance to the effective administration of this Bill. It has been suggested by the honorable member for Herbert that the proposed alteration should apply only to exports. I do not agree with him. If we are to see that the exports of any State are of a certain quality before they leave our shores, the Minister should have full power to cause them to be inspected. It should not be for him in his discretion to say, "I will," or "I will not." We should make this provision mandatory, and we should then be able to call the Minister to account for any dereliction of duty. I quite recognise that the sympathies of honorable

members opposite are in favour of the exporters and importers. With very few exceptions the whole of their arguments have been based upon the protection and preservation of the rights of exporters and importers to impose upon the consumers in the same way as they have done hitherto.

Mr. WILSON.—The honorable member has no right to make that statement.

Mr. WEBSTER.—I make the statement upon my own responsibility. If the Minister of Trade and Customs knows that in the interests of the consumers fresh legislation is necessary, that fact in itself constitutes a sufficient justification for submitting a Bill of this character. I deeply regret that the honorable gentleman has accepted the amendment proposed without due reflection, and I shall feel it my duty to press the question to a division.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I think the honorable member for Gwydir ought to know that if I conceived this matter to be an important one I should fight for it strenuously. Before the Bill is passed I may have to sit very firmly in regard to some of its other provisions. That being the case, I am not justified in standing out for small details. Before I agreed to accept the amendment I consulted my officers as to what would be its probable effect. Its effect will be that regulations will be framed and directions issued to the Customs officers, and the Comptroller-General will have power to direct the Customs officers to inspect and examine all goods imported or entered for export, if he thinks it necessary to do so. But I venture to submit that there will be cases in which such a proceeding will be entirely unnecessary. Take the case to which the honorable member for Franklin referred as an example; I allude to the export of apples. I think that he is wrong in declaring that certain classes of apples are not kept for a considerable time before they are exported. But in the case of recognised growers—such as are to be found in the neighbourhood of Hobart, and whose orchards can be seen any day in driving along the Newtown road—where is the necessity for inspecting their apples at the ship's side? If I were an inspector I could see whether their fruit was all right merely by driving along the road adjacent to their properties or walking through the orchard.

Mr. BATCHELOR.—Fruit diseases are developed very rapidly.

Sir WILLIAM LYNE.—Not in connexion with apples. The codlin moth is the worst disease, and I do not think it develops very rapidly in the case of that particular fruit. I merely wish to point out that there are certain orchards, which are well known, and in which there is no necessity for any detailed inspection, to be insisted upon. The only inspection which might be required in such instances would relate to the size of the cases, and to ascertaining whether the fruit was properly packed. It is quite true—as the honorable and learned member for West Sydney has said—that fruit has been exported in cases upon which weights had to be placed, in order to enable them to be nailed down.

Mr. JOSEPH COOK.—That is faulty packing.

Sir WILLIAM LYNE.—Undoubtedly. I merely wish to impress upon honorable members that the substitution of the word “may” for “shall,” will leave some little discretionary power in the hands of the Comptroller-General. The instructions issued by that officer will, I think, meet every case.

Mr. JOSEPH COOK (Parramatta).—I am very anxious that the honorable member for Gwydir should be under no misapprehension in regard to this matter, and I would like to show why a little discretion should be left to the Minister, so far as inspection is concerned. I claim that to arbitrarily enforce that inspection would practically ruin some sections of our fruit-growing industry. Take the export of oranges, as an example. They may be growing upon the trees in the morning, and may be required for shipment to New Zealand upon the evening of the same day. I do not say that that is the rule, but such cases frequently happen.

Mr. WEBSTER.—It is an exceptional case.

Mr. JOSEPH COOK.—It is a very common occurrence. The same remark is applicable to peaches and plums. The object of the grower is to keep them on the tree until the last possible moment. If he were compelled to assemble that fruit for inspection at a place decided upon by the Minister, after giving notice to an inspector—who might be engaged elsewhere—it might mean great loss to him. I am sure that the honorable member for Gwydir will recognise that there really is some reason why the

Minister should be vested with discretionary powers in regard to the inspection of fruit. I was very much amused at the honorable member for Darwin rating the honorable member for Boothby upon having become a crusted Tory, merely because he was not prepared to place everything under the ægis of the Commonwealth Government. Recently we have been getting some strange definitions of democracy and Toryism in this House. We are arriving at a singular position when an honorable member may not discuss the desirability of State *versus* Commonwealth control, without being called a Tory. Honorable members have simply declared that the States have not asked for this legislation. What is asked is that certain police powers should be exercised by the Commonwealth Government in the interests of the health of the community. If the Minister would confine himself to those functions nobody would support him more readily than members of the Opposition. We all know that very serious inroads are being made upon our infantile life, because of the deleterious substances upon which the children are fed.

Sir WILLIAM LYNE.—By accepting this amendment, I am endeavouring to meet the honorable members as far as possible.

Mr. JOSEPH COOK.—My complaint is that the Bill goes infinitely further than existing circumstances require. If the Minister would confine the operation of the Bill to the purpose I have indicated, he might do a most useful piece of work; but I venture to say that if he insists upon his proposal he will bring upon himself the obloquy of men engaged in all kinds of business, who may find their operations seriously interfered with, and hampered at every turn. Before the Minister interferes with the export of Australian produce, his first duty ought to be to consult with the Governments of the States in regard to the matter. As the clause stands, it is a clear illustration of the truth of the statement made over 100 years ago by Edmund Burke, that democracy very often legislates on the people, and not for them. In this Bill we are certainly legislating on the people, and not for them. They have made no request for it, nor has any such request been preferred by the States Governments, and I think that the least we can do is to exercise a little discretion in regard to the arbitrary powers that we are taking.

Mr. KING O'MALLEY (Darwin).—I regret to find that the Minister is prepared to

allow this clause to be so whittled away that it will become absolutely valueless.

Sir WILLIAM LYNE.—This is the first amendment that I have accepted.

Mr. KING O'MALLEY.—If the Bill is to be made ineffective by the acceptance of every amendment suggested by the Opposition, who are blind to the progress of the age in which we live, it seems to me that we had better throw it into the waste-paper basket, and make a fresh start. I fail to see how the amendment of the clause in the way proposed would help us to achieve the object that we have in view. We shall have to call for a division, in order that a sharp line of distinction may be drawn between the Tories and the true representatives of the people. I am satisfied that honorable members of the Opposition are sincere in the views they profess, but they are incapable of keeping step with the march of progress, and unconsciously desire to give to certain traders special privileges that are an encroachment on the rights of the rest of the community. It is more in sorrow than in anger that I make this statement, but I certainly regret to see the Minister surrendering to the Opposition in the way he has done.

Question.—That the word "shall," proposed to be left out, stand part of the clause—put. The Committee divided.

Ayes	...	...	...	5
Noes	...	...	...	42
				—
Majority	...	...	...	37

AYES.

O'Malley, K.
Webster, W.
Wilkinson, J.

Tellers:
Batchelor, E. L.
McDonald, C.

NOES.

Bamford, F. W.
Brown, T.
Carpenter, W. H.
Chanter, J. M.
Chapman, Austin.
Cook, J.
Crouch, R. A.
Culpin, M.
Deakin, A.
Edwards, G. B.
Edwards, R.
Ewing, T. T.
Forrest, Sir J.
Fuller, G. W.
Fysh, Sir P. O.
Glynn, P. McM.
Groom, L. E.
Harper, R.
Higgins, H. B.
Hutchison, J.
Kelly, W. H.
Kennedy, T.

Knox, W.
Lee, H. W.
Lonsdale, E.
Lyne, Sir W. J.
Mauger, S.
McLean, A.
McWilliams, W. J.
Phillips, P.
Poynton, A.
Ronald, J. B.
Smith, S.
Spence, W. G.
Storror, D.
Thomson, D.
Thomson, D. A.
Tudor, F. G.
Watkins, D.
Wilson, J. G.

Tellers:
Cook, J. N. H. H.
Robinson, A.

Question so resolved in the negative.

Amendment agreed to.

Mr. JOSEPH COOK (Parramatta).—I move—

That the words "or which are entered for export or brought for export to any wharf or place," lines 2 to 4, be left out.

My object is to test the opinion of the Committee as to whether the Bill shall be confined to the exercise of police powers for the protection of the public health, which is what was contemplated when it was originally drafted. I do not intend to argue the matter, because I think we have had enough argument on the subject.

Mr. HIGGINS (Northern Melbourne).—I shall vote against the amendment, but I wish to explain that in doing so I do not commit myself to a recognition of the constitutional validity of the provision. I have already called attention to that matter, and I leave myself free to consider later whether the words will or will not be valid.

Question—That the words proposed to be left out stand part of the clause—put. The Committee divided.

Ayes	28
Noes	17

Majority	11
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AYES.

Bamford, F. W.
Brown, T.
Carpenter, W. H.
Chanter, J. M.
Chapman, Austin.
Crouch, R. A.
Culpin, M.
Deakin, A.
Ewing, T. T.
Forrest, Sir J.
Groom, L. E.
Higgins, H. B.
Hutchison, J.
Kennedy, T.
Lyne, Sir W. J.

Mauger, S.
McDonald, C.
McLean, A.
O'Malley, K.
Phillips, P.
Ronald, J. B.
Spence, W. G.
Storror, D.
Thomson, D. A.
Webster, W.
Wilkinson, J.

Tellers:

Cook, J. N. H. H.
Tudor, F. G.

NOES.

Batchelor, E. L.
Cook, J.
Edwards, G. B.
Edwards, R.
Fysh, Sir P. O.
Glynn, P. McM.
Kelly, W. H.
Knox, W.
Lee, H. W.

Lonsdale, E.
McWilliams, W. J.
Poynton, A.
Smith, S.
Thomson, D.
Wilson, J. G.

Tellers:

Fuller, G. W.
Robinson, A.

Question so resolved in the affirmative.

Amendment negatived.

Mr. HUTCHISON (Hindmarsh).—I move—

That after the word "place," line 4, the words "or passing from one State to another," be inserted.

When speaking yesterday I said that I was desirous of having the scope of the Bill extended so that it may apply to trade between the States. It is necessary, not only to prevent the importation into the Commonwealth of goods which are not what they are described to be, but also to prevent the exportation of such goods from one State to another.

Mr. CROUCH.—What power have we to do that?

Mr. HUTCHISON.—Paragraph 1, of section 51, of the Constitution provides that—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth, with respect to:—

1. Trade and commerce with other countries, and among the States.

I know that it is contended by some honorable members that the Constitution prevents us from doing what I propose; but, as a layman, I am of the opinion that we are not prevented from regulating trade between the States as we can regulate it between other countries and the Commonwealth. However, I shall be very glad to hear arguments on the subject. I do not think that the Bill now goes far enough. Honorable members who are opposed to it say that it will give very little protection to consumers, and therefore it should be the first consideration of the Committee to extend that protection. I desire that the consumer shall not have inferior goods palmed off on him, possibly at high prices.

Mr. McWILLIAMS. — Why not try to prohibit that in any State? We have no more power to do one than to do the other.

Mr. HUTCHISON.—I acknowledge that we have no power to prohibit it in a State, and no one is more sorry than I am that we cannot pass legislation prohibiting the adulteration within the States of food, apparel, medicine, furniture, jewellery, and many other things. The very fact that this Parliament is evincing a desire to extend the scope of the measure will probably induce the States to do everything in their power to prevent fraud. I hope that honorable members will avail themselves of the opportunity now presented to protect the public and honest traders against fraudulent practices on the part of the manufacturers.

Mr. SPENCE (Darling).—I thoroughly agree with the object which the honorable

member has in view, but I think he has proposed his amendment in the wrong place. I had proposed to move amendments with a similar end in view in clauses 7 and 10. My intention was to propose that after the word "Australia," in clause 7, the words "or from one State into another" should be inserted. I think that that is the proper place in which to make the amendment.

Mr. KELLY (Wentworth).—The amendment appears to me to be a reasonable one, if it be desired to give the consumers of Australia some small degree of protection to health. It has been already shown that the local consumer will not be protected by the measure as it stands, and those who have urged this objection have been met with the reply that the States Governments will be able to protect their own people from the operations of any bogus industries. The States Governments, however, whilst they may be able to regulate their own industrial matters, will not be in a position to prevent spurious goods from being manufactured in other States and transferred to their own. The position is one of some difficulty, because it might appear that we are endeavouring to revive the conditions which prevailed prior to the establishment of Inter-State free-trade.

Mr. HARPER.—What would be the use of Inter-State free-trade if such an amendment were passed?

Mr. KELLY.—I admit that the amendment, viewed in that aspect, is a somewhat serious one, but I would point out that some conditions are more important than even the maintenance of unregulated trade between the States. I am very much afraid that the conditions inimical to the health of the community will be rather aggravated than otherwise by the operation of this measure, unless an amendment similar to that now before us is adopted.

Mr. HARPER.—This is not a health Bill.

Mr. KELLY.—But we are told by the Minister that it is, for he has to-day given notice of an amendment to limit its operation to foodstuffs. The amendment proposed by the honorable member for Hindmarsh is the first indication we have had of any anxiety to protect the health of the community, and I do not see how any one can very well object to it.

Mr. LONSDALE (New England).—I think the amendment would prove abso-

lutely ineffective, because section 92 of the Constitution provides—

On the imposition of uniform duties of Customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

Although Commonwealth officers might inspect goods and declare them to be bad or likely to prove injurious to the public, they could not prevent them from passing from one State to another, because the Commonwealth is powerless to interfere with the freedom of trade between the States. The States authorities might under their health laws destroy certain goods, and perhaps the Commonwealth might be in a position to adopt a similar course, but the mere inspection provided for in the clause would be useless. My opinion is that we should not merely compel importers to place true descriptions upon their goods, but should provide for the absolute exclusion of all goods of a deleterious or fraudulent character. That is what we must do if we are anxious to preserve the health of the community. Under the Bill as it stands a shipment of boots of the class described by the honorable member for Darling would merely need to have a true description attached to them in order to secure entry into the Commonwealth, and restrictions of that kind are absolutely useless. The attempts made in the past to enlighten consumers by means of trade descriptions entirely failed to prevent impositions, and they will fail in this case. If we could prevent spurious goods from being sent from one State to another, I should be only too pleased to support the amendment; but in view of the provision of the Constitution to which I have referred, it seems to me that we are helpless.

Mr. WEBSTER (Gwydir).—I was somewhat amused at the statement made by the honorable member for New England to the effect that the Commonwealth cannot exercise any control with regard to goods passing from one State to another. He ought to know that the Commonwealth has power to regulate trade and commerce in the way now proposed. The honorable member has complained of the ineffectiveness of the Bill to protect the home consumers, and I cannot understand his raising a constitutional objection immediately an attempt is made to achieve the end to which he professes to attach so much importance. The amendment will at least have the effect of affording some guarantee to the States that the goods imported by them from other States will bear a true description.

Under this amendment, if manufacturers forwarded a quantity of goods into the adjoining States, it would be the business of the Commonwealth to see, for example, that they were labelled "boots made of leather," or "boots made of paper," as the case might be. I contend that more injury is hidden in a boot which is made of paper than is concealed in many bottles of patent medicine. There is nothing which is more likely to undermine the health of a child than compelling it to sit for hours in a school whilst wearing boots which are saturated with water. It is important, therefore, that in respect of goods passing from one State to another the public should know exactly what they are buying. If the amendment be adopted it will indicate to the States the necessity of following our example by enacting legislation to deal with goods the moment they pass their borders. We shall thus give the consumers a guarantee that the goods which they purchase are what they purport to be. I shall support the amendment, without which I regard the Bill as a mere make-believe. It has been said that we have no right to trespass upon State rights. I say without hesitation that if we allow the States to dictate to us upon every question which affects in a greater or less degree their legislation, we do not understand the Constitution or the powers which it confers upon us.

Mr. JOSEPH COOK.—There is a greater trouble than that. We cannot get the Committee to see the local bearings of this question.

Mr. WEBSTER.—Since the Federation was established, I do not know of one question which has been remitted to the States, and which has been handled by them in other than a most unsatisfactory manner. We have an illustration of that in the treatment which the New South Wales Parliament is according the Federal Capital question. It is about time that we shouldered the responsibilities imposed upon us by the Constitution, and gave the States to understand that this Parliament is not elected merely to echo the opinions of their own Legislatures, but to frame laws which we regard as essential to the interests of the Commonwealth as a whole. I shall support the amendment, because it will indicate to the States that this Parliament is determined to accept the responsibilities imposed upon it by the Constitution. As a result they may learn a lesson which will cause them to be less inquisitive in matters

which do not properly belong to the domain of State legislation.

Mr. KNOX (Kooyong).—I was under the impression that since the adoption of a uniform Tariff all the Inter-State barriers which previously existed had been broken down. This amendment, I fear, will have the effect of re-erecting them. At the same time, it seems to me that those who entertain the same views as myself will feel compelled to support the proposal of the honorable member for Hindmarsh, if only for the sake of consistency. To effectively carry out his proposal, it will be necessary to conduct upon the various State borders the same critical examination of goods which formerly obtained there. Under this Bill we are arrogating to ourselves the power not only to protect our own consumers, but to declare the quality of the goods which the Chinaman, or the individual in England, India, or South America shall consume. Surely if we are going to protect these far-distant people, it is our bounden duty to protect the consumers within the Commonwealth. The honorable member for Parramatta by his amendment endeavoured to give effect to that principle. He said, "Let us protect ourselves in regard to our imports, and let other people take care of themselves." That was a perfectly logical position to take up. At the same time, I could not entirely agree with him, because I think that we have something to gain by establishing a high standard in connexion with our exports. Surely, if we are to protect the consumer in regard to our imports, it is our duty to go further and to see that the local manufacturer does not manufacture for distribution in the States goods the consumption of which would prove harmful to the individual. The honorable member for Hindmarsh, from that view, deserves the support of the Committee in the position which he has taken up. It is an unfortunate position, but it is a logical one, following upon the demand which has been made for the extreme application of the provisions which underlie this Bill to the detriment of trade.

Mr. BAMFORD (Herbert). — I regret that I cannot agree with the honorable member for Hindmarsh, because it seems to me that his amendment goes much further than has been contemplated by the framers of the Bill. The weak portion of the measure, to my mind, is that we cannot prevent the importation of any goods. It would be beneficial, I think, from the Australian

stand-point, if we could prohibit the importation of inferior goods instead of providing that they shall be truthfully labelled and described, as the Bill proposes. Let us suppose that goods find their way into a warehouse, and are then repacked and sent up to the southern part of New South Wales from Melbourne. In that case we should not only require an army of inspectors upon the border, but we should have to maintain a number of analytical chemists there in addition. If, as an alternative, samples were taken there, and forwarded for examination, the goods would require to be held up on the border until that examination had been completed. Putting aside the constitutional aspect of the question, which must be considered, it seems to me that the amendment is an impracticable one, and one which it would not be wise to adopt at this stage. In my opinion, the Bill should be redrafted.

Mr. HUTCHISON. — Is the honorable member opposed to the whole Bill?

Mr. BAMFORD. — I do not say that I am not. The measure is not one that, as a whole, commends itself to me.

Mr. DUGALD THOMSON. — It will be ineffective in its operation.

Mr. BAMFORD. — Undoubtedly it will be. We cannot follow goods when they arrive here, and to attempt to follow them from one State to another is, to my mind, an absurdity.

Mr. JOSEPH COOK. — I wish to take your ruling, sir, as to whether the amendment is in order. I hold that it goes quite beyond the scope of the measure. The scope of the Bill is indicated in its title, which is "A Bill for an Act relating to commerce with other countries."

Mr. KNOX. — The Minister proposes to alter that title.

Mr. JOSEPH COOK. — If that be the intention of the Minister, well and good; but unless an alteration in that direction is effected, the amendment proposed is entirely irrelevant to the scope and intention of the measure.

Mr. KNOX. — Is not the title irrelevant to the contents of the Bill?

Mr. JOSEPH COOK. — Not so far as I am able to see, but with this proposal it would be so. The amendment proposes to deal with Inter-State trade, while the title shows that the Bill is one which relates to commerce with other countries. This amendment is clearly outside the scope of the Bill, and I ask you to rule that it is not in order.

The CHAIRMAN. — I would point out to the honorable member in the first place that we have not yet dealt with the title of the Bill; and secondly, that an indication was given by the Minister that if certain amendments were made, he himself would propose an amendment of the title. In these circumstances, I rule that the amendment is in order.

Mr. JOSEPH COOK (Parramatta). — Reference has been made to the desirableness of consistency in our legislation. I would remind honorable members that the moment we begin to discuss the question of consistency, we find ourselves confronted by all kinds of legislative absurdities. We do not need to ask particularly whether a measure is logical or consistent; the one question that we have to ask ourselves is whether it is a wise or prudent one. Legislating as we are for the people of the Commonwealth, that should be our first duty. I therefore dismiss altogether the question of whether or not the amendment is logical or consistent with something that has gone before. All the logic that we may apply to this provision will not enable it to accomplish the purpose of its advocates.

Mr. HUTCHISON. — Not the whole purpose.

Mr. JOSEPH COOK. — That is so. The only way in which we can protect the infant, about whom we have heard so much, and for whom we have so tender a regard, from being poisoned by deleterious foods, is to follow those foods to the infant itself. That, however, will not be possible under the Bill.

Mr. KELLY. — The clause goes a little way in that direction.

Mr. JOSEPH COOK. — It will enable us to go as far as the border of any State, but the moment such food crosses the border it may be manipulated, and the infants who consume it may continue to be poisoned.

Mr. BROWN. — Once it crosses the border of a State, the State Government may step in.

Mr. JOSEPH COOK. — Why should we force them to take that action if they have no wish to do so? They ought to do so now.

Mr. HUTCHISON. — A State cannot deal with an article that goes beyond its borders.

Mr. JOSEPH COOK. — Does not the honorable member see that the Government of a State can deal effectively with any matter arising within the boundaries of that

State? If the health laws of a State are strictly applied, that is all that is required; but unless they are so applied by the local authorities, all our Inter-State regulations will be of no avail. I therefore say that, in the first place, the amendment will fail to achieve the object which the honorable member for Hindmarsh so laudably seeks. In the next place, it appears to me that in its actual working it will mean Inter-State protection, or, if honorable members please, Inter-State prohibition. It will really mean the double-banking of the police powers which are already exercised in the various States, and which amount to prohibition. The late Attorney-General, through the late Prime Minister, informed me, in answer to a question affecting the export of fruit from New South Wales to Western Australia, that the Commonwealth could not interfere with these police powers, which were strictly reserved under the Constitution to the States themselves. In Western Australia, and indeed in most of the States, fruit is inspected as it comes in. Honorable members must not believe that this inspection is to be carried out free of charge. The Minister will charge for the work so carried out in each of the States, and those charges will practically mean the prohibition of Inter-State trade at certain times of the year.

Mr. HUTCHISON.—If any charge be made it will be passed on to the consumer.

Mr. JOSEPH COOK.—The consumer will not have to pay, because he will not be affected. I am pointing out that these inspectorial charges may amount to the prohibition of trade as between the States. That is the effect of the charges for inspection made by Western Australia. One of the chief points of controversy at the recent conference of fruitgrowers was as to what could be done to break down those barriers in the form of special State charges that practically prevent the apples of Tasmania and the oranges of other States from entering Western Australia.

Mr. HUTCHISON.—The inspection has a lot to do with it, and it is very bad.

Mr. JOSEPH COOK.—If the inspection be faulty as well as costly, how can we guarantee proper supervision being exercised under the provisions of this Bill? To carry out the terms of the amendment, we should require to have inspectors on the borders, and the proceeding would be a very costly one.

Mr. HUTCHISON.—The honorable member said that the work should be done by the States. If it were, the same cost would have to be incurred.

Mr. JOSEPH COOK.—I say that the States are taking action so far as produce is concerned, and are carrying out the law in a way which, owing to its costliness and rigidity, is tantamount to prohibition. With respect to the other articles which the honorable member desires to be inspected, the only result of the passing of the amendment would be the multiplication of inspectors, and the total prohibition of Inter-State trade. These are practical difficulties which I should like some honorable member to meet. I am as anxious as are other honorable members to insure the purity and wholesomeness of our food supplies; but I am not prepared to go the length of prohibiting any kind of interchange between the States by multiplication of measures of this kind. I am not speaking at random, for the obstacles placed in the way of Inter-State trade to-day are so numerous that we might just as well have a Tariff wall between some of the States. Honorable members know that by voting for this amendment they will absolutely kill some sections of trade between the States.

Mr. CROUCH (Corio).—I should regret, for several reasons, to see the amendment passed. I think, in the first place, that it would mean the abolition of Inter-State trade, and I hold that it is really unconstitutional. I would point out to the honorable member for Hindmarsh, who is doubtless actuated by the best of intentions in submitting this amendment to the Committee, that he is receiving support from unexpected quarters. Some of the opponents of the Bill, finding that a direct attack upon it will not succeed, are anxious to destroy it by securing the passing of a destructive amendment. When I asked the honorable member what power we had to pass such an amendment as this, he referred me to sub-section 1 of section 51 of the Constitution, which gives the Parliament power to make laws relating to trade and commerce with other countries, and among the States. *Quick and Garran* give the following quotation from an American decision on the question of what is commerce, and as the section bearing on this point in the Constitution of the United States is very similar to that in the Constitution of the Commonwealth, the honor-

able member will recognise the importance of this ruling—

At the same time certain things, though capable of being transported and exchanged, do not come within the true definition of commerce. Thus, meat may be at one time a fit article of commerce; if it becomes putrid it ceases to be merchantable; it loses its commercial quality, and passes beyond the domain of the commercial power.

At the very time that we ought to take action in regard to noxious or deleterious foods, we should not be able to do so, because, according to this decision, they would not be "commerce" within the meaning of the Constitution. It would be impossible for the Commonwealth to follow goods passing from State to State unless we were prepared to station a very large number of Customs officials on their borders. In the case of *Coe v. Errol*, 116 U.S., 517—another United States decision, quoted by *Quick and Garran*—it was laid down that—

Commerce does not come within Federal protection or control until its transportation from one State to another, or from a State to a foreign country, has begun. Even preparation for exportation is not sufficient. The deposit of logs in a river running within one State, in order to ship them into another State, does not mark the beginning of Federal jurisdiction.

In view of this decision, the honorable member for Hindmarsh will recognise that it would be absolutely necessary for the Commonwealth; in order to have control over them, to have officials on the spot at the time that these deleterious foods were being passed from one State to another. There is one other point bearing on the question whether the amendment comes within the scope of a Bill dealing with imports and exports, to which I should like to refer. It was held in the case of *Woodruff v. Parham*, 8 Wall, 123—quoted in *Quick and Garran*—

That the prohibition did not apply to goods carried from one State of the Union to another; such goods were, not exports or imports. Imports were commodities coming from foreign countries into the Union, and exports were those proceeding out of the Union into foreign countries.

It has thus been decided by an authority which the honorable member must accept—because the Constitution of the United States of America is practically the same as that of the Commonwealth so far as this point is concerned—that goods passing between States are neither imports nor exports, and consequently the amend-

ment which he proposes cannot be inserted in a clause which deals wholly with imports and exports.

Mr. HUTCHISON.—Why must the clause deal only with imports and exports?

Mr. CROUCH.—Because it is under the heading of "Inspection of Imports and Exports," and under the Acts Interpretation Acts, cross-headings govern the sections which follow them. Consequently the provision, if agreed to, would be *ultra vires*, as dealing with a matter to which the cross-heading does not apply. If the honorable member wishes the Committee to consider an amendment of this kind, he should move it in one of the miscellaneous clauses at the end of the Bill, because, as it deals neither with imports nor with exports, it cannot take effect here.

Mr. HUTCHISON.—What authority has the honorable and learned member for saying that the cross-heading governs the matter?

Mr. CROUCH.—The Acts Interpretation Act.

Mr. GLYNN.—There is no doubt that the cross-heading is part of the clause, though the marginal note is not; but it does not necessarily exclude this amendment.

Mr. CROUCH.—If the amendment is made, it will be necessary to recommit the Bill for the alteration of the cross-heading.

Mr. LONSDALE (New England).—I rise because the honorable member for Gwydir has referred to the statements which I made upon the constitutional aspect of this question. He told the Committee, with an assumption of perfect knowledge, that we can insist upon the use of proper trade descriptions in regard to goods passing from State to State. My opinion is that we cannot do anything of the kind; that we cannot pass any measure which will interfere with freedom of trade between the States, or, if we do so, the High Court will be called upon to prevent it from taking effect. We cannot interfere with manufactures within the States, by providing that they shall bear true descriptions; we can impose a provision of this kind only in regard to imports and exports. Honorable members will see that goods passing between the States and not leaving the Commonwealth are neither imports nor exports. Therefore, we cannot insist upon true descriptions in connexion with such goods, or punish the use of false descriptions. The honorable member for

Kooyong spoke of voting for the amendment, but I cannot vote for what I believe will be of no avail, though I am prepared to vote for any amendment that will make the Bill effective for good. I believe that injury is being done to the people of the Commonwealth by the importation of goods of a deleterious nature, and I am prepared to pass drastic provisions to put an end to that importation; but the Bill will not do so. If goods are shipped here, bearing a false description, the importer can, under the Bill, by amending that description, get them through the Customs barrier, and into use in the States. If honorable members think that such a provision will prevent the importation of articles injurious to the public, I do not estimate their intelligence very highly. No importer would, under the circumstances, refuse to amend his description. I am desirous of protecting human life, and of preventing the public from being swindled, and, in my opinion, we should keep out altogether such goods as ought not to be imported. The Bill will not do that. It is said that we who are opposing the measure are fighting for the importers, but it is those who are supporting it who are fighting for them, because they would allow importers to bring anything into the Commonwealth, so long as the imports are properly described. To say that I am fighting for the importers is an extraordinary misuse of the English language. Those who profess to be trying to protect the consumers are doing the very opposite, because they are leaving them at the mercy of the importers. It is playing with legislation to pose before the people as men who are looking after their interests, and then to support a Bill like this. Such action is evidence of utter and absolute insincerity. The Bill will only harass trade by making it difficult to import goods which should be imported, while it will not keep out goods which should not be imported. I am amused by those who speak of supporting the Bill as a measure to protect the interests of the people. They talk that kind of stuff in order to get it into *Hansard* and circulate it amongst their constituents, although they know that the measure will not have any such effect.

Mr. BROWN (Canobolas).—I agree with the honorable member for New England that there is considerable confusion of thought as to what is aimed at by the Bill. Some honorable members seem to think that it will prohibit the importation of articles injurious to the public health, whereas all

that it does, as I understand it, is to deal with the trade description of articles. Clause 3 defines a trade description, which must be a true statement of particulars in regard to grade, quality, purity, and so forth; country or place of manufacture or production; manufacturer or producer; mode of manufacture or production; material or ingredients; and patent privileges or copyrights claimed. Although it is very desirable that there should be legislation to prevent the consumption or use of injurious things, and the Bill does not go so far as that, it will, within its limits, serve a useful purpose. It enacts that all goods entered for export or imported, shall be properly described in the several particulars enumerated in clause 3, and the honorable member for Hindmarsh wishes to extend this provision to goods passing from State to State. The great complaint of the public at the present time is that purchasers cannot rely on the truth of the descriptions supplied to them in connexion with articles which they buy. The unprincipled trader palming off goods under descriptions which misrepresent their quality. The honorable member for Darling has shown us samples of shoes manufactured in Melbourne for children's wear, and sold as leather, the upper part of which is canvas made to imitate leather, and the soles chiefly paper, also made to imitate leather. Purchasers are not protected from such imposition by the legislation of either the States or the Commonwealth. What is now proposed is that vendors shall be compelled to truly represent the nature of the articles which they offer for sale. No objection could be taken to the offering of these shoes for sale as articles of imitation leather made chiefly of canvas and paper; but the purchasers should not be deceived by having such imitations foisted on them for genuine goods. We know, too, that colonial tweed, of which not less than 60 per cent. is cotton, is offered for sale as all wool, and the thread is practically pasted together instead of being properly woven. The consumers cannot protect themselves against imposition of this kind, and the object of the Bill is to protect them by requiring the use of true trade descriptions in regard to all imports and exports, while the amendment extends this provision to goods passing between the States. At present the consumer is not protected, because the goods which he purchases are not sufficiently described; but if the Bill be

made effective, he will be in a position to ascertain the character of the goods.

Mr. KELLY.—Not if the goods are made locally.

Mr. DUGALD THOMSON.—Or packed locally.

Mr. BROWN.—If goods were made in one State and exported to another, they could be dealt with under the amendment proposed by the honorable member for Hindmarsh. There are constitutional difficulties in the way of the Commonwealth exercising control over the manufacture or packing of goods for use within any one State, and the object of the amendment is to apply the provisions of the Bill to all those cases which come within the Federal domain. I do not think there will be any necessity to employ an army of officers to exercise supervision over exchanges of goods between the States. If an importer in New South Wales obtained certain boots from Melbourne, which proved to be shoddy, he would communicate with the Commonwealth authorities, who could exercise such supervision over subsequent transfers from Victoria to New South Wales as would prevent further frauds of the same character. Under present conditions, however, both the importer and the consumer are helpless. Nothing could be more injurious to the health of the community than the use of boots such as those described by the honorable member for Darling. The paper substituted for leather in the soles of the boots is highly absorbent, and must seriously affect the health of those who wear them. The amendment will afford protection against frauds to the extent that it will insure that the public shall be informed as to the nature of the articles offered for sale. I hope that the amendment will be agreed to, and that the Bill in its altered form will effectually supply a long-felt want.

Mr. KELLY (Wentworth). — I agree with the honorable member for Canobolas. It has been argued that the clause in its amended form would infringe the Constitution, and that it would also be unworkable. In the first place, I think that honorable members should show more concern for the protection of the flesh and blood of our people than for unproven legal technicalities. The declared object of the Bill is to protect the health of the people; but it is clear that if the consumers of the Commonwealth are to be

protected only against the machinations of the importers, the home manufacturers will have greater opportunities to impose upon them. If, for instance, boots such as those described by the honorable member for Darling were excluded, the local manufacture of similarly spurious articles would be fostered. We cannot prevent the manufacture of shoddy goods in a State, or interfere with the consumption of such goods in that State, but when goods are manufactured in one State, and are transferred to another, we can declare that they are of a bogus character, and to that extent protect consumers. Let us presume that one State prescribed that all patent medicines should bear upon the bottles a record of the analysis of the contents. Suppose, moreover, that a neighbouring State displayed no anxiety about the health of those of adjoining States, and made no such provision. It would be possible, according to the reading of section 92 of the Constitution given by some honorable members, for the manufacturers of injurious patent medicines in one State to force their concoctions on the people of a neighbouring State. It has been stated that, owing to the provision contained in section 92 of the Constitution, the amendment would prove ineffective, but I do not agree with that view. Section 92 provides that trade, commerce, and intercourse among the States shall be absolutely free, but that does not preclude us from protecting the health of the peoples of the States. We know perfectly well that each State is entitled to prohibit the introduction of diseased fruit or of diseased cattle, and surely it is more important still that we should exclude goods which are likely to seriously affect the health of their people. If this Bill be designed for the protection of the health of the people of the Commonwealth—and I doubt it—we should do everything we possibly can to achieve that end. We have been told that an army of inspectors will be required to supervise the goods transferred from State to State, but I would point out that it is proposed, in this clause, to provide for the inspection and examination only of prescribed goods. It will not be necessary for the Minister to prescribe all goods, but only such as he has reason to suppose are of a bogus character. It has been urged that the only effective way in which we can protect the health of the people is by safeguarding the consumers themselves, and

that we should leave that duty to be discharged by the States authorities. I contend, however, that when a measure of this kind is before us, pretending to be a health measure, it is our duty to do whatever lies in our power to secure the health and well-being of the citizens of the Commonwealth. Although we cannot directly protect the consumer, we can, by drawing attention to the fraudulent character of any goods imported into a State, compel the State authorities to safeguard the interests of their own citizens. In view of these facts, I think the amendment should be passed, and I hope the Minister will accept it without any further delay.

Mr. HUTCHISON (Hindmarsh). — I am sorry that the honorable and learned member for Corio has left the Chamber, because he has contended that it is not possible to insert this amendment in the clause on account of the cross-heading in the Bill. I submit that my proposal is perfectly in order. I have looked up the Acts Interpretation Act, and I find that, whilst it is true that the headings and subdivisions form part of the statute, it is not declared that the cross-headings shall embrace everything that is contained in the sections to which they relate. If we were to omit the clause in its present form, and to insert my amendment in lieu thereof, the contention of the honorable and learned member would be correct, seeing that trade between the States cannot come under the heading of "imports and exports." In that case, my proposal would be unconstitutional. The honorable member for Parramatta is quite willing that the States should deal with this question. I should like to see them deal with it; but, as they can only deal with trade within their own borders, it is necessary for the Commonwealth to do something in this connexion. I admit that the cost of inspection would be very heavy if the Commonwealth had to deal with every phase of the matter; but I contend that the consumer will deem the result cheaply purchased if, as the outcome of our efforts, he obtains the goods for which he bargains. The taxation of the country is a mere bagatelle compared with what the people pay for adulterated goods. If they were called upon to contribute ten times as much as the administration of this Bill will entail, the advantages derived would be cheaply bought. The honorable member for Parramatta has pointed out that the system

of inspection which is at present carried out in Western Australia amounts almost to prohibition in the case of goods forwarded from any of the eastern States. But the reason for that is perfectly obvious. The Commonwealth has not control over the inspectors. In Western Australia there exists a prejudice against allowing any of the products of the other States to be imported, if they can be supplied in that State, even at exorbitant prices. It is to the interests of Western Australia to protect her own trade, and consequently the system of inspection which is insisted upon there is of a very rigid character. If, however, that inspection were under the control of the Commonwealth, we should see that the other States were fairly treated.

Mr. JOSEPH COOK.—But we cannot obliterate the inspection which now takes place. We can only double-bank it.

Mr. HUTCHISON. — I think that a great deal can be done in the direction I allude to. The Commonwealth inspectors would point out that fruit was being refused entry into Western Australia, not because it was not up to a fair standard of quality, but merely because of a local prejudice. That alone would lead to the removal of such an unsatisfactory method of inspection.

Mr. JOSEPH COOK.—The Bill will not touch that.

Mr. HUTCHISON. — Undoubtedly it will. Nobody is more fully aware of the limitations of this measure than I am. I am also aware that it possesses certain disadvantages. Nevertheless, we are doing all that it is possible for us to do under the Constitution. My amendment will accomplish some good, although I admit that it will not prevent all sorts of adulterated articles of commerce from being sold. I am sorry that the Minister has agreed to limit the operation of the Bill, and I trust that when we find that a fraud is being committed in respect of any particular article, we shall be able to bring that article within its purview. I have heard no valid reason advanced as to why its provisions should not be extended to the Inter-State trade.

Mr. SPENCE (Darling).—I have previously indicated that I am in favour of applying the provisions of this Bill to the Inter-State trade. It appears to me, for instance, that if inferior goods are made in New South Wales, and exported to Brisbane, the injurious effect produced by

their consumption would be the same as that attending the consumption of similar commodities from other parts of the world. I do not think that the amendment will unnecessarily interfere with trade. Every law is subject to limitations. Although the members of a community enjoy freedom to pass from one State to another, that freedom is subject to limitation, in that criminals do not participate in it. After all, only a very small number of firms will attempt to commit fraud. No honest trader will be occasioned any apprehension on account of the ultimate destination of his goods. He will give a true description of them in any case. I also desire to point out that, by experience, the Customs officers acquire a knowledge of the firms which have dealings with them, just as we acquire a knowledge of the individuals with whom we transact business. In America the practice is to keep a book, in which is entered the names of firms which are discovered attempting to defraud the Customs. Needless to add, a very close watch is subsequently kept upon would-be transgressors. Just as the police authorities shadow criminals upon their release from gaol, so the Customs officials in America keep a close watch upon firms which have attempted to deliberately defraud the revenue. For that reason the number of cases in which a minute inspection would be rendered necessary would be very few indeed. The honorable member for Parramatta has affirmed that inspection in the case of fruit intended for export would involve delay. I think that his contention has been met by the reply that the Customs authorities acquire a knowledge of the firms with whom they do business, and would only rigidly enforce the provisions relating to inspection in certain cases. There is therefore no need for alarm upon that ground. Many complaints have been made that Australian manufacturers have been compelled to label their goods as having been made somewhere else, in order to find a market for them. We have heard a great deal lately about the prejudice which exists against Australian goods. This Bill is calculated to build up the character of Australian products, because under its provisions every firm will have to declare their origin and their character. If the goods are composed of shoddy, that fact will have to be stated. Some honorable members have a pretty good knowledge of the commercial world. They are fairly intelligent men, and yet

they entertain extraordinary ideas as to the probable effects of the Bill. Other honorable members oppose it because it does not go so far as they think it ought to do. It is idle, however, for us to discuss that phase of the question. We propose to go as far in this direction as the Constitution will allow. I think we ought to have the opinion of the Attorney-General on the point as to whether or not goods imported into one State cease to be imports when sent on to another State. If that contention be correct, new instructions will have to be issued to the Statisticians of the States, because, at present, they deal with the trade between the States under the headings of "Imports" and "Exports." I shall need something more than the American decision which has been quoted by the honorable and learned member for Corio, to satisfy me that the amendment is unconstitutional. If we can provide for the inspection of the imports and exports of each State, I submit that the system will not be costly, and that the practice of labelling will gradually be extended to articles of every sort.

MR. LIDDELL.—This Bill will be no check on goods imported into one State, and sent on to another.

MR. SPENCE.—Whether that be so or not, the mere passing of the Bill will have a good effect. Firms manufacturing large quantities of goods by machinery would not think it worth their while to make up one special line for export, and another for local consumption. Most goods are sent from one State to another by water rather than by rail, and I hold that it would not pay a manufacturer to make up a special line of goods to be shipped to Sydney—knowing that goods so shipped would come under the supervision of the Customs officers—and another to be sent by rail, say, to Riverina. An honest trader will make up all his goods in the same way. But if a manufacturer, say, in Victoria, attempted to put up goods for Riverina in an improper way—if he neglected to label them as required by the Bill—that fact would soon be detected by the consumers even if no inspectors were on duty on the border. The public would expect locally-manufactured goods to bear the same labels as to quality, quantity, and so forth, as appeared on those of foreign manufacture, and the absence of such labels would naturally be discussed. In this way, the attention of the Department would

be called to the fact that goods that were not properly labelled were being sent across the borders by certain firms, with the result that a sharp look-out would be kept for them. The Bill provides for the imposition of a heavy penalty on any one who imports goods that are incorrectly described, and it seems to me that local manufacturers and others sending goods from one State to another will see that those goods are properly labelled. Resolutions have been passed by the party of which I am a member in favour of preference to Australian-made goods, and as that doctrine is spread over the Commonwealth, the demand for locally-made goods will increase. Consumers will naturally expect these goods to bear labels, indicating their quantity, quality, and so forth, such as appear on imported articles, and in this way it seems to me that the Bill will have a far wider effect than some honorable members anticipate. It will at least set up a standard of commercial morality, and in that respect will be attended with beneficial results to the people. It has been said that the States are doing a great deal in this direction, but it is certainly desirable that uniformity should, if possible, be secured. Many years ago, the Victorian Legislature passed a Bill requiring bakers to carry scales on their delivery carts, and to weigh every loaf of bread in the presence of the buyer; but there was no outcry against that interference with trade, nor has there been any outcry against the States' health laws relating to impure foods. I do not know that any State has yet passed a law dealing with the manufacture of goods. For some time there has been an agitation that furniture made by Chinese should be so stamped as to indicate that fact, but that proposal has not yet been carried into effect. It has been suggested that pure articles of food might be imported into the Commonwealth, and subsequently adulterated, and that new labels might be substituted for those which they bore on arrival. That is possible, but hardly probable. I do not believe there are many firms in a large way of business who deliberately lay themselves out to defraud. The keenness of competition and the desire to secure a profit does lead some men to a painful disregard for what is right, but I am one of those who believe that no cure for this sort of thing will be found until our whole social system is changed. Experience has shown that legislation of this kind does much good.

Tr. Spence.

It has been said that we cannot make men honest by Act of Parliament, but I hold that we can at least do something in that direction by passing measures of this class, which set up a standard of commercial morality. It seems to me that we ought to set up a standard that will be followed by all the States. At the present time, an Australian-made article may be stamped as having been made in Germany, and *vice versa*, but I am hopeful that if we pass this Bill, we shall be able to induce the States to follow our example, and to secure a complete reform of the existing system.

Mr. HUTCHISON (Hindmarsh).—By leave of the Committee, I desire to make the amendment more explicit, by inserting after the word "or" the words "which are."

Amendment amended accordingly.

Mr. RONALD (Southern Melbourne).—It seems to me that this is a very timely and needful amendment, and that it has been introduced at the right place. The words proposed to be inserted will meet this palpable difficulty, that, under the Bill as it stands, any one of the States may be made a distributing centre for goods imported into the Commonwealth, and afterwards adulterated to cheapen their cost. There are drugs which could be imported under a label which would truly describe them, and, by a slight adulteration, afterwards, could be made up into compounds which would be very dangerous to the public health. In the same way, other articles of food for use could be adulterated and exported from the State of importation to the other States. There should be an inspection of all commodities passing from State to State, to meet the end which the measure has in view—the protection of the public health and the prevention of imposition. Honorable members may see in the amendment the possibility of a breach of the Federal spirit, but no such construction can properly be put on it, because the end aimed at is merely the protection of our people against enterprising foreigners who may come here and try to exploit our markets, no matter at what cost to the public health. The amendment can do no harm, and it may do a great deal of good. I shall therefore vote for it.

Mr. BATCHELOR (Boothby).—I should like to support the amendment, because its object, if it could be accomplished, is a

good one; but I feel that the cost of the inspection which would be required to make it effective would not be compensated by the advantage gained. If this proposal be carried into effect it will not insure that goods shall be sold to the consumer only under their right descriptions. That would be an object worth taking great trouble to obtain.

Mr. ROBINSON.—Will not the honorable member's remarks apply equally to importations?

Mr. BATCHELOR.—Yes, and therefore I am not an enthusiastic supporter of the Bill. The measure requires that imports shall be branded with true trade descriptions, and the amendment extends that provision to goods passing from one State to another; but I do not think that the consumer is thereby protected from imposition. Indeed, the advantage to be gained is so small, that it is not worth the risk of interfering with freedom of trade between the States, which would be a very serious matter. I shall oppose the amendment.

Mr. ROBINSON (Wannon). — The amendment has caused many honorable members considerable hesitation as to how they should vote in regard to it, and I have felt some difficulty in coming to a decision on the point, though my present intention is to vote for it. We were assured that the Bill was introduced, not to hamper trade, nor as a fiscal measure, but to safeguard the public health, and to prevent fraudulent misrepresentation of goods. If provision for the inspection of goods imported into the Commonwealth is necessary, it seems a reasonable proposition that a like inspection is necessary in regard to goods passing from State to State. If we do not agree to the amendment we shall make fish of one and flesh of the other. Some attention must be paid to the objection that the amendment proposes an interference with freedom of trade between the States, but I do not think that it is a weighty objection. The intention is to provide for the inspection of goods passing from State to State, to prevent imposition by the use of wrong trade descriptions, and, if this inspection will interfere with freedom of trade between the States, it will be an interference which is desirable in the interests of consumers, who should be safeguarded, not only as to imported articles, but also as to articles sent from one State to another. The amendment will give the consumers some

amount of protection, and, as I think that it is a fair one, I shall support it.

Mr. DUGALD THOMSON (North Sydney).—The discussion seems to me to make evident the confused ideas possessed by those who are responsible for the measure. The Bill does not attempt to prevent the importation of goods injurious to the public health. If it were the intention of the Government to do that, they should have adopted the provisions of a measure called by them the Bill of the late Administration, although, as has been already explained, it never came before that Administration. That measure, however, was explicit as to its intention, and would have dealt with the matters with which honorable members seek to deal. It provided first of all that, subject to the regulations, an officer should inspect and examine all goods to which it applied, the intention being to state specifically the goods to which it should apply. Then it said—

The Governor-General may by proclamation prohibit the importation or introduction into Australia of any goods which do not comply with standards prescribed by the regulations or by the proclamation.

The distinct object was to exclude altogether goods of a deleterious character, or dangerous to health, or which would not effect the purpose for which they were intended, such, for instance, as adulterated manures. That Bill was abandoned by the Government who brought forward in its place a measure designed to insure the use of true trade descriptions. That is a good object, but the measure will not achieve the purpose which the supporters of the amendment have in view, namely, the protection of the consumer. The Bill, even if amended as proposed, will merely change the location of objectionable industries. Under the Bill, as it stands, goods may be brought in in bulk, or in packages bearing a true trade description, but they may afterwards be repacked in any form, either with or without a brand, and distributed throughout the Commonwealth. If the amendment be carried, all that will be necessary will be to distribute the goods among the States in their original packages, and then to repack them in each State for local distribution. I admit that, logically, if the Commonwealth places upon imports a burden such as is contemplated by this Bill, it should be prepared to impose similar restrictions upon the Inter-State trade. Upon that ground, I should have felt tempted to support the amendment, if I had not been

convinced that it would be absolutely ineffective to protect the consumer, and that heavy expenditure would be imposed upon the Commonwealth, and eventually upon the States, in connexion with the maintenance of a huge staff of inspectors upon the borders of the States. If it had been desired to effectively protect the consumer, provision similar to that contained in the Bill rejected by the Government should have been made. It has been asserted that liquors of a highly deleterious character are being introduced into Australia, and it is desired to exclude them. But I would point out that under the Bill, even if it be amended as proposed, such liquors may be introduced as readily as at present. Instead of being brought into one State, and being bottled for distribution in other States, bottling depôts will be established in each State, and the distribution will take place without any restriction, other than is now imposed. Although I could vote for the amendment on logical grounds, I do not feel justified in giving it my support, because I am satisfied that it can have no practical effect.

Mr. GLYNN (Angas).—I shall vote against the amendment, because any attempt on our part to control the Inter-State trade in the manner contemplated would involve a considerable interference with the principle of Inter-State free-trade, the attainment of which was one of the chief objects of Federation. I do not see how we could go before the country, and tell the electors that we had passed a provision which would neutralize the effect of section 92 of the Constitution, enacting that trade, commerce, and intercourse between the States shall be absolutely free. That contemplates not only freedom of trade in the ordinary sense, but also freedom of intercourse as far as passenger traffic is concerned. When an amendment, such as that now before us, was suggested yesterday, I expressed the opinion that it would be contrary to the Constitution, and since then I have been confirmed in that view. The United States Constitution does not contain any provision similar to that embodied in section 92 of our Constitution. So far as the United States Constitution is concerned, the Federal authorities could set up fiscal barriers between the States, so long as they were uniform; but, as a matter of fact, provision has been made by legislation for that freedom of trade which our Constitution has secured to us. Furthermore, the

principle of absolute freedom of intercourse contemplates not only an absence of fiscal barriers between the States, but also the abolition of all impediments in the way of exports. Prentice and Egan, in their work on the *Commerce Clause of the Federal Constitution*, at page 59, state—

Neither a State nor the United States can, under the police power, deprive a citizen of the right to transport a proper article of commerce from one State to another, nor impose conditions upon the exercise of that right, except as may be necessary to secure the freedom or proper conduct of commerce.

That would seem to absolutely preclude the insertion of such an amendment as that now under discussion. Even in America, where no express mandate with regard to Inter-State free-trade is contained in the Constitution, any interference such as that now contemplated would be opposed to the Constitution—at all events, it would be opposed to the legislation which has been passed under that Constitution. Further than that, all the necessary powers are vested in the States of the Commonwealth, first, to provide for the internal regulation of commerce; and, secondly, to prevent the importation of diseased animals, or of articles likely to prove injurious to the health of the community. Some articles do not come within the commerce clauses of the Constitution. For instance, at page 56, Prentice and Egan say—

Articles which from their nature do not belong to commerce are for that reason subject to the police power of the State. Disease and pestilence, crime, and pauperism, are not legitimate subjects of commerce, and passengers' goods or animals infected with disease, or passengers who are convicted criminals, or paupers, idiots, lunatics, or persons likely to become a public charge, may, it seems, be excluded by the States, or when they are admitted, their transportation within the State may be regulated.

In fact, the States are authorized to impose upon intercourse between the States any barriers which are essential to the preservation of the health of their inhabitants. That comes within what are called the police powers of the States; and section 92 of the Constitution protects the States against any interference with freedom of trade and intercourse, which would not be justified by the exercise of the police laws of the States. So far as it may be necessary to protect the health of the inhabitants, the States can provide against imports from one State to another; but I do not think the Commonwealth could so interfere. I do not offer these observations by way of

a final opinion; but they seem to suggest that by adopting the amendment we should exceed the powers conferred upon us under the Constitution. I think, moreover, it would be highly inexpedient to neutralize the effects of the freedom of trade between the States that we have established under the Constitution. I shall vote against the amendment.

Mr. CULPIN (Brisbane).—I agree with the remarks of the honorable and learned member for Angas, and shall vote against the amendment. I think that we should unduly interfere with the functions of the States Governments if we adopted such a provision. I agree with the honorable member for North Sydney in his complaint that the Bill would not prevent the importation of deleterious goods. At the same time, I think that if we insure that true trade descriptions shall be affixed to all goods, we shall assist the people to look after their own interests, and, in that way, to conserve their health. Considerable concern has been manifested with regard to the introduction of injurious patent medicines. As a matter of fact, the *British Pharmacopæia* is so comprehensive, and contains medicaments suitable to the treatment of so many different cases, that the less we encourage the introduction of patent medicines the better. Patent medicines are put up and distributed with one object, and that is to enrich the proprietors; and frequently the medicine which costs least yields the highest profit to the man who concocts it.

Mr. HUTCHISON (Hindmarsh).—If the view expressed by the honorable and learned member for Angas is correct, spirituous liquors of the most deleterious character may be transferred from State to State without let or hindrance, and we are helpless to prevent injury being done to the people of the Commonwealth in that way. That, he contends, is entirely a matter for State regulation. I should like to hear the views entertained by other legal authorities upon this very important aspect of the question. If it be true that we can only impose a prohibition upon the articles of commerce to which he referred, the Bill is of no value whatever. The honorable member for Boothby has assured us that the amendment will not guarantee purer goods to the consumer. Whilst I admit we cannot accomplish that object in every case, we can achieve a great deal in that direction. That fact was made very clear by the

honorable member for Darling, who pointed out that it would not pay manufacturers to relabel their tins and to alter the trade descriptions of goods after they had passed from the control of the Customs. We have been told, upon the authority of the Victorian Chamber of Manufactures, that there is a continuous traffic in goods which are destructive of human life. If that be so, even if we cannot accomplish all that we desire, we should endeavour to achieve as much as we can. If, under the Constitution, we have not power to protect the health of the people, the sooner that charter of Government is amended the better. Doubts have been expressed as to whether my proposal is constitutional. I have no desire to insert in the Bill an amendment which is unconstitutional, because that would be courting the defeat of a measure in the worst possible form. I would prefer that the Committee should satisfy themselves as to the constitutionality or otherwise of the amendment before voting upon it. So far, I have heard nothing which leads me to believe that it is unconstitutional, and for that reason I hope that it will be carried.

Mr. ISAACS (Indi—Attorney-General).—The honorable member for Hindmarsh has referred to the legal aspect of this matter. I would remind the Committee that, in connexion with this Bill, I recently addressed myself to that phase of the question. By reference to page 1047 of *Hansard*, the honorable member will find that on the 16th of August last, during the course of my speech, the honorable and learned member for North Sydney asked—

Why are not these provisions applied to the Inter-State trade?

My colleague, the Minister of Trade and Customs, was engaged in other important business at the time, and I replied—

In the first place, we have been considering the provision in the Constitution to the effect that trade between the States shall be absolutely free. We do not know exactly what that means. It undoubtedly applies to duties, but we do not know to what else.

I made that statement merely with a view to indicating that we had been considering the question. I have a vivid recollection of the doubts entertained by some members of the Federal Convention in regard to this matter. Without entering minutely into its consideration, I would say that the probabilities are that we have power to apply

the provisions of the Bill to Inter-State trade. At the same time, I consider it a doubtful point, and I should not like to burden the measure with a clause of that nature, which might bring the whole structure to the ground. If the amendment be inserted at all it will have to be inserted in such a way as to show that it is a distinct and separate part of the Bill, so that if that portion were declared *ultra vires* it would not affect the other portions of the measure. I point this out to show that the matter had not escaped our attention. That is the legal consideration. There is also a practical consideration of which I made mention. I said—

The main thing is that, with regard to goods that are merely passing from State to State, there is no danger of the reputation of our products being imperilled.

I should like to add that this Bill is intended to protect Australians as a whole. In other words, it is designed to protect the reputation of Australian goods which leave our shores for foreign countries, and it is also intended to protect Australians indiscriminately from the importation from abroad of goods, the consumption of which may be injurious—goods which may improperly deceive the consumers here. But I would point out that, even if we insert the amendment proposed, we cannot protect the Australian people as a whole because it would apply only to products passing from State to State. We cannot protect the internal trade of each State. That matter is left to the States, and they can protect themselves effectually. Each State can legislate for its own internal trade in that respect.

Mr. HUTCHISON.—This Bill would not be wanted at all if the States did that.

Mr. ISAACS.—I think that it would, because the States cannot prevent these goods from entering Australia. We desire to make one regulation, which will apply uniformly throughout Australia, and which will prevent such goods as we think are of a deleterious character from entering the Commonwealth. The States cannot do that. They cannot say that goods shall not enter their ports without being marked.

Mr. HUTCHISON. — They can say that they shall not be sold.

Mr. ISAACS.—Whilst the States Parliaments possess the limited power to enact

inspection laws in respect of goods passing from State to State, they have no power to legislate in respect of foreign commodities. Upon the whole, I think it would be better if the amendment were not inserted. There is another reason of a practical nature which appeals to me in this connexion. I fear that the amendment might confer a benefit which was not at all commensurate with the friction that its operation would occasion. We already experience difficulties enough in connexion with our internal relations with the States, and upon the best consideration which we could give to the matter we thought it would be preferable to allow the Bill to remain in its present form. Considering its constitutional aspect, its practical aspect, and the absolute advantage which would result from non-interference with the internal trade of each State, we were of opinion—admitting that a benefit would, to some extent, accrue from the insertion of a provision of the character indicated—that it would be better if the measure were left as it now stands. If the necessity arises—if, at any time, a real reason for extending this provision becomes apparent — action can always be taken. Under the circumstances, I would suggest that the amendment be not pressed. The honorable member for Hindmarsh may rest assured that the Ministry are sincerely desirous of extending the principle that is embodied in the Bill, even in the direction that he suggests, if that can be done without the risk of friction. Upon the whole, however, we think that a good comprehensive measure will be attained, one which cannot be challenged, and one which will not cause unnecessary friction, if the Bill be retained in its present form.

Mr. HUTCHISON (Hindmarsh). — I do not feel inclined to withdraw the amendment in view of the statement of the Attorney-General. He has told us that there is a doubt as to whether the amendment is constitutional. If such a doubt exists, the sooner it is settled the better, and the only way in which it can be settled is by embodying it in this Bill and having it tested. If, by inserting that amendment, I am likely to jeopardize the rest of the measure, I should be very pleased if the Attorney-General could suggest how I can accomplish my object without that effect.

Mr. ISAACS.—If the proposal of the honorable member be carried, we shall endeavour to recast the clause so as to meet the position.

Mr. HUTCHISON. — That would be entirely satisfactory. It is absolutely necessary that we should extend the scope of this Bill. It has been shown that we can do very little under its provisions. There is no need to send out a sham measure, if we can make it a little more than that, even though we cannot make it perfect. The Attorney-General is not certain that the advantages of the proposal will outweigh its disadvantages. I feel that, if we cannot extend the provisions of the Bill to the Inter-State trade, we might as well drop it, because we shall then only be able to insist that traders shall put a true description upon their goods until they pass from the control of the Customs authorities. Subsequently those goods can be distributed in a wholesale fashion throughout the Commonwealth, although they may be of a deleterious character, and although their consumption may be responsible for a continuous destruction of human life. Take the case of condensed milk as an example. That article cannot well be tampered with after it reaches the Commonwealth.

Mr. JOSEPH COOK.—This Bill will not interfere with the quality of condensed milk, or of any other food. It merely provides that goods shall be properly labelled.

Mr. HUTCHISON.—I have had children who required to be artificially fed. I remember the case of one child in particular. It was being fed upon condensed milk, and I could not understand why it always possessed such a voracious appetite. I have since ascertained the cause of the trouble. The fact is that there was little nutriment in the milk. Does the honorable member think that if the labels on the tins had shown that three-fourths of the nutriment of the milk had been removed I would have bought it? If the Bill be carried, it will not be possible to tamper with tinned goods after their arrival in Australia.

Mr. JOSEPH COOK.—It will be possible to tamper with the labels.

Mr. HUTCHISON.—We have to remember, however, that it would not pay to tamper with them. No one would say, for instance, that it would pay a man to relabel 1 lb. tins of jam. I fear that even if the Bill be passed there are many things

that will be interfered with, but there are many others with which it will be impossible to tamper, and as one anxious to put down these ill practices as far as possible, I have submitted this amendment.

Mr. DAVID THOMSON.—Does the honorable member propose to have Commonwealth inspectors on the borders of each State?

Mr. HUTCHISON.—No. We have already so amended the clause that it provides that goods "may"—instead of "shall"—be inspected. That means that if a man finds that goods purchased by him are deleterious, he will be able to make inquiries, and, on satisfying himself that a fraud has been committed, he may have steps taken to punish the offender.

Mr. JOHNSON.—Who would go to all that trouble?

Mr. HUTCHISON.—Thousands would do so. I personally would go to far greater trouble in the interests not only of myself, but of the community generally. What is the use of any of our health laws if the public will not take the trouble to see that they are observed? If an individual neglects to take care that the health of himself and his family is not injured by the use of deleterious foods, when we give him the power to protect himself against such things, he is not worth troubling about; but if we do not give him a chance to protect himself, we shall certainly be unmindful of our duty. Only a few weeks ago I attended a meeting, at which a complaint was made that condensed milk of an inferior quality was being sold in Adelaide. The complaint was referred to the Health Officer, and he promised that if we could prove that such milk was being sold, action would be taken by the Department. Then again a letter appeared a few weeks ago in an Adelaide newspaper, in which the writer complained that he had purchased jam, the use of which proved injurious to himself and his family, but that he had no remedy.

Mr. POYNTON.—If it were a local production, this Bill would not cover it.

Mr. HUTCHISON.—It would if my amendment were carried. If deleterious jams were manufactured in Tasmania, New South Wales, or Victoria, and exported to South Australia, they could be dealt with under the Bill, as I propose to amend it. We are going to show the States that whilst this measure will be useful—it does not go far enough, and I hope they will recognise

the mistake they have been making, and will take care to supplement our efforts in this direction by local legislation.

Mr. POYNTON (Grey).—I am totally opposed to the amendment. One of the chief arguments in favour of Federation was that it would rid us of the presence of Customs officers on the borders of each State. Although, as the result of the bookkeeping provisions of the Constitution, we have not yet abolished Customs-houses on the borders, we are looking forward to a day when that will be accomplished; but it is now proposed to appoint an army of inspectors to examine all goods passing from one State to another.

Mr. CHANTER.—That will not be necessary. The inspectors will examine the goods in the shops where they are sold.

Mr. POYNTON.—Under this clause an officer of the Commonwealth would not have power to go into a shop to inspect goods introduced from another State; he would either have to inspect them as they crossed the border, or not at all.

Mr. ISAACS.—And the labels might be taken off after the goods had passed from one State to another.

Mr. POYNTON.—That is so. The Bill will have no direct bearing on the quality of goods sold in the Commonwealth. It will deal chiefly with the description of imports and exports. I certainly am not in favour of the appointment of a large body of officers to inspect goods as they pass from one State to another, leaving the local manufacturers to make up any kind of rubbish they please. This is a question which ought to be dealt with by the States themselves. I agree with the Attorney-General that we cannot deal with Inter-State trade in the way proposed, and I hold that the only result of the passing of this amendment would be the appointment of a large number of officers without any compensating advantage. It is necessary that the Commonwealth should co-operate with the States, in order that effective action may be taken in this direction, and until that co-operation is secured we shall not attain the object that we have in view.

Mr. KNOX (Kooyong).—I think that it has been shown very clearly during the debate on the amendment that if we trench upon the privileges of the States we shall launch ourselves upon a sea of trouble. The

Sydney Chamber of Commerce have pointed out that—

If such an Act is considered necessary in the public interests, we think it should embrace all trade operations, and not deal with imports and exports only, leaving manufacturers and producers in Australia severely alone in their transactions between the States of the Commonwealth.

That view is shared by the Chambers of Commerce in the other States; but, while giving expression to it, I must have some regard for consistency. It is always my desire to cast a vote that is in accord with what I believe to be right; and, whilst it is logically consistent for those who favour this extreme clause to urge its application to Inter-State trade, I could not vote for a proposition that would really mean a return to the system of Inter-State barriers that prevailed prior to Federation. If I did, I feel satisfied that it would be difficult for me to satisfactorily explain that vote to those who sent me here. It might be justifiable from the point of view of party tactics, because I believe that if the amendment were inserted it would destroy the whole Bill. If the effect would be to destroy a measure which would impede trade and commerce, I should be glad of it. What we desire is a Bill to protect the consumer from fraudulent misrepresentation. Every mercantile body in the Commonwealth desires such legislation. We do not, however, desire these restrictions on trade, and I feel that I shall not be justified in going back on my past votes in this Chamber to re-establish the barriers between the States.

Mr. WEBSTER (Gwydir).—I should not have risen to speak had it not been for the position taken up by the honorable and learned member for Angas. Throughout the history of this Parliament, every proposed departure from commonplace lines of legislation has been met by the lawyers with doubts as to the constitutionality of the course proposed. Every effective measure applying to the whole Commonwealth has been met with the cry that its provisions would be invalid; but although some of these objectors, in addition to their legal knowledge, enjoy the advantage of having been members of the Convention which framed the Constitution, they do not give us any definite ideas as to the intention of the law, nor do they speak with certainty as to the probable effect of the proposals to which they object. It seems to me, therefore, that we should be prepared to

take a certain amount of risk, and leave it to the High Court to protect the rights and privileges of the citizens of the States. The lawyers never give us any definite opinion on the constitutional points which they raise. The fears of the honorable member for Boothby and others, that the amendment, if carried, will bring into existence an army of inspectors to be employed on the borders of the States, are groundless. At the present time there is nothing to prevent a manufacturer in Victoria from using material which, although properly described when being imported into the Commonwealth, is not properly described when made up in the State into boots and shoes, and exported to the other States. I hope that the honorable member will stick to the amendment, because, without it, the Bill would be of small value. I wish to see the measure made as effective as possible, and would like to have heard from the Attorney-General a fuller expression of opinion in regard to the constitutional point which has been raised. We get very little light upon legal matters of importance from the law adviser of the Government, and what statements he does make are put forward with a reserve which, to my mind, is not justifiable. As laymen, we have a right to hear these questions discussed, not in the technical language of the courts, but with a due regard to common sense, so that we may exercise our judgment upon them, with a full knowledge of the probable results of our action. After all, it is not legal technicalities, but the common sense of a matter, as it would present itself to the mind of an ordinary man, that judges in every civilized country consider.

Mr. HUTCHISON.—No. What they regard is the wording of the law.

Mr. WEBSTER.—I have had some experience, and I know that they look to the intention of the legislation with which they are dealing, and interpret it on common-sense principles. It is not enough for the Attorney-General to tell us that there is doubt as to the constitutionality of the amendment. The opinions expressed by members of the legal profession in this Chamber have on several occasions not been supported elsewhere. The Attorney-General also said that the amendment will create more friction than will be counterbalanced by the advantages which will be derived from it. That, however, is not clear. I shall continue to support the

amendment, not because I wish to oppose the views of the legal members of the Committee, but because there is nothing certain in their statements, and I think that the Bill would be of little use without this provision.

Mr. DAVID THOMSON (Capricornia).—I shall oppose the amendment. I regard the Bill as practically worthless, and the amendment will, in my opinion, make it absolutely so. Unless the States step in to supplement our legislation, the Bill can be of no use whatever. If we attempted to place any such embargo as that proposed upon goods transferred from State to State, we should require to increase our already large army of public servants. This would entail still further expense on the States, which are even now complaining of Commonwealth extravagance. If there had been any public demand for legislation of this kind, the States Governments would have met all requirements by providing against the perpetration of trade frauds, such as those which have been complained of by some honorable members. We have no control over any articles after they have passed the Customs House, and the State alone can exercise the necessary jurisdiction. I am afraid that the provisions of the Bill, so far as they relate to exports, will have a hampering effect upon our primary producers. The States Governments are already taking all the precautions necessary to insure that the produce sent away from Australia shall be described according to its quality. The Queensland Government are grading butter and other products for export, and the Victorian Government are doing the same, and the Commonwealth cannot supplement the efforts of the States to any appreciable degree. Under all the circumstances, I hold myself free to vote against the third reading of the Bill, unless it can be shown that the States will be assisted by the measure. I shall also oppose the amendment.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I should like to say a word or two with regard to the statements which have been made to the effect that the Federal Parliament must follow the States Parliaments. I want to know when we are to act as a Federal Parliament? With all deference to the States, I do not think that we should be driven by them. At the same time, I agree that we should not interfere unduly with the States functions.

States Ministers have recently made statements which have not been very complimentary to the Federal Parliament, and we cannot expect much sympathy or assistance from them. I do not believe that the want of sympathy for the Federation extends to the people of the States, but certainly the feeling of States Ministers towards the Commonwealth authorities is not by any means favorable. Whilst we should not for a moment unduly interfere with the States, we have certain rights under the Constitution which it is our duty to exercise. Personally, I am in sympathy with the object the honorable member for Hindmarsh has in view, and would support him if the end could be achieved without incurring any great extra expense, or creating any undue friction. But I do not think it desirable that the honorable member should press his amendment at the present time, because I can see that there is a great difference of opinion with regard to this matter. It is always within the power of this Parliament to take action if necessity arises for doing so. If the honorable member will leave the matter in abeyance at present, his proposal can be thoroughly ventilated outside, and the States will know what his proposal is. Before introducing the Bill Ministers discussed this question, and decided against introducing the provision now proposed to be inserted, for the reason I have mentioned, namely, that it would probably involve a modification of that complete freedom of intercourse between the States which was intended to be secured by the Constitution. If the honorable member persists in proceeding to a division, I shall have to vote against the amendment. The Attorney-General stated to-night that in his opinion it was very doubtful whether the amendment, if made in the manner now proposed by the honorable member would not jeopardize the whole Bill. I would therefore urge the honorable member to withdraw it for the present.

Mr. HUTCHISON (Hindmarsh).—I have no intention to withdraw the amendment, because I have not heard sufficient reasons to induce me to do so. The Minister says that the amendment in its present form may jeopardize the whole Bill, but I have already stated that I am content that the Bill shall be re-drafted in such a way as to render the amendment free from the objection now said to attach to it. It is not sufficient to let the public outside know that we have talked about inserting such a

provision as that contemplated. My desire is to protect the public. I am dissatisfied with the small amount of power granted to us under the Constitution, and I think we shall do little or no good unless we take full advantage of such power as we do possess. I think we should do everything we can to lead the way for the States, and to, if possible, bring them into line.

Mr. JOSEPH COOK (Parramatta).—Of all the reasons I have ever heard advanced against a proposal, commend me to those which have been urged by the Minister this evening. I never heard anything like his speech, and if I thought that I could make such a sorry spectacle of myself, I should at once quit the Federal Parliament. He advised the honorable member for Hindmarsh to withdraw his amendment for the present, in order that people outside might talk about it. Why, the public have been talking about this Bill for a month past. If the Minister wants this Parliament to be respected by the States, as he has just been saying, he must lead them in the art of governing. He must not ask us, as he proposes to do, to postpone legislation so that the public outside may instruct their legislators. It will be perfectly safe for Ministers, if the whole of our legislation is to be allowed to stand over until the people outside instruct them what they are to do. The Minister told the honorable member for Hindmarsh that he was in sympathy with him, but would vote against him. That was another magnificent testimony to the virtues of the Federal Government. The Minister complains that the States Governments do not regard the Federal Parliament with respect. If they judge us by his conduct, they will continue to treat us with contempt, and if we tolerate such conduct, we deserve their contempt. The honorable member for Hindmarsh has given the Minister a fitting reply to a request preferred on such ridiculous grounds. The Attorney-General has said that this Bill aims at securing to Australia the purity of its food products. Again, it must be pointed out that, even if that be the intention of the measure, it does not give effect to that intention. Honorable members opposite have admitted that. They acknowledge that we can accomplish very little in the direction indicated. The fact is that we can do nothing in the way of guaranteeing that products shall be pure when they reach the hands of the

consumer. The honorable member for Hindmarsh wishes to insure that infants shall be fed upon pure condensed milk. I do not know any honorable member who would not hold up both hands in favour of a proposal of that kind if it were a practicable one. But the fact is that, by means of this Bill, we cannot insure that milk shall be pure when it reaches the consumer. All that we can guarantee is that it shall be branded for what it is when it is imported. It is the easiest thing in the world to remove the label from it when once it has passed into a State, and before it is distributed. Those persons who deliberately sell milk of a deleterious character—who would palm off upon the infants of Australia an article from which the food products had been extracted—would just as readily alter the label upon it. If ever there was a Bill which was a mere make-believe it is this measure. We have not the constitutional power to do what it purports to do.

Mr. EWING.—The honorable member apprehended all sorts of danger from it a week or two ago.

Mr. JOSEPH COOK.—The Vice-President of the Executive Council has made a most inane interjection. I do apprehend all sorts of trouble from this measure. I contend that any legislation which upon its face is a mere pretence must necessarily be mischievous in its operation. I apprehend the greatest possible trouble from the working of this Bill. In it the Minister professes to be securing power for one object, whereas in reality he is obtaining a reserve power, which I very much fear he will use for quite a foreign purpose. That is why I say that while the Bill is powerless to achieve the object which he alleges he has in view, it is powerful in every respect to accomplish another object. That is why it is mischievous, while at the same time it will not protect the food of the people. I commend the attitude of the Minister to-night to those persons outside who are criticising the Commonwealth Parliament, and I ask them not to regard this House as a fair specimen of what the Commonwealth Legislature should be. If they do, they will be justified in criticising us very much more severely than they have done. In all my experience I have never seen a Minister abdicate his functions and demean his office as the Minister of Trade and Customs has done to-night, pleading piteously for the

postponement of this amendment, simply to allow him an opportunity to get instructions from outside. That is responsible government with a vengeance.

Mr. WILKS.—We are getting government by Royal Commissions.

Mr. JOSEPH COOK.—We are getting a lot of it lately. All the trouble arises from the composition of the House, and I am afraid that only the people outside, to whom the Minister proposes so piteously to appeal in this particular matter, can redress that trouble. I am glad that the honorable member for Hindmarsh has answered him in the way that he deserved to be answered, and I shall watch with interest what the Minister finally does with this precious clause.

Mr. WILKS (Dalley).—I am sure, sir, that you must have heard, with infinite surprise, that remarkable declaration by the Minister of Trade and Customs that one reason why the consideration of this amendment should be postponed is that there is a great difference of opinion upon it. As a matter of fact, I noticed that you absolutely shuddered when that observation was made. The Minister actually appealed to the honorable member for Hindmarsh not to press his proposal, because there was a difference of opinion upon it. I trust that the honorable member will adhere to his expressed intention to press the matter to a division.

Mr. DAVID THOMSON.—Does the honorable member intend to support him?

Mr. WILKS.—I do. The deputy leader of the Opposition has said that the Minister desires an opportunity to obtain instructions from outside. Is the honorable gentleman waiting for the *Age* to speak to-morrow morning? The honorable member for Parramatta has hinted that the Bill is intended to serve only one purpose, namely, to sneak in protection.

Mr. DAVID THOMSON.—A very good thing, too.

Mr. WILKS.—Then let us understand the position. I claim that it is a new principle to enforce fiscal changes by means of machinery Bills of this character. I believe that we should risk the constitutionality of the proposal submitted by the honorable member for Hindmarsh. We have heard the same cry raised in regard to other Bills. Almost every Ministry shelters itself behind the plea that some proposal or other may be unconstitutional. I agree with the honorable member for Hindmarsh

that, under this Bill, the local consumers are not protected from the consumption of deleterious preparations by local manufacturers. It is admitted, however, that the measure will prevent the importation of such preparations. I claim, therefore, that the result of the adoption of the amendment must be to make the Bill more effective. I am very glad that the honorable member for Hindmarsh has refused to withdraw his proposal, as suggested by the Minister.

Question—That the words “or which are passing from one State to another,” proposed to be inserted, be so inserted—put. The Committee divided.

Ayes	...	...	20
Noes	...	...	27
			—
Majority	...	...	7

AYES.

Brown, T.
Chanter, J. M.
Fisher, A.
Higgins, H. B.
Hughes, W. M.
Kelly, W. H.
Kennedy, T.
Maloney, W. R. N.
McDonald, C.
O'Malley, K.
Ronald, J. B.

Spence, W. G.
Thomas, J.
Tudor, F. G.
Watkins, D.
Webster, W.
Wilkinson, J.
Wilks, W. H.

Tellers:

Hutchison, J.
Robinson, A.

NOES.

Bamford, F. W.
Carpenter, W. H.
Chapman, A.
Cook, J.
Culpin, M.
Deakin, A.
Ewing, T. T.
Forrest, Sir J.
Fuller, G. W.
Fysh, Sir P. O.
Gibb, J.
Glynn, P. McM.
Groom, L. E.
Isaacs, I. A.

Johnson, W. E.
Knox, W.
Lee, H. W.
Liddell, F.
Lonsdale, E.
Lyne, Sir W. J.
McWilliams, W. J.
Phillips, P.
Poynton, A.
Thomson, D.
Thomson, D. A.

Tellers:

Cook, J. N. H. H.
Wilson, J. G.

PAIR.

Mahon, H.

Batchelor, E. L.

Question so resolved in the negative.

Amendment negatived.

Mr. KNOX (Kooyong).—I move—

“That after the word “take,” line 5, the words “at least three” be inserted.

The object of this amendment will be at once apparent to honorable members. The feeling is that three samples ought to be taken—that the officer should take one for himself, one for the analyst, and one for the owner. An honorable member has suggested the following provision, which really meets the object I have in view.

That all samples taken by an officer in pursuance of this Act shall, before being analyzed or submitted for analysis, be divided into three or more approximately equal parts. Each part shall be fastened or sealed, so as to secure it from being tampered with, and shall be marked, so as to be readily identifiable; and one part shall be delivered to the importer, exporter, or owner of the goods.

Mr. WEBSTER.—It is a matter to be dealt with by regulation.

Mr. KNOX.—I think that it ought to be dealt with in the Bill itself, in order that the person concerned may have some remedy against the action of an official who might be disposed, in his opinion, to take what was not a proper sample. It is a necessary safeguard to provide, in view, not only of the heavy penalties attaching to offences under the Bill, but of the extensive powers to be conferred upon officers appointed under it.

Mr. KENNEDY (Moir). — I would point out to the honorable member for Kooyong that it is undesirable to load up the Bill with matters that may well be left to regulations. The Bill provides for samples to be taken, and the universal practice under measures of this description is to divide every sample into three parts. One of these is handed to the owner of the goods or his representative, and another to the analyst, while the third is retained by the inspector. I think it would be a mistake to pass the amendment.

Mr. LONSDALE (New England).—If it be possible to provide for matters of this kind in the Bill itself, I think we ought to do so. We certainly should not leave them to be dealt with by regulations framed by the Minister or his officers. If, in the opinion of the Committee, it is fair and reasonable that a sample should be divided into three parts under seal—one to be given to the owner of the goods, one to the analyst, and the remaining part to be retained by the officer—we should insert that provision in the Bill itself. When opposition is raised to such a proposal, it seems to me that it is not intended to act fairly in this regard. I am not prepared to leave details of this kind to be dealt with by regulations.

Mr. FISHER (Wide Bay).—I do not think that the amendment is a reasonable one. If we cannot trust the officers of the Commonwealth to take fair samples, we cannot hope to do anything in this direction. The honorable member for New England has confused the question at issue. It

may be prescribed that a sample shall be taken and divided into three parts in the manner proposed; but the honorable member for Kooyong desires that at least three samples shall be taken. The point is, that those samples might be taken from different cases or packages, with the result that difficulty would arise. One sample should be taken wherever possible, but it will be necessary to prescribe that it shall be divided into three or more parts.

Mr. KNOX.—The honorable member's suggestion that one sample should be taken and divided into three parts is the better one.

Mr. FISHER.—I regret to hear honorable members asserting that this person or that cannot be trusted. Surely there is no honorable member who could not be trusted to act fairly in a judicial capacity. I am satisfied that the officers of the Commonwealth have no predilections, and that they are not so biased as to be prepared to act unjustly towards any one.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I trust that the honorable member for Kooyong will not press the amendment. If I were to accept amendments providing for every little detail relating to these matters, the Bill would become a very lengthy one, and would be unnecessarily weighted. I may tell the honorable member that I intend to move that the word "proclamation" in clauses 7 and 10 be omitted, with a view to insert in lieu thereof the word "regulations." These regulations will be submitted to Parliament, and may be altered as Parliament directs. This should meet the honorable member's objection. It would be altogether unwise to load up the Bill in the way that he proposes. I hope, therefore, that he will withdraw his amendment, and allow the Committee to proceed with the more important matters awaiting our consideration.

Mr. WEBSTER (Gwydir).—If the honorable member turns to clause 14 he will find that it provides that the Governor-General may make regulations "particularly for the analysis of samples taken under this Act."

Mr. KELLY.—That does not touch the question raised.

Mr. WEBSTER.—It clearly shows that matters appertaining to the taking of samples are to be dealt with by regulation. The practice in Victoria, New South Wales, and other States, where laws of this description are in operation, has been to provide that one sample shall be taken and

divided into three or more parts, the result being that a uniform sample is distributed among all the parties concerned. I hope that the honorable member will not press his amendment, but will leave the matter to be dealt with by regulations, which, as has been said, will be subject to the approval of Parliament.

Mr. KNOX (Kooyong).—Although technically the regulations framed in accordance with an Act of Parliament come under the review of the House, as a matter of fact they are not so closely considered as are the details of a Bill. If the Minister will promise to insert in the regulations framed under this measure the provision in the original Bill, which I am about to read, I shall withdraw my amendment. That provision is as follows:—

All samples taken by an officer in pursuance of this Act shall, before being analyzed or submitted for analysis, be divided into three or more approximately equal parts, and each part shall be fastened or sealed so as to secure it from being tampered with, and shall be marked so as to be readily identifiable, and one part shall be delivered to the importer, exporter, or owner of the goods.

Sir WILLIAM LYNE.—So far as it may be practicable to apply that provision, it will be applied in the regulations.

Amendment, by leave, withdrawn.

Mr. JOSEPH COOK (Parramatta).—I wish to move the omission of the words "and may break open any packages," because I think that without them the officer will have sufficient power to do what is necessary. The clause, if amended in this way, will read—

An officer may enter any ship, wharf, or place, and may do all things necessary to enable him to carry out his powers and duties under the section.

I am afraid that there will be plenty of packages broken open without it being necessary to authorize the inspectors to do so.

Sir WILLIAM LYNE.—I will accept the omission of the word "break."

Mr. JOSEPH COOK.—As I cannot get all I ask for, I move—

That the word "break," line 11, be left out.

Mr. LONSDALE (New England).—When we wished to add two or three words to the clause just now, we were told that to do so would be to load it up too much, and now that the honorable member for Parramatta, with a view to lightening the clause, wishes to leave out certain words which are absolutely

not required to give officers the powers necessary to carry out their duties under the Bill, that, too, is objected to. Surely it is enough to provide that an officer may do "all things necessary to enable him to carry out his powers and duties," without instructing him to break open packages.

Mr. WEBSTER (Gwydir).—This is quite an immaterial amendment, because packages are generally sealed or fastened up in such a way that it is necessary to break them open to get at their contents. The amendment indicates the persistent attempts of the acting leader of the Opposition to keep up an interminable discussion, and his desire to have some amendment attributed to him, no matter how small.

Amendment agreed to.

Question—That the clause, as amended, stand—put. The Committee divided —

Ayes	...	...	27
Noes	...	...	15
			—
Majority	...	...	12

AYES.

Carpenter, W. H.	Maloney, W. R. N.
Chanter, J. M.	O'Malley, King
Chapman, A.	Phillips, P.
Cook, J. N. H. H.	Poynton, A.
Culpin, M.	Ronald, J. B.
Deakin, A.	Spence, W. G.
Ewing, T. T.	Thomson, D. A.
Forrest, Sir J.	Tudor, F. G.
Groom, L. E.	Watkins, D.
Higgins, H. B.	Webster, W.
Hughes, W. M.	Wilkinson, J.
Hutchison, J.	<i>Tellers:</i>
Kennedy, T.	McDonald, C.
Lyne, Sir W. J.	Wilks, W. H.

NOES.

Cook, J.	Lonsdale, E.
Gibb, J.	McWilliams, W. J.
Glynn, P. McM.	Smith, S.
Johnson, W. E.	Thomson, D.
Kelly, W. H.	Wilson, J. G.
Knox, W.	<i>Tellers:</i>
Lee, H. W.	Fuller, G. W.
Liddell, F.	Robinson, A.

PAIR.

Page, J. | Conroy, A. H. B.

Question so resolved in the affirmative.

Clause, as amended, agreed to.

Clause 6—

Every person who intends to export any goods of a kind or class required under this Act to be inspected or examined by an officer, shall, before the goods are shipped, give notice, in accordance with the regulations, to the Customs of his intention to export the goods and of the place where the goods may be inspected.

Penalty: Twenty pounds.

Mr. JOSEPH COOK (Parramatta).—This clause is quite incapable of being administered properly. Under the conditions of the fruit trade, particularly of the soft-fruit trade, it would be impossible to notify the Minister, and assemble the goods for inspection at a given place prior to exportation, and, at the same time, insure the despatch of the goods without undue delay. Unless the market for soft fruits can be reached with expedition serious losses must be sustained. Sometimes, a fruit-grower receives a telegram in the morning, asking him to prepare a shipment of oranges, plums, apricots, or peaches for despatch the same evening. He would allow the fruit to remain on the trees until immediately before it is required for packing purposes, and it would be impossible for him to comply with the requirements of the clause. I hope, therefore, that the Minister will see his way either to modify the clause very considerably or abandon it altogether.

Mr. FULLER (Illawarra).—I quite agree with everything that has been said by the honorable member for Parramatta. Every word he has uttered, with regard to the fruit industry, would apply with equal force to the butter export business. In these days, rapid communication is an essential to successful business operations, and large consignments of butter have to be prepared at very short notice for despatch from Australia. Last night, I ventured to suggest that if this Bill were passed it would necessitate the employment of a large army of experts, and if inspection, such as that contemplated under this clause, is insisted upon, a number of inspectors will require to be in attendance at every important shipping centre. For instance, a fruit expert would probably know nothing about butter, and therefore it would become necessary to employ a butter expert, and probably many others. If the provisions of the Bill have the effect of delaying the shipment of our produce they will prove disastrous. It appears to me that certain honorable members are disposed to do everything they can to handicap our producing industries, and I am perfectly certain that if the Bill be passed in anything approaching its present form a great outcry will be raised by the producers of New South Wales. I shall oppose the clause.

Mr. GLYNN (Angas).—In discussing the Bill on the motion for the second read-

ing, I objected to this clause, and I am glad that the honorable member for Parramatta has drawn attention to it. Unless we limit the operation of the measure to a comparatively few articles, this clause will prove most dangerous, because many people having small consignments of goods, and knowing nothing whatever about the Act, may have their produce forfeited and find themselves mulct in heavy penalties. Moreover, there is sufficient provision in the Customs Act for all practical purposes. According to section 114, it is necessary, before any goods are taken on board a ship for export, that the ship shall be entered outwards, and the goods shall be entered for export; but in the case of free goods it will suffice if they be entered not later than three days after shipment. That should provide a sufficient safeguard against the exportation of goods under a wrong description, because it would be possible to obtain evidence, perhaps even from the consignee, sufficient to enable a prosecution for fraud to be successfully conducted. I take it for granted that the Minister will specify in the schedule the goods to which it is intended that the Bill shall apply.

Sir WILLIAM LYNE.—There is no schedule, but I have given notice of my intention to insert a clause which will restrict the operation of the measure to certain classes of articles.

Mr. GLYNN.—If the operation of the Bill be restricted to a comparatively small number of articles, the liability under this provision will be considerably reduced. At the same time, I do not think the clause is necessary, and I shall oppose it.

Mr. LEE (Cowper).—I am afraid that this provision would seriously harass shippers. The person who owns the consignment intended for export is very often not the shipper. Goods may be sent from the country without any knowledge as to the ship by which they are to be forwarded to a market beyond the Commonwealth. A steam-ship company may inform the shippers of a consignment of butter that they will be ready to take delivery on a certain day, and information may be conveyed to the Customs House accordingly. But perhaps within an hour or two before the time appointed for delivery a message may be received by the shippers to the effect that no room can be found for

their consignment in the vessel first nominated, and they may have to forward it by a later steamer. If notice has to be given in all such cases, a great deal of unnecessary trouble will be involved. Entries have to be passed in connexion with the shipment of all goods exported to ports beyond the Commonwealth, and that should be sufficient. I do not see any necessity for the clause. I should like to know who will be called upon to pay the penalty of £20 for which provision is made—the owner of the goods, the shipper, or the steam-ship company?

Mr. KELLY (Wentworth).—I indorse the attitude taken up by the honorable members who have preceded me, and I deplore the fact that the Minister has not vouchsafed one word in reply to the objections which have been raised. Several honorable members of technical experience have declared that the clause cannot be carried into effect, and yet the Minister sits silent—probably because he has not the officers of the Department at hand to prompt him. It has been proved beyond all doubt by the last division that many honorable members have no consideration for the consumers of the Commonwealth, and I cannot see why we should be now asked to show so much tender regard for the consumers of other countries. In view of the indifference which is being displayed in regard to the health, comfort, and well-being of our own people, why should so much concern be shown for the health or the Chinese, or our friends elsewhere? Not only has it been shown that the provision could not be enforced without inflicting serious injury upon our export trade, but the honorable and learned member for Angas has demonstrated that the Customs Act meets the requirements of the case. The passing of a Customs entry should furnish the Department with all the notice that they require. We have been accused of seeking to overload this measure with unnecessary verbiage. Obviously this clause cannot be operative, and therefore should be expunged. This good ship, the ship of commerce, is loaded down below the Plimsoll mark, and when we desired to put a few lifebuoys and lifebelts on board, for the benefit of the miserable crew who have to work the vessel, we were accused of unnecessarily burdening it; and now we are refused permission to jettison some of her dead weight!

Mr. GROOM.—The honorable member is creating a storm.

Mr. KELLY.—It looks like it. I like the wild excitement which is being evidenced upon the empty corner benches! Speaking seriously, however, this is a matter above mere jesting, and it is due to the Committee that the Minister should furnish some reply to the repeated statements that this clause is bound to prove inoperative.

Mr. LONSDALE (New England). — I shall certainly stand by the deputy-leader of the Opposition in opposing this clause. It is absolutely useless. Let us suppose that butter which is intended for shipment abroad has to be inspected. Will that inspection guarantee that the article exported is of good quality? Will the Customs authorities examine the outside of the boxes, or will they inspect the butter itself? I take it that their inspection will partake very much of the character of that which was described by the honorable and learned member for West Sydney this afternoon, when he declared that a shipment of potatoes and onions could be inspected in twenty-five minutes. What kind of an inspection would that be? The Minister must recognise that it is absolutely useless. Similarly, in regard to fruit which is intended for export, I would ask, "Are all the cases to be opened after the fruit has been packed?" If we are to guarantee its quality, the fruit itself must be examined. Then let me take the case of condensed milk. I do not know that we are likely to become large exporters of that article, but I do know that in New South Wales persons are engaged in its manufacture. In its case, the inspection must take place at the factory; it certainly cannot be conducted at the ship's side. It appears to me that there are ulterior motives behind this Bill. I have no objection to the enactment of legislation which will prevent the admission of goods which are of little use to our people, and by means of which they may be deceived. But under the present Bill any vile stuff can be imported, provided that it is true to its description. I claim that under this measure we cannot guarantee that the goods which we send from Australia are up to a certain standard of quality. It is the function of the States to deal with this matter. I support the proposal of the deputy-leader of the Opposition.

Mr. DUGALD THOMSON (North Sydney).—If the Minister will consider the

circumstances under which goods are shipped, he will see that this clause requires some amendment. I do not say that it is altogether opposed to the interests of the shipper, although the same arrangement that is proposed could be arrived at in the absence of this provision. As honorable members are aware, there are certain exports which go to the wharf in considerable quantities; these the Customs officers, under the operation of the Bill, will be called upon to examine. That examination will occupy time and involve the opening of cases. In such circumstances it may be a convenience to the exporter to arrange that they shall be examined where they are being packed. I repeat that that could be done in the absence of this clause. The provision in question does not recognise that there are many occasions upon which goods have to be hastily shipped, and why we should impose an obstacle upon our own trade for no good reason is beyond my understanding. Let me take, as an example, a few cases of foodstuffs, part of a large shipment of general goods, which are intended for export to the Pacific Islands or to New Zealand. The goods may require to be shipped by a particular vessel, otherwise the business will be lost to the Commonwealth. If their shipment is delayed by the provision requiring notice to be given, the trade will be sacrificed. If the Customs authorities knew the circumstances of the case, they would not insist upon notice being given. But the fact remains that, unless notice has been given, they will refuse to allow the export of the goods. I maintain that the clause can be excised without any risk to the Department, because the authorities have the right under the Bill—altogether apart from this provision—to examine every article of export which is dealt with by the measure. I would point out to the Minister that the words "in accordance with the regulations" will not exclude any goods from the operation of the clause. It merely provides that notice shall be given in all cases "in accordance with the regulations." My point is that, as the clause stands, notice must be given under any circumstances. In order to allow the Minister an option, I move—

That after the word "shall," line 3, the following words be inserted:—"if required to do so by regulation."

Sir WILLIAM LYNE.—I see the point which the honorable member wishes to

make. He desires that there shall not be an absolute compulsion in all cases. I accept the amendment.

Mr. JOHNSON (Lang).—I do not feel disposed to support an amendment of the character proposed, because I object to the clause absolutely. In speaking upon the second reading of the measure, I said that it ought to be cited as the Commerce Destruction Act, and I claim that this clause amply supports my contention. In considering its effect upon certain goods, which experts in this House declare cannot be exported under regulation of this character, we must have regard to the penalty imposed. Fruit and butter have been quoted as illustrations of the absolute impossibility of complying with this provision. It seems to me that the whole purport of the clause is an attempt, which we ought certainly to discourage, at interference with commerce. Instead of hampering our producers at every turn, we ought to assist them by every means in our power. The notice given of the hour at which an over-sea vessel will sail is sometimes so short that it takes a shipper all his time to forward his goods to the wharf, to say nothing of giving notice to the Department, so that an inspection may be made. We have the assurance of those who represent districts in which perishable articles are produced for export, that, so far as they are concerned, this clause cannot be put into operation.

The CHAIRMAN. — The honorable member cannot now discuss the whole clause. When the amendment, which the Minister has intimated his willingness to accept, has been agreed to, it will be open to him to do so.

Amendment agreed to.

Mr. JOHNSON (Lang).—I shall oppose the clause as amended, because I think it is unnecessary. I trust that the Minister will offer some explanation of his refusal to comply with the reasonable request that a clause that is admitted by experts to be impracticable, may be withdrawn. If he does not, he will have only himself to blame if the discussion be prolonged.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I make it a rule, when in charge of a Bill in Committee, to make only such explanations as are absolutely necessary. I may say that the clause is designed to facilitate the working of the whole Bill. I admit that the amendment

made on the motion of the honorable member for North Sydney will improve it. The point made by him was that it should not be compulsory to give notice in every case. Instances may occur in which notice can be given a week in advance, and the shipper will then be free to send his goods to the wharf as he pleases.

Mr. DUGALD THOMSON. — In some cases a shipper would prefer to have his goods inspected in his store.

Sir WILLIAM LYNE.—Quite so. Other cases might arise, in which it would be impossible for a shipper to give more than a few hours' notice, and I think that, in these circumstances, it was only reasonable to accept the amendment. In the absence of such a clause as this, the Department would have to rely, first of all, on the Customs Act, but the provisions of that measure would not enable us to do that which we should be able to do under the provision now being discussed. If that Act would not confer upon the Department the necessary powers, the inspectors would have to remain hour after hour at the side of every ship, in order to be ready to inspect goods arriving, perhaps, at the last moment. It would not be sufficient to make the giving of notice optional. If that were done officers would never know when they were likely to be called on, and increased expenditure would be incurred in keeping them continually at the ship's side. Under the clause, as amended, notice may be given a week or ten days in advance, according to the class of goods to be inspected, and this will be found to operate advantageously. In the absence of this clause, it would be necessary for the inspectors of the Department to be constantly on the alert, and to remain all day long on the wharfs, in order that nothing might escape them. I hope honorable members will recognise that the clause is designed really to benefit importers and exporters alike. I think I have given a lucid explanation of it, and I have only to add that there is really nothing in the Customs Act that would enable us to secure what we seek to achieve by this clause.

Mr. FULLER (Illawarra).—The Minister has told us that the object of the clause is to facilitate the working of the whole Bill, but he certainly cannot say that it will assist the great producing interests of the Commonwealth.

Sir WILLIAM LYNE.—It will,

Mr. FULLER.—If the Minister really desires to encourage our great primary industries, he should have accepted the amendment suggested by the honorable member for Kooyong. Who suggested this clause? Did it emanate from any society or associates representing the great producing industries of the Commonwealth? Certainly not. It appears to me, from the explanation of the Minister himself, that the clause is undesirable. He accepted an amendment providing that inspections shall take place "if required"; but I hold that if there is to be an inspection it should be made in every case. I can conceive of no other reason for the clause than a desire to create billets in all the ports of the Commonwealth for a number of officials, who will discharge functions that will tend only to harass those who are dependent on the exporting trade.

Mr. LEE (Cowper).—The clause has certainly been improved by the amendment passed on the motion of the honorable member for North Sydney, but it seems to me that the proposed penalty of £20 is altogether too heavy. I suggest that it should be only £5.

Mr. AUSTIN CHAPMAN.—£20 is to be the maximum.

Mr. LEE.—The clause does not show that that is so.

Mr. AUSTIN CHAPMAN.—Under the Acts Interpretation Act, it will be the maximum penalty.

Mr. KELLY (Wentworth).—I think that the amendment accepted by the Minister, and passed by the Committee, only emphasizes the weakness of the clause. It has been argued that the Minister has the right to say what goods shall come within the scope of this clause, but in that respect the clause does not differ from other provisions of the Bill. The point upon which I wish to dwell is that touched upon by the honorable and learned member for Illawarra—the creation of the billets which these provisions involve. There are indications that Commonwealth legislation is brought forward largely at the instance of the permanent heads of Departments, who are naturally anxious to increase the importance and scope of their offices. We find Ministers, instead of, in the public interest, carefully curtailing this ambition, deliberately acceding to it, notwithstanding the fact that Departments can be increased only at

the expense of the general taxpayer. When no reason can be given for the existence of the dead weight in a Bill, which this clause is, the Committee should refuse to pass it.

Mr. McWILLIAMS (Franklin).—Although the amendment has greatly improved the clause, I wish to point out that, so far as the fruit industry is concerned, it would be practically impossible to give effect to its provisions. Since I spoke on the subject this afternoon, I have had brought under my notice by the gentleman concerned an instance which occurred only a few weeks ago, when a telegram was sent to the Derwent Valley, after mid-day on Tuesday, stating that 9,000 cases of apples were wanted for a steamer leaving at 11 o'clock the following morning. The apples were picked, packed, brought in by train, and put on board the steamer in less than twenty-four hours after the order was given. But it would have been impossible in that case to give the notice provided for in the clause to secure examination by experts. The Minister, in framing the Bill, has confined himself to too circumscribed an area of information, and I think that if the measure had been submitted to the Collector of Customs at Hobart, many of its provisions would have been shown to be impracticable. If the measure is carried into effect, it will strike a serious blow at one of our most promising industries, because it is impossible to give the notice asked for in every case, and to exempt late shipments while subjecting earlier shipments to examination would be making an unfair distinction, which would create great friction.

Mr. LONSDALE (New England).—It has been objected that honorable members on this side have tried to overload the Bill, but, as this clause is useless, we are ready to lighten the measure by voting against it, because, although the amendment may have improved it, the improvement is very slight. It is only a pretence to say that the Government can guarantee the quality of our exports. To do that, it will be necessary to place the brand of the Commonwealth on all exports, and that cannot be done without subjecting all exports to examination. The Minister, however, knows that grading will in all cases be done at the factories, and that no effectual examination can be made at the wharfs or stores to ascertain the quality of the articles brought there for export. We are quite prepared to

assist the right honorable gentleman, who has objected to the overloading of the Bill, to unload it.

Question—That the clause, as amended, stand—put. The Committee divided.

Ayes	...	...	25
Noes	...	...	10
			—
Majority	...	...	15

AYES.

Brown, T.	Phillips, P.
Chanter, J. M.	Poynton, A.
Chapman, A.	Ronald, J. B.
Culpin, M.	Spence, W. G.
Deakin, A.	Storror, D.
Ewing, T. T.	Thomson, D. A.
Forrest, Sir J.	Tudor, F. G.
Groom, L. E.	Watkins, D.
Hutchison, J.	Webster, W.
Kennedy, T.	Wilkinson, J.
Lyne, Sir W. J.	<i>Tellers:</i>
Maloney, W. R. N.	Cook, J. H.
O'Malley, K.	Wilks, W. H.

NOES.

Cook, J.	McWilliams, W. J.
Fuller, G. W.	Thomson, D.
Johnson, W. E.	<i>Tellers:</i>
Lee, H. W.	Wilson, J. G.
Liddell, F.	Kelly, W. H.
Lonsdale, E.	

PAIRS.

Watson, J. C.	Smith, S.
Batchelor, E. L.	Robinson, A.
Higgins, H. B.	Glynn, P. McM.
Fisher, A.	Knox, W.

Question so resolved in the affirmative.

Clause, as amended, agreed to.

Clause 7—

1. The Governor-General may by proclamation prohibit the importation or introduction into Australia of any goods specified in the proclamation, unless there is applied to them a trade description of such character, relating to such matters, and applied in such manner, as is prescribed by the proclamation or by the regulations.

2. All goods imported in contravention of any proclamation under this section shall be forfeited to the King.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I move—

That the words "The Governor-General may by proclamation" be left out, with a view to insert in lieu thereof the words "Regulations may."

I shall afterwards move other amendments, which will make the clause read as follows:—

1. Regulations may prohibit the importation or introduction into Australia of any specified goods, unless there is applied to them a trade description

of such character, relating to such matters, and applied in such manner as is prescribed.

2. All goods imported in contravention of the regulations shall be forfeited to the King. . . .

Mr. DUGALD THOMSON. — Has the Minister considered what period should be allowed after the publication of the regulations before they take effect?

Sir WILLIAM LYNE.—I can scarcely say at present what time should be allowed, but I am prepared to agree to any reasonable period.

Mr. KENNEDY (Moir).—I am not quite clear as to the Minister's object in amending this clause. Will the substitution of regulations for a proclamation deter for any considerable period the possibility of the Department dealing with the importation of goods?

Sir WILLIAM LYNE.—No.

Mr. KENNEDY.—Must the regulations first be submitted to Parliament?

Sir WILLIAM LYNE.—No.

Mr. KENNEDY.—It is as well that we should know that.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—The Acts Interpretation Act provides that—

Where an Act confers power to make regulations, all regulations made accordingly shall, unless the contrary intention appears—

- (a) be notified in the *Gazette*;
- (b) take effect from the date of notification, or from a later date specified in the regulations;
- (c) be laid before both Houses of the Parliament within thirty days of the making thereof, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

But if either House of the Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation, such regulation shall thereupon cease to have effect.

I intend, however, to vary the latter part of that provision by inserting a clause in this measure which will have the effect of requiring that the regulations shall not be annulled or altered except by resolution of both Houses. I do not think that one House should have the power to annul regulations. That, I think, is what the honorable member wanted to know, and I hope my explanation will prove satisfactory. The amendment will place the power in the hands of Parliament in a way different from that in which it would be given if a proclamation were provided for. In the latter case the Ministry might be attacked,

but regulations may be varied and dealt with in a comparatively easy way.

Amendment agreed to.

Amendments (by Sir WILLIAM LYNE) agreed to—

That after the word "any," line 3, the word "specified" be inserted; also, that after the word "goods," line 3, the words "specified in the proclamation," be left out.

Progress reported.

House adjourned at 10.55 p.m.

Senate.

Thursday, 21 September, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

PACIFIC CABLE CONFERENCE.

Senator STANFORTH SMITH asked the Minister representing the Minister of External Affairs, *upon notice*—

1. What action do the Government propose to take regarding the recommendations recently made by the Pacific Cable Conference?

2. Will the Government endeavour to obtain an alteration, as suggested by the Conference, in clause 25 of the unratified agreement of 8th June, 1903, between the Commonwealth and the Eastern Extension Company so that it will read—This agreement shall remain in force until the 31st day of October, 1913, and no longer?

3. Seeing that the Colony of Victoria, prior to Federation, refused to allow the Eastern Extension Telegraph Company to open offices in Victoria, and it was not indorsed by the Federal Parliament, do the Government intend to allow these offices to remain open?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1 and 2. Upon the completion of the communications now in progress in respect to the alteration referred to, and to other matters, the consideration of the agreement of 8th June, 1903, will be resumed.

3. The offices in question remain open pending the decision of Parliament upon the unratified agreement.

NEW WORKS AND BUILDINGS.

Senator DE LARGIE asked the Minister of Defence, *upon notice*—

1. The amount spent in each State on new works and buildings from the time the transferred Departments were taken over by the Commonwealth Government until June, 1904?

2. The amount each State should have paid if the charge had been made according to section 89 of the Constitution, which provides that new expenditure shall be *per capita*?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows :—

I will have the information laid upon the table of the Senate in the form of a return.

TARCOOLA TELEGRAPH LINE.

Senator GUTHRIE asked the Minister representing the Postmaster-General, *upon notice*—

Whether the construction of the Port Augusta-Tarcoola telegraph line was a charge against the State of South Australia or was Commonwealth expenditure?

Senator KEATING.—The answer to the honorable senator's question is as follows :—

The cost of construction of the line mentioned was treated as "transferred" expenditure, and charged wholly against the State of South Australia.

MILITARY BOARD.

Senator O'KEEFE asked the Minister of Defence, *upon notice*—

1. Has the Military Board issued confidential instructions to boards who examine candidates for promotion?

2. Has the Minister seen any such confidential instructions now in existence?

3. Do such instructions allow questions concerning private family affairs or the social status of relatives of the candidates for promotion?

4. Does the Minister agree with the issuing of such confidential instructions?

5. Will the Minister lay on the table a copy of any such instructions, if any are now in existence, for the information of the Senate?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1 and 2. No confidential instructions have been issued to boards "who examine candidates for promotion." Confidential instructions were issued on the 30th July, 1902, by Major-General Hutton, to the Special Military Boards appointed to report on candidates for appointment to commissions in the Permanent Forces. Further instructions were issued by Major-General Hutton, on the 22nd October, 1903. These instructions were considered by the Military Board of Administration, and amended instructions issued on the 4th of April last.

3 and 4. In the revised regulations, the confidential report by a Special Military Board has been omitted.

5. Copies of the instructions referred to in 1 and 2 may be seen by honorable senators.

I have a copy of the special reports which were issued on the occasion.

IMMIGRATION: HIGH COMMISSIONER.

Senator CROFT asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Will the Government lay upon the table all correspondence between General Booth and the Prime Minister *re* offer to send to the Commonwealth 5,000 families?

2. Will the Minister make a statement informing the Senate what verbal offers were made by General Booth, or terms discussed, at an interview which he held with the Prime Minister during his recent trip to Australia?

Senator PLAYFORD.—The answers to the honorable senators questions are as follow:—

1. There is no correspondence beyond the cablegram already published.

2. The interview between General Booth and the late Prime Minister is noticed in the papers of the 17th June last, and his interview with the present Prime Minister is described in those of the 16th inst.

Senator Lt.-Col. GOULD.—Are the reports correct?

Senator PLAYFORD.—This answer has been furnished to me by the Prime Minister. I should imagine that the reports are correct, otherwise he would have called my attention to the fact that there was a mistake.

Senator O'KEEFE asked the Minister representing the Minister of External Affairs, *upon notice*—

Whether, in view of the probable early appointment of a High Commissioner to represent Australia in London, the Government is not of opinion that any scheme for immigration should remain in abeyance until such official is appointed, so that he could take part in the selection or recommendation of any intending immigration?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The appointment of a High Commissioner is regarded by the Government as an important factor in the encouragement of immigration, and Parliament will be invited to consider it in that relation.

TOBACCO MONOPOLY.

Motion (by Senator PEARCE) agreed to—

That the Select Committee appointed to inquire into the question of the tobacco industry, and the alleged monopoly in connexion therewith, have leave to adjourn from place to place.

PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Regulations under the Beer Excise Act 1901—Statutory Rules, 1905, No. 55.

STATES RAILWAYS.

Senator STYLES (Victoria).—I move—

That, in the opinion of the Senate, the State-owned railways of Australia should be transferred to the Commonwealth with as little delay as possible.

I need hardly point out that party politics have no bearing on this matter at all. It is the initial step towards making one of the greatest, if not the greatest, deal ever made south of the equator. It is quite true that it may be some years before it comes about, but it is simply inevitable. The State-owned railways of Australia, in which term, of course, I include Tasmania, are about 13,500 miles long, and cost £132,000,000. I mention that fact in passing in order to make it clear that it is a gigantic transaction which I am about to advocate. Prior to Federation, there was a good deal of talk upon this very subject. I, in common with a great many others, believed that the federation of the railways would follow closely upon the federation of the States. Nearly five years have elapsed since that event, but no step has been taken in that direction by any one of the five Governments of the Commonwealth, and it now rests with a private member of its Parliament to initiate the discussion on this great subject.

Senator PLAYFORD.—We cannot take over the railways without the consent of the States.

Senator STYLES.—I shall come to that point directly. The only reference made in any speech delivered by the Governor-General during the last five years was made in the speech delivered on the 2nd March, last year, when His Excellency said:—

Speedier and cheaper transportation to the large centres of population of meat, butter, and fruit, under improved conditions, is much to be desired.

What was the meaning of that statement put into the mouth of His Excellency? Was it intended as a sort of kite, to test public feeling, because, without having the railways transferred to the Commonwealth, this Parliament had no power to intervene, unless it ran a line of motor buses or motor cars? Or was it intended as a truism that speedier and cheaper transportation is much to be desired?

Senator MILLEN.—Surely the honorable senator does not expect us to explain the Governor-General's speech?

Senator STYLES.—No; I am only drawing attention to the passage.

Senator PLAYFORD.—That is a platitude.

Senator STYLES.—I think the honorable senator is right.

Senator MILLEN.—And the Minister ought to know.

Senator STYLES.—I was about to say that Senator Playford was a member of the Government which framed the speech, and therefore he ought to know what was meant. He interjected just now, in that whispering voice of his which can be heard all over the chamber, that we could not take over the railways without the consent of the States. We all knew that; but, in order that every one who reads *Hansard* outside the Parliament—and I do not suppose many do—can see that we have the power to act, I shall read article 33 of section 51:—

The acquisition, with the consent of a State, of any railways of the State, on terms arranged between the Commonwealth and the State.

That is perfectly fair and right. That is all that was proposed by either of the Federal Conventions, and it is not quite clear to me that they could have gone much further, notwithstanding the criticisms which have been levelled against their members by the press from time to time. I do not see how they could have discussed all the details of such a transaction in an assemblage of the kind. This great subject seems to divide itself into four parts—first, whether we have the power to act; secondly, will the transfer benefit the people of Australia; thirdly, in making the transfer what terms will be fair and just to the Commonwealth and the States alike; and, fourthly, if the existing railways are transferred to the Commonwealth, who should construct future lines. I propose to point out a few of what appear to me to be the benefits which would arise from the transfer of the railways. Uniform methods would be introduced at once, that is to say, as speedily as they could be. In all matters relating to the traffic, locomotive, and maintenance branches, the practices are widely different in the States. The minimum number of highly-paid officers would then be employed. I am sure that honorable members will agree with me that, although the traffic might expand, and employ thousands of additional workmen, still we might not require any more highly-paid officers. I think that that is a view any practical man would take.

Senator MILLEN.—We were promised economy before Federation.

Senator STYLES.—I am not quite clear as to whether we have gained or not, but I do not intend to discuss that aspect of the matter. I am stating my view as to what I think should be done in reference to railways. The next point is that there would be a standardizing of the best type of engines and vehicles in Australia. The best types, selected not from one State, but from the various States, would be applied to the whole of our railways. There would also be uniform mileage rates under uniform conditions. The conditions themselves might vary, but under uniform conditions there would be uniform rates. That it not the case now. There ought to be no preferential rates as between States.

Senator PLAYFORD.—There are none now.

Senator STYLES.—Then an alteration has been made only recently, because I directed attention to that very point some time ago. Next, there would be no occasion for the appointment of an Inter-State Commission, in this connexion at all events. Generally speaking, the best points in railway management would be selected by the central board of management, or whatever other authority was appointed, and would be applied to all the States. Under present circumstances perhaps the managers of our railways look somewhat askance at improvements initiated in other States. Probably we should do the same ourselves if we occupied their positions. A man naturally seeks to magnify the service with which he is connected. Before I have done I shall be able to quote some strong authorities in favour of the course I am advocating. The Railways Commissioners of New South Wales, in a report issued as far back as 30th June, 1899, made reference to the value of Inter-State railway conferences. I am quoting this to show that railway federation is coming of its own accord. The Commissioners said:—

The desirable arrangement of holding annual intercolonial railway conferences for the interchange of ideas on railway matters was brought into active operation by a meeting of the Railways Commissioners of New South Wales, Victoria, South Australia, and Queensland at Sydney on the 14th September, 1898. The result of the first meeting has demonstrated their value, and the advantage of holding them regularly will, it is anticipated, be appreciable. These conferences have already done much to bring about uniformity of practice, and vexed questions have been readily disposed of, and as the railway interests of the colonies become more united, the great advantage to be derived from this intercourse will be fully realized. The conferences are preceded by

meetings of the principal officers, at which the details of approved subjects for discussion are thoroughly investigated, and subsequently dealt with at the Commissioners Conference.

That is an important passage.

Senator GRAY.—That course is generally followed in England and America.

Senator STYLES.—Amalgamation is the trend nowadays in all these matters.

Senator MILLEN.—That is consultation.

Senator STYLES. — What does that mean? It means nothing but federation of ideas amongst the leading railway officials of the country.

Senator Sir JOSIAH SYMON.—It means the sort of thing the honorable senator is trying to establish in the tobacco trade—monopolies and rings.

Senator STYLES.—If what I advocate is carried out it will be a monopoly belonging to all the people instead of to a few. That is the wide distinction between what I advocate and what the honorable and learned senator refers to. In order to show that the idea of these railway conferences has not died an untimely death, but that they are still held, I will quote from an Age report issued last year—

The Inter-State conference of railway officers was brought to a termination to-day. The general feeling expressed by the representatives was that excellent results had been arrived at, and a distinct step made in the direction of making uniform the practices in the engineering and traffic branches throughout the States.

What does that mean? It means railway federation, it seems to me.

Senator GRAY.—The conferences are held so that the States railways shall not cut freights one against the other.

Senator STYLES. — Of course, under what I am advocating, there would be a central authority, and therefore there would be no need for the railway officers of the States to go from place to place holding conferences. A conference of the kind was held in this very city only a month or so ago. I saw the traffic managers of New South Wales, Victoria, and South Australia in the gallery one evening at the time. Under the system which I advocate, all the best brains in Australia would be selected by the head managers, and applied to the working of the railways of the Commonwealth.

Senator MILLEN. — At the present time there have to be conferences even of officers within a State, and there would necessarily have to be conferences of all the superior

officers throughout the Commonwealth if the railways were federated.

Senator STYLES.—Not necessarily. One important reform to which effect has been given in New South Wales, and from which that State has derived considerable benefit, has been the easing of grades and the straightening of curves on railways. When we realize the benefits that have accrued from this reform we may wonder why it has not been pursued in other States. I shall be able to show why. It is not so easy as it looks, when a proposal of the kind has to be brought before a State Parliament, to secure the expenditure of a considerable sum of money for the purpose. To make clear the value of such alterations I will read an extract from a letter showing what has been done in New South Wales. The same could, of course, be done in Victoria. The letter says—

In regard to your inquiries, £181,000 was spent to effect an estimated saving of £100,000 per annum.

Consider that fact. By the expenditure of £181,000 it was possible to save £100,000 a year.

Altogether, up to the 31st October, 1899, £723,000 has been spent in this particular class of work, with most beneficial results. But the saving cannot be exactly put into figures, and some grade work gives better results than others. Our best goods engines draw 350 tons up one in forty and 700 tons up one in 100.

Senator GRAY.—Can the honorable senator show that Federation would reduce the cost of running our railways?

Senator STYLES.—The honorable senator is in a hurry. I am going to show that a little later. The letter which I have quoted was written to me by my respected friend, Mr. Fehon, in reply to a letter of mine at the beginning of 1900. At that time I had it in mind to collect such data as I thought would convince the Parliament of Victoria that it would be a good thing to spend one or two million pounds in easing grades and reducing curves. But, unfortunately, an election happened, and my constituents put me out of Parliament, so that I had no opportunity to proceed with the proposition.

Senator MILLEN. — I believe that that policy in New South Wales has returned on the investment at least 10 per cent.

Senator STYLES.—I think that is so, and I believe that money well spent in any other State in the same direction would secure similar results. It may appear to be a curious thing that I should maintain that

a State could not do this work as well as a Federation. My reason is this: It would be necessary to state the grounds for such a proposal to a House of Parliament so that it could be understood, and for that purpose to have the chief railway officers in the House, in order that they might enter into figures and explain technical details. The mere reading of reports, without having some one in authority to back them up, would have very little effect. If a Government brought down a proposal to spend, say, £1,000,000 in regrading and easing the curves of lines, they would at once be met with the criticism, "Oh, you want to spend a lot of money on railways that have already been built, but we have no railway communication at all at Dead Horse Flat and Never Never Gully. Why do you want to spend money on improving railways when we want new lines to bring our people nearer to civilization?" No matter if it could be shown by a practical man that this expenditure would return £100,000 a year, or 10 per cent. on an outlay of £1,000,000, I have very grave doubts indeed whether any Government in Victoria could carry such a proposal through Parliament. But the same objection would not apply if a Federation were dealing with the matter, because the same local influences would not be brought to bear.

Senator Lt.-Col. GOULD.—What the honorable senator says has not been the case in New South Wales, where the Houses of Parliament sanctioned such improvements.

Senator STYLES.—That is so; but under Commonwealth control the Commissioners might have pushed the improvements much further than they ventured to do under State control. I wish it to be distinctly understood that I am not in any degree reflecting upon the railway officers of Victoria. They thoroughly understand and are alive to the importance of grading. I happen to know, in fact, that they are well versed in these matters. But I am quite satisfied that the State Parliament would not look at such a proposal, though I am equally convinced that it would be a good thing for the country. There would be an outcry raised against it, and people would not understand the question. In fact, it would be surrounded by such a mass of technicalities that the average layman could not be expected to understand it. The diversity of gauges in Australia has been referred to. Of course, that has been a great drawback to

the working of the railways in this country. As honorable senators are aware, there are three gauges between Brisbane and Adelaide. In Queensland there is a 3 ft. 6 in. gauge; and in New South Wales a 4 ft. 8½ in. gauge, which is known as the standard gauge, and is adopted on 80 per cent. of the railways of the world. I may remark that that gauge was fixed by a working man, George Stephenson. Then in Victoria and South Australia we have a 5 ft. 3 in. gauge. Those differing gauges would be very awkward in time of war. It would be a wise thing from that point of view to have a uniform gauge throughout Australia. If troops had to be taken hurriedly from Adelaide to Brisbane, the horses and men would have to be transhipped twice before they reached their destination. It is quite true that the operation would not take very long, but what would be a great deal worse would be the difficulty of maintaining a regular train service under circumstances of excitement. But a still worse feature is that hundreds of vehicles, together with a large body of troops, might be unable to proceed further than Wallangarra, while the northern capital was in deadly peril. Supposing Sydney and Newcastle were both threatened at one time, the New South Wales Government would only have the engines and vehicles of that State to convey troops; and with the border in the north about 400 miles from Newcastle, and the border in the south about the same distance from Sydney, the chances are that the strain on the rolling-stock would cause a breakdown, or some other mishap. My object is now to show that in time of war it would be most desirable to have a uniform gauge. One of the strongest arguments used in favour of a uniform gauge throughout Great Britain was that it would facilitate the movements of troops and equipment from point to point in case of war.

Senator DE LARGIE.—Would not the substitution of a uniform gauge involve great expenditure?

Senator PLAYFORD.—It would involve an expenditure of millions of money.

Senator STYLES.—Experts some years ago estimated that it would cost £2,250,000 to convert the Victorian railways to the New South Wales gauge; but, strange as it may appear, it was estimated that to convert the New South Wales gauge

to that of Victoria would cost £4,500,000, or just double.

Senator DE LARGIE.—The money would build four battle-ships. That is what we were told in reference to the proposal to build a transcontinental railway.

Senator STYLES.—I have tried to explain that in time of war a uniform gauge would be of great advantage, and I should now like to show that it would be equally desirable in time of peace in the interests of the producers, the class whom we have first to consider. The obstacles to the quick movement of troops between Adelaide and Brisbane were not reckoned with when the railways in the eastern States were built. It was then thought that the railways would be useful for the purposes of defence, but each of the eastern States constructed its own lines, and did not ask assistance from any one; and, of course, those railways are not as efficient as they would be with a uniform gauge.

Senator DE LARGIE.—Let the eastern States institute a uniform gauge for themselves; it is not the business of the Commonwealth to do so.

Senator STYLES.—I do not hesitate to assert that with a uniform gauge in South Australia, where there are at present two gauges, 25 per cent. could be saved on the rolling-stock in that State alone, and 20 per cent. in three other States.

Senator PLAYFORD.—The only gauge on which a saving could be made in South Australia would be a 3ft. 6in. gauge.

Senator STYLES.—I shall not discuss that question.

Senator GRAY.—Could a uniform gauge not be brought about without the Federation of the railways?

Senator STYLES.—It could, but the fact is that the States will not bring it about. Each State has to maintain a large stock of vehicles and engines in order to deal with wool, grain, and other produce in a reasonable time; but after the rush is over a large quantity of this rolling-stock is put into sidings to await the next season.

Senator PLAYFORD.—That would be so if there were no break of gauge.

Senator STYLES.—I shall show that it would not be so. Wool and grain in South Australia are ready for conveyance to port about a month or five weeks sooner than is the case in Victoria.

Senator PLAYFORD.—That depends on the district in Victoria.

Senator STYLES.—I am now speaking generally.

Senator PLAYFORD.—In some parts of Victoria the wool and grain are ready sooner than is the case in South Australia.

Senator STYLES.—As I say, I am speaking generally. The wool clip in Queensland begins, I believe, in June and ends about July.

Senator MILLEN.—In parts of New South Wales the time is the same.

Senator STYLES.—That may be so, but, generally speaking, the further north we get the sooner we find the wool clip and the grain ready for conveyance to port. With a uniform gauge throughout the Commonwealth, vehicles and engines could be sent where they were most required to cope with the rush, just as occurs now within the borders of each State; and the time during which the produce of the mainland would have to be carried to port would, of course, be extended over a longer period than at the present time. Another point worth considering is that, with a uniform gauge and federated railways, the produce would in all cases go to the nearest port, which, generally speaking, is the best for the producer. There would be no difficulty about boundaries, and no question raised as to whether the produce ought to go by this or the other railway system, because the system would be one. Mr. Mathieson, late Railways Commissioner for Victoria, is regarded as an authority on railways; and those people who have a habit of slandering Australia might just bear in mind that when the greatest railway company in the United Kingdom, which has a paid-up capital of £182,000,000, required a manager, it did not select one in the United Kingdom but sent to Australia for the gentleman whom I have just mentioned. Mr. Mathieson now manages a railway system which cost £50,000,000 more than the whole of the railway systems in Australia put together.

Senator PLAYFORD.—Did Mr. Mathieson not first come to Australia from the old country?

Senator STYLES.—I understand that in the old country Mr. Mathieson had £900 per annum, but the experience he gained in Australia made him worth £4,500 a year to the company by which he is now employed. I am not mentioning this fact out of any disrespect to Mr. Mathieson, who is a personal friend of my own; but there is no doubt that owing to the valuable

training he received in Australia he is now worth £4,500 per annum, which is paid, not by a Government, but by a private company.

Senator GRAY.—Is the honorable senator sure that Mr. Mathieson now receives £4,500 a year?

Senator STYLES.—I cannot say for certain, but that is my information.

Senator MILLEN.—At any rate, Mr. Mathieson is now receiving a much larger salary than he did previously.

Senator STYLES.—I know that Mr. Mathieson received £3,500 per annum in Victoria, and I am told that he is now paid £1,000 more. Mr. Mathieson said:—

Were the Commonwealth to take over all the railways . . . the rates would then be on a uniform basis for the whole of the States. All the railways would be worked for the common good, and the geographical position of the ports would rule the traffic. . . . Railway rates should not, any more than other ordinary commercial charges, be dependent on merely political divisions.

Senator MILLEN.—When was that written?

Senator STYLES.—It is taken from a report furnished by Mr. Mathieson in 1897, at the request of some member or members of the Federal Convention; and what he said appears to me to be good common sense. This question of gauge is inseparably bound up, in my estimation, with the federalizing of the railways. Fifty-five years ago, before the first railways were begun in Australia, it was decided in Sydney—at that time Victoria, then known as Port Phillip, was part of New South Wales—that the railway gauge of Australia should be 5 feet 3 inches. Mr. Eddy, the late very able Chief Railway Commissioner of New South Wales, revived the question about sixteen years ago, when he made a suggestion that the break of gauge should be transferred from Albury to Melbourne. Mr. Eddy's proposal was that the 4ft. 8½in. gauge should be continued right on to Melbourne, and that all the branch lines in the north-eastern districts of Victoria should be converted to the same gauge. Mr. Eddy was kind enough to transfer the break of gauge, with all its inconveniences, from his own Colony, and to suggest that the consequent alterations should be in Victoria.

Senator MILLEN.—The honorable senator admits that a uniform gauge would be more economical.

Senator STYLES.—That is what I do not admit, unless the whole of the railway business is federalized; and Mr. Eddy's

proposal would have done away with one break of gauge and created half-a-dozen.

Senator Lt.-Col. GOULD.—Mr. Eddy's proposal was that all the railways should have a gauge of 4ft. 8½in., and that the whole of the Colonies should jointly bear the expense.

Senator STYLES.—I am not going into that question. I am merely pointing out now that Mr. Eddy, one of our foremost railway men, advocated this extension of a uniform gauge as a first step to the unification of gauges in Australia. I regard it as rather cool, however, that he should have made the proposal he did, seeing that he represented the State which broke the agreement made at its own suggestion in 1850—that was the agreement as to gauge between New South Wales, Victoria, and South Australia.

Senator MILLEN.—Come down to recent times.

Senator STYLES.—I know that Senator Millen was not very old at the time.

Senator Lt.-Col. GOULD.—I think that one railway had been built at that time by a private company.

Senator STYLES.—No; not at that time. Honorable senators need not think that I have the slightest feeling in this matter, because my only desire is to have the question discussed in the press and on the platform—discussed both in and out of Parliament. If the proposal is found to be hostile to the best interests of Australia, we need not go any further, but if it can be demonstrated to be for the benefit of the people, let us have the railways federated with a view to the adoption of a uniform gauge. I shall now quote from Mr. Coghlan, the free-trade statistician of New South Wales.

Senator GRAY.—Is Mr. Coghlan a free-trader?

Senator STYLES.—I think so.

Senator GRAY.—I do not believe that the people of New South Wales think so.

Senator STYLES.—Mr. Coghlan, in my opinion, is no better or worse for being a free-trader. At any rate, that gentleman says:—

In 1850 the Sydney Railroad and Tramway Company decided to adopt the 5ft. 3in. gauge, and in 1852 an Act was passed, which provided that all the railways in the State should be laid down to that gauge. But in 1853—

I may say that the engineer had then been changed—

the company mentioned . . . altered their views on the gauge question, and applied to have the 4ft. 8½in. gauge substituted for the 5ft. 3in.

gauge, succeeded in repealing the Act, and in passing another, which made the narrower gauge imperative. This step was taken without the concurrence of the other States, and feeling ran very high in Victoria in consequence, as two of the railway companies in that State had already given large orders for rolling-stock on the 5ft. 3in. gauge.

I shall not go into these old matters further than to show that we in Victoria are quite aware who caused the break of gauge. I am not saying that on that account New South Wales should contribute any more than a fair proportion. I should like it to be understood that because they happen to have railways on the 4ft. 8½in. gauge, the standard gauge of the world, they are not to receive any special advantage from that.

Senator Lt.-Col. GOULD.—I cannot see the application of this ancient history to the motion.

Senator STYLES.—I desire to point out that New South Wales is to blame for the break of gauge.

Senator Lt.-Col. GOULD.—We know that New South Wales is very wicked.

Senator STYLES.—The honorable senator is an excellent authority on the subject, and I have no doubt that he is correct.

Senator MILLEN.—Is it not on the honorable senator's own showing, evident that the real position is that New South Wales recognised what was best sooner than did Victoria?

Senator STYLES.—I do not think that was the point at the time. I am not sure now that the 4ft. 8½in. gauge, though it is the standard gauge of the world, is the best gauge to adopt. I admit that it answers very well, and that it is a little cheaper than the 5ft. 3in. gauge. It has been my desire to point out that New South Wales agreed upon a 5ft. 3in. gauge by an Act passed by the Legislative Council of that State, and subsequently that Act was repealed without notice to other States interested. It is only right that I should point this out, so that when it is said that we want so much in Victoria, we may reply that we do not want anything on this ground. I admit that this is ancient history. In 1891, our President, Sir Richard Baker, foresaw that it would be a good thing to have our railways on a uniform gauge, and he moved in the Convention, held in that year, that the Constitution should contain authority for—

the altering of the gauge of any line of railway, and the establishing a uniform gauge in any State or States.

It is fourteen years ago since the honorable and learned senator moved in that matter, and it is to be regretted that more notice was not then taken of the question, because about 2,600 miles of railways have since been laid on various gauges, and they will eventually have to be altered.

Senator Lt.-Col. GOULD.—On the 3ft. 6in. gauge?

Senator STYLES.—Yes, and on the 5ft. 3in. gauge also. If the motion moved in the Convention by our President had been carried, instead of being rejected, railway managers might have been induced to give more attention to the question. However, they did not take any action in the matter until seven or eight years later, when they met to discuss the question.

Senator GRAY.—Perhaps it was a matter of funds?

Senator STYLES.—Whether they had the funds or not, they might have taken certain steps in the matter. It was not merely a question of funds, as I will be able to show that they could have taken steps in the direction of the unification of the gauges without spending any money at all. I now propose to refer to the first Prime Minister of the Commonwealth, Sir Edmund Barton. He made a reference to this question, and I dissent entirely from the policy which he enunciated.

Senator Lt.-Col. GOULD.—Was the Act to which the honorable senator alluded as passed in New South Wales in 1853, an Act to assist a private company, or was it a public Act?

Senator STYLES.—Both the Acts to which I have referred were public Acts passed by the Legislative Council of New South Wales, the first enacting that all railways should be built on the 5ft. 3in. gauge, and the second enacting that they should be built on the 4 ft. 8½ in. gauge.

Senator Lt.-Col. GOULD.—The honorable senator will recollect that the first railway in New South Wales was started by a private company, and was taken over by the Government in 1853.

Senator STYLES.—I understand that that was so. Sir Edmund Barton, on the subject of federalizing the railways, said in his Maitland speech—

Ministers hoped that it would not be long before between the great capitals of Brisbane, Sydney, Melbourne, and Adelaide, at least, the railway gauge may be made uniform.

Presumably the gauge in the honorable gentleman's mind was the 4 ft. 8½ in. gauge, and what he proposed would

involve the substitution of the 4 ft. 8½ in. gauge for the 3 ft. 6 in. gauge in Queensland, and the 5 ft. 3 in. gauge in Victoria and South Australia.

Senator GRAY.—Why should we propose a unification of gauges when the States will not do the work, although the honorable senator contends that it would be such an advantage to them?

Senator STYLES.—The States will not do it, and I reply, as I did in connexion with the gradients, that, in my opinion, if in the States now it were proposed to spend £2,500,000 in converting the 5 ft. 3 in. gauge in Victoria and South Australia to the 4 ft. 8½ in. gauge, there would be an outcry against the proposal, because the people would want the money spent on new lines. That outcry, raised by a section of the people in the Commonwealth, would not have the same influence and weight with this Parliament that it would have with a State Parliament.

Senator GRAY.—But the States Parliaments would still have control of the railways.

Senator STYLES.—Not if they were transferred to the Commonwealth, as I propose. If that were done there would be less substantial opposition to a proposal for a unification of the gauges than if any attempt were made to bring that about by the States themselves. The people of the States wish to have new railways everywhere, and all sorts of things are promised if it is understood that they will get a railway.

Senator MILLEN.—I am afraid that the honorable gentleman has "been there."

Senator STYLES.—I have. I think that in the States and in this Senate, which is the States House, no such scheme as that enunciated by Sir Edmund Barton would be supported. The Senate represents the States, and we would see, if the States Governments did not—though I have no doubt they also would see it—that what Sir Edmund Barton proposed was to take over from them their main trunk lines, which in nearly every case are their best paying lines—the king-posts, so to speak, of their railway systems. In order that produce from the interior of any of the States may reach the seaboard, generally speaking, it has to be taken some distance along one of the inter-State lines, and it is not at all likely that the States would hand over those lines to the

Commonwealth, and retain for themselves the lines which do not pay so well, and which in a great many cases do not pay at all. Even if there were no practical and technical difficulties in the way, it is not at all likely that any State would hand over its best-paying lines to the Commonwealth. We know perfectly well that if we had our inter-State lines on a 4 ft. 8½ in. gauge at the present time, we should require to have a seventh Railway Department in Australia, where we already have six such Departments. There would be a Department required simply to manage and work the inter-State lines. That is ridiculous on the face of it. For the railway between here and Albury and between Albury and Sydney we should have to have two sets of offices, and two sets of running sheds. If the cross-country lines were built on the 5 ft. 3 in. gauge two sets of running sheds, repairing shops, and so on, would be required. Having said this, I shall show that some of the Engineers-in-Chief of our railways support the policy enunciated by Sir Edmund Barton. The members of the Engineers' Board who reported on the Kalgoorlie to Port Augusta line, were very strong in support of that policy. In their report they say—

We are of opinion that the standardizing of the existing main lines cannot be long delayed. . . . The overwhelming importance, from a national point of view, of having a uniform gauge for Australian through lines should be fully recognised when considering the proposed undertaking, and any action which is likely to jeopardize this result should be strenuously opposed.

That is the opinion given not more than two years ago by a board composed of the Engineers-in-Chief of the railway systems of Australia. It will be seen that they entirely support Sir Edmund Barton's proposal, and I have no hesitation in dissenting absolutely from their opinion. A sweeping condemnation of any such suggestion has been made, not by a builder or designer of railways, but by Mr. Mathieson, who was a manager and worker of railways. In 1897 Mr. Mathieson, in dealing with this question, said—

The possession by the Commonwealth of a part of the railways of an individual State might be found to create difficulties which do not exist at present, as, for instance, were the Commonwealth to agree to take over our main trunk lines only, and work them, an alteration of the present gauge might be decided upon, and this would so disorganize the local traffic as to create great public inconvenience. I would, therefore, urge that, so far as the Victorian railways are concerned, there

should not be any breaking up of the system which would involve this, and that the condition should be absolute that either the whole system, or no portion thereof, should be handed over by this State.

That, in my opinion, is sound common sense, and it applies with equal force to every State in the Commonwealth. I can find another authority supporting the view stated by Mr. Mathieson—no less an authority than the Railways Commissioners of New South Wales. In a report made six years ago they say:—

It is satisfactory to note that Victoria and South Australia reported, at the last intercolonial conference, that all new structures and appliances were being designed, where practicable, with a due regard to the future adoption of the 4ft. 8½ in. gauge, being that of New South Wales.

When I was referring a little time ago to the fact that steps might be taken in the direction of a unification of gauge, I said that this might be done without spending any money. As a matter of fact, it has been going on for some years. Victorian rolling-stock has been constructed so that it might be converted with very little additional expense in such a way that it might be used on a 4 ft. 8½ in. gauge line. The Railways Commissioners of New South Wales go on to say:—

The only question now remaining to be determined is as to how the question of cost is to be apportioned, which is one for the respective Governments to deal with.

Senator PLAYFORD. — The honorable senator has just said that no additional cost would be involved.

Senator STYLES.—Senator Playford must have misunderstood me. I have said that the cost would be about £2,500,000. But I have also said that we can begin preparations for the unification of the gauges, and are doing so without any additional cost. We are making rolling-stock now with the idea of a uniform gauge in view. Since this proposal was enunciated in New South Wales, rolling-stock has been made in Victoria and in South Australia to the value of hundreds of thousands of pounds, which is suitable for conversion at a moment's notice to use on a 4ft. 8½ in. gauge line.

Senator PLAYFORD.—I do not know how it could be done; the wheels would have to be taken off.

Senator STYLES.—I have just spoken of the New South Wales Commissioners as saying that it is satisfactory to note that Victoria and South Australia reported at

the last intercolonial conference that all new structures and appliances were being designed where practicable with a due regard to the future adoption of the 4ft. 8½ in. gauge.

Senator PLAYFORD.—That refers merely to railway stations, and not to rolling-stock.

Senator STYLES. — I can assure the honorable senator that something is being done in this connexion with rolling-stock, though not with locomotives. In these two cases Mr. Mathieson and the Railways Commissioners for New South Wales are managers and workers of railways open for traffic, while the gentlemen who reported on the construction or otherwise of the Western Australian railway were not managers or workers of railways open for traffic, but merely designers of railway works. Therefore, I prefer to take the opinion of the New South Wales Commissioners, supporting Mr. Mathieson, rather than that of those who perhaps have never had anything to do with the working of traffic. They say, "Take the whole of the railways or none." It appears to me that any divided control would be a mistake. The whole of the railways or none should be transferred to the Commonwealth, and the condition precedent to the undertaking of any construction, to the unification of the gauges, or to the working of even one line, should be the federalizing of all State railways.

Senator GRAY.—Would the honorable senator withdraw from the States all connexion with their railways?

Senator STYLES.—Yes.

Senator PLAYFORD.—The trouble is that they will not surrender their lines.

Senator STYLES.—Of course, we know that the States have the right to say no. I am only assuming that they are anxious and willing, like this Parliament, to do the best for the people of Australia. If it can be shown that it is the best thing to do, I do not know why the States Parliaments should not consent. But, of course, if that cannot be shown, we cannot expect them to give their consent. I desire to make a few references to the financial aspect of the question. An attractive picture is painted by some amateur financial authorities. They say, "The railways cost £132,000,000; the interest on the capital is 3½ per cent.; go and buy up the debentures with the proceeds of Commonwealth debentures, bearing 3½ per cent. interest,

and save $\frac{1}{2}$ per cent. every year." That is easily talked about, but I do not know that it is very easily done, without the concurrence of the money-lender at home. I am not quite sure that he would agree under any circumstances, unless he was to come out on top. If any Australian financier entertains the idea of making a bargain of that kind, and coming out on top, the sooner he weans himself off the idea the better for his reputation as a financier, and for the pockets of the people of Australia, for I am quite sure that he would fail to realize his expectations. The railways have cost £132,000,000. Within the next twenty-one years that sum will have to be repaid. Of course, if the money-lender will lend us his money at $\frac{1}{2}$ per cent. cheaper, then, by the year 1926, but not before that year, we shall be saving £660,000 per annum. If the money-lender says, "I shall lend you the money at a much lower rate, because it will be secured upon the credit of six States, whereas if it were lent to one State there would be only that State to fall back upon," well and good.

Senator GRAY.—Does the honorable member suppose that New South Wales would part with her railways at a $3\frac{1}{2}$ per cent. valuation, as against perhaps a 6 per cent. valuation, for which they could be sold under ordinary circumstances in the London market?

Senator STYLES.—No. I do not think that any State would part with her railways unless she was well paid for them. I am trying to show that it would be a good thing for the people of Australia if it were done, but of course if that cannot be shown it will not be done.

Senator GRAY.—The honorable senator is basing his figures on the assumption of purchase at a $3\frac{1}{2}$ per cent. valuation.

Senator STYLES.—I have hardly come to that point yet. In 1844, when railways were in their infancy, the British Parliament passed an Act, in which it was provided that if a company were to be bought out, it should receive an amount equal to twenty-five years' purchase, to be calculated on the average of the annual divisible profits for the preceding three years, and if either party did not agree, it could resort to arbitration. A similar principle was adopted about twenty-five years ago by the Victorian Government, when it was buying out the railways from the Hobson's Bay Company; but a twenty

years' purchase was adopted, to be calculated on the average annual profit for the preceding three years. That method might be admissible in a case where the railway extension had reached its limits, or could be foreseen, as in the suburban radius here or in the old country, but it would not apply to the railway systems in Australia. Another method of dealing with the question may be described in this way—"We will take $3\frac{1}{2}$ per cent. and capitalize it, and see what amount we should have to give for the railways in Australia." If we did that, we should be very far out on the last three years' divisible profits; that is to say, the amount left after working expenses had been paid. Under that method, the value of the railways would be only £75,200,000 as against their cost of £132,000,000.

Senator Sir JOSIAH SYMON.—How does the honorable senator account for that?

Senator STYLES.—Because the railways did not earn the money in that period. Any such method as that could not be recognised. Another method would be to have the lines valued by a board of experts. But that would be very cumbersome, tedious, and costly, causing a never-ending succession of disputes. I doubt whether we should ever reach finality in any such way, and I am quite certain that there is no one system of valuing which could be adopted. I cannot imagine any one plan which would apply to all the railway systems at the one time, owing to the movements of population through the seasons, and even through railway extension. Do we not know that at any moment, in a partially developed country like this, rich mineral deposits may be discovered, as was the case in Western Australia, or that land previously believed to be valueless or nearly so, as in the case of the Mallee, in Victoria, might be found to be very fertile? I recollect the time when it was said that the Darling Downs country in Queensland, would not grow anything but grass and sheep, but now for miles and miles we can see farms in every direction. Such local changes might convert a non-paying railway system into a good business concern in a very short time. No method that I can conceive of would be equally fair to all the States alike. So far as I am able to judge, the only method of valuing the railways would be to take them at cost price in all cases.

Senator DOBSON.—New South Wales would never sell at that rate.

Senator PLAYFORD.—South Australia would not sell at that price.

Senator STYLES.—I mean the cost price, as shown in the annual reports. Perhaps South Australia has a surplus, but with a bad season or two down will go the value of her railway assets at once. Let me show how awkward it would be to try to apply one plan. Suppose we said, "We will give you $3\frac{1}{2}$ per cent. and capitalize that, South Australia would receive £86,000 less than the cost of her lines; Victoria would receive £1,000,000 less than the cost of her lines; Tasmania would receive £2,100,000 less than the cost of her lines; New South Wales would receive £5,000,000 less than the cost of her lines; Queensland would get £9,100,000 less than the cost of her lines; while Western Australia would get £1,100,000 more than the cost of her lines. Even if the States parted with their lines at cost price, they would not have very much cause to complain, because the values of private and public lands have been enhanced by the construction of railways to the extent of some hundreds of millions; that is their profit. Mr. Mathieson again went into the question. He said—

He was strongly of opinion that in the event of the Commonwealth taking over the railways, it should be at an amount not less than their capital cost.

I think that those who go into this question will agree with me that there is no way of dealing with the values. Apparently, some years ago the New South Wales railways were worth a great deal more than they are now. Last year they had a deficit of over £300,000, but at one time they had a surplus. At one time Victoria had a deficit of half a million, but for the last two years, according to the annual reports, the accounts have balanced. There is another question to which I would direct attention, and that is: Who would construct railways in the future if the Commonwealth took over the existing lines? That is a very important question—one to which I heard a senator refer to-day. Of course, we know that we have power to accept the State-owned railways. A body which is working railways can construct lines at a cheaper rate than a body or corporation which has no railways at its command. The money could, I think, be got a little more cheaply by the Commonwealth than by a State. There would be no Customs duties to pay.

Senator FRASER.—The credit of the Commonwealth is not as good as that of a State.

Senator TRENWITH.—For one thing, the Commonwealth has not tried to borrow. The credit of Canada is 1 per cent. better than the credit of a province.

Senator FRASER.—The honorable senator is speaking of another country now.

Senator STYLES.—In regard to the matter of constructing railways, one important fact has to be borne in mind, if the Federal Government owned the railways of Australia. We know perfectly well that if the States were left to undertake new construction, unrestricted in any way, there would in some cases be a serious loss upon them, though sometimes a State might find it to be advantageous to build a new line that it knew would not pay from the commencement. But the Commonwealth could not, in justice to the other States, take over such a line.

Senator TRENWITH.—Is that not a strong argument against federalizing railways which have been constructed for developmental purposes?

Senator STYLES.—My honorable friend is a little bit premature. I shall meet that point. The Commonwealth Government could not take over railways built by States for developmental purposes, except on special terms, because it is evident that, as the result of such construction, the people of a particular State would receive advantages in the form of enhanced value of property, public and private, whilst the other States would receive no advantage of the kind, and would have to pay the lion's share of the inevitable deficit. But it might be fairly argued by a member of a State Parliament, "Who is better able to judge whether a particular country railway should be constructed than the members of the Parliament of the State concerned?"

Senator FRASER.—That is another argument against the honorable senator's view.

Senator STYLES.—And I am going to answer it. We in the Federal Parliament should no doubt say that the railways which we took over should be commercial lines; that is to say, that they should pay interest and working expenses. If the Federal Parliament decided to build a line it would be one from which a return would be expected almost from the commencement. This is, I admit, one of the most difficult aspects of the matter. But it appears to me that something of this kind might be done. To begin with, the Commonwealth Parliament, if it owned all the railways of the Commonwealth, would have the right

to construct any line on its own initiative. But if a State Parliament said, "We want a line run to the Magpie and Stump, in the bush," the Commonwealth Parliament would say, "We cannot do that unless you transfer to the Commonwealth the whole of the land through which the line will pass." The State then would have to acquire the land and transfer it to the Commonwealth. In the next place, the Federal Parliament would have to be allowed to levy special rates upon the line if it so desired. That is the policy which has been pursued under the Railway Lands Acquisition Act in Victoria.

Senator GRAY.—Under the honorable senator's system, Western Australian members would have the right to say whether any railway should be built which the Government of New South Wales considered was essential to the development of that State.

Senator STYLES.—Only the State Parliament should have the right to say whether a developmental line should be built. But the State Parliament would have to guarantee the Federal Government against any loss in the same way as a State Government guarantees the money-lender in London. Under the Victorian Act which I have mentioned, when an urban railway is constructed, if there is any doubt in the minds of the officers as to whether it will pay, the municipal councils through whose territory the line will run have to give a guarantee to the Government of 4 per cent. per annum for twenty years upon the money expended on land and compensation for severance. In the case of the Collingwood line, in Victoria, the guarantee came to £70,000 or £80,000. The Collingwood and other councils interested guaranteed 4 per cent. upon that sum for twenty years. In the case of Victorian country lines, all the land has to be handed over free of cost to the Government.

Senator GUTHRIE. — Has Collingwood paid its share of the loss on the line?

Senator STYLES. — I cannot say. I know that Collingwood tried to get out of it, as is always the case. But we should be in a different position from a State Parliament when it is dealing with a local council. I think it would be sufficient if a State were to guarantee us $3\frac{1}{4}$ per cent. of the $3\frac{3}{4}$ per cent., which is the average rate at which railway loans throughout Australia have been floated. The State would be amply repaid by the enhanced value of pri-

vate and public land, and by the increased production that would follow from the construction of the railway. It would be just as free to order the building of any new lines, as it is now, by simply guaranteeing the Commonwealth, instead of the British capitalist, a return for the outlay. The trend nowadays throughout the civilized world is in the direction of amalgamation. The London County Council, with its extended powers, is an example of that in England. In Victoria there is a Greater Melbourne scheme. In our President's State they are talking of a Greater Adelaide. The railway and tramway employes of Australia have amalgamated. In Great Britain railway companies have amalgamated. Small companies are being absorbed by large ones. I want to see the same process take place in Australia. A well-known writer said recently—

The tendency of British development has been for the lines to be constructed by small companies of local promoters, and subsequently amalgamated into larger systems. The Great Western Railway Company, for example, has built up its great system by swallowing up nearly 200 lesser companies.

I think that is a sufficient reply to those who object to having one central authority, especially in matters of this kind. Here are people who are dealing with their own money, and large undertakings have swallowed up small ones—

The bulk of the railway systems of the United Kingdom are now concentrated in the hands of a comparatively few companies.

The company of which Mr. Mathieson, the late Railways Commissioner of Victoria, is manager, in England, actually has a paid-up capital of £182,000,000, which is £50,000,000 more than the whole of the railways of Australia have cost. President Roosevelt, the head of the great republic of the west, whom I regard as one of the ablest men of the day, recently made a speech at a dinner of the Chamber of Commerce at Denver, where he advocated giving the national Government, and not the States Governments, increased powers of supervision over and regulation of railway and other large corporations.

Senator PLAYFORD.—That is only regulation, not amalgamation.

Senator STYLES.—It is to be remembered that the railways in America are privately owned. President Roosevelt could hardly advocate the amalgamation of them. But the next best thing is the vesting of railways in a central authority, instead of

placing them under the control of States. That is what I am contending for. My object is to focus control. By way of conclusion, I am going to outline what I conceive to be a true railway policy for Australia. I want to show what would follow from the federalizing of the railways. I have prepared a map to illustrate my argument.

Senator CROFT.—I notice that the honorable senator has the transcontinental railway marked on his map.

Senator STYLES.—I have it marked in red, which, to a railway man, means danger. But the real transcontinental railway, from Adelaide to Port Darwin, I have marked in blue, which means caution. In the first place, it appears to me that, if the railways are federated, the Northern Territory should be handed over to the Commonwealth Government at once, so that we, in the Federal Parliament, can control the people employed there. No doubt we shall be able to make good use of the Territory. Poor little South Australia, that I admire so much, is not able to spend money in development. The Commonwealth might. My suggestion is, in the first instance, that there should be a transcontinental line running from Adelaide to Port Darwin. There is a great deal to be said in favour of that proposition. I observe that that is about the only thing that I have said this afternoon which meets with the approbation of the Minister of Defence. He says "Hear, hear" vigorously, because the line would run through his State. He now thinks that I am a very sensible man, and know what I am talking about. Let me point out the difference between the time that it would take correspondence to reach Great Britain by the route which I advocate as compared with the present route. By means of a line of steamers running from Port Darwin to Port Arthur, and touching at various ports *en route*, the whole of the eastern side of Asia would be tapped. We should be able to open up communication and develop new markets that would be enormously beneficial to Australia. Of course, this cannot be done in a day. A letter could easily be brought from London to Port Darwin in twenty days. I have set down twenty and a half days in my calculation. By means of this railway, which I have shown on the map, such a letter could be brought down to Adelaide, and it would reach there in twenty-five days after it left London. At present the time is thirty-one days, so

that there would be a gain of six days. I do not want to go into details unless honorable senators desire me to do so. From London to Perth at present occupies twenty-seven days, or about the same time that would be occupied, under the suggested scheme, in taking the Western Australian letters to Port Augusta and sending them over by the transcontinental line. To Melbourne the gain would be almost exactly the same as in the case of Adelaide. Then as to Sydney, I suggest the construction of a line of 500 miles to connect Cobar with the transcontinental line at Beltana, and this would afford a saving in time of seven days fourteen hours. The Queensland mails would be conveyed by way of the Charleville line, and would reach Brisbane in eight and a half days' less time than at present.

Senator MULCAHY.—That saving would be made by constructing 750 miles of railway?

Senator STYLES.—Yes. I do not put these reasons forward as all that could be adduced in favour of the construction of these lines, but, at any rate, the matter is one which it is worth while to think over. The advantages which the land in that part of Australia offers, might afford some justification for the construction of the lines, and I do not see why the other States should not hand over territory to the Commonwealth if the railways were built. The whole 3,500 miles of railway would cost, roughly, £20,000,000. We are accustomed to be very saving in these days, and when we talk about the expenditure of a few millions, we are apt to hold up our hands in horror. I can recollect the time, however, when £20,000,000 for the construction of railways was spent in twelve and a half years in Victoria, where there were only 1,000,000 people to pay the interest.

Senator CROFT.—I thought the honorable senator said that it would cost £10,000,000 to build the transcontinental railway to Western Australia.

Senator STYLES.—I think Senator Croft is making a mistake.

Senator CROFT.—Sometimes the honorable senator said that that line would cost £5,000,000, at other times he said it would cost £7,000,000, and once that it would cost £10,000,000.

Senator STYLES.—The honorable senator must have then had me "on a string." Then, strange to say, the gap in the transcontinental line appears to be of exactly

the same length as the proposed line to Western Australia, and as the map was prepared under the direction of the late C. Y. O'Connor, of Western Australia, I take it to be correct. I submit this rough, and perhaps crude, scheme, as showing in outline what may happen in future years if the railways are federalized. An expenditure of £20,000,000 is not such a great amount for 3,500 miles of railway, if we take into account the large areas of land that would be transferred to the Commonwealth for the purposes of settlement. The day must come when railways will move in the direction shown on the map; and all I desire to do now is to make out as good a case as possible for the federalizing of the railways. When the inevitable negotiations begin between the States and the Federal Parliament, they may be conducted much more smoothly if the central fact be borne in mind that the railways all belong to the people.

Senator FRASER.—That is a splendid-sounding phrase.

Senator STYLES. — This is about the only time I have ever received any support or encouragement from my honorable colleague. The main question is whether it is best in the interests of the people that the railways of Australia should be managed by the officers of six different departments controlled by six Parliaments, or whether they should be controlled by one Railway Department subject to the people's servants in the Federal Parliament. Like other railway contractors, I am afraid that there is not much sentiment about me; and my only desire now is to ascertain what there is to be said against my proposal, so that I may have an opportunity, which I hope to have before the end of the session, to reply to objections. I know that in some quarters one objection raised will be that under Federal management the railways will cost a great deal more than at present. It is true, that Federation has in some instances not reached the ideal which was pictured; but that happens in every walk of life when great changes are made. At any rate, it is rather premature for us to cry "stinking fish"—too early for us to say that the Commonwealth Parliament cannot do what is done by the States Parliaments—and, in my opinion, we could carry out this work much better than do the States Parliaments. The Commonwealth Parliament, like the States Parlia-

ments, has made mistakes; but that is because we are all human.

Senator PLAYFORD.—The States Parliaments have got possession, and that is nine points of the law.

Senator STYLES.—I do not regard members of the States Parliaments in the same light that the Minister of Defence apparently does. In my opinion there are amongst the members of the States Parliaments many who, if they believed that the federalizing of the railways would benefit the people as a whole, would consent to that step being taken to-morrow. The inference from the interjection of the Minister of Defence is that the States Parliaments, who are in possession, would object to transfer the railways.

Senator MULCAHY.—The States Parliaments have possession and responsibilities.

Senator STYLES.—That is so; but I believe that the bulk of the members of the States Parliaments, if a good case were made out, showing that the people would benefit, would consent to the transfer of the railways to the Commonwealth.

Senator GRAY (New South Wales).—I agree with Senator Styles that this is a most important proposal. Before Federation was established, there were many who considered that the transfer of the railways to the central authority would be of advantage to the Commonwealth as a whole; and if Senator Styles had proved that to be the case, I am sure that we should have approved of the motion. But would the federalizing of the railways be to the benefit of the people? When Australia was divided into Colonies by the British Executive, it was done with the idea that a continent so large as this could be better developed by separate authorities than by one Government.

Senator TRENWITH.—That was before there were any railways.

Senator GRAY.—Quite so; I am now speaking only of the principle on which the British Government acted. I think that the division into Colonies was a very wise proceeding, recognising, as it did, the fact that each part of Australia has varying conditions, climatic and otherwise, which could be best taken advantage of by people within a limited area. When we consider what the federalizing of the railways would mean, directly and indirectly, to the States who own them, we can see the wisdom of leaving these matters to the local powers. I

shall speak of New South Wales only, because I am best acquainted with that State, though my remarks, I have no doubt, will be applicable to each and all of the States. We recognise that railways are necessary to the proper development of the States, and that the local conditions vary. Tasmania, for instance, produces minerals and fruit.

Senator DAWSON.—Tasmania is not connected by rail with the rest of the Commonwealth.

Senator GRAY.—The proposal is that the railways shall be taken over by the Commonwealth, and I am assuming that the State Parliament of Tasmania knows better what is to the advantage of the population of that State than does the Federal Parliament. At any rate, in New South Wales I am sure that that is the position. In New South Wales the interests of the mineral, pastoral, agricultural, and manufacturing industries have all to be considered.

Senator DAWSON.—Supposing there were external trouble, who would control the highways and railways?

Senator GRAY.—In case of war, I believe the Constitution gives the Commonwealth power to assume control of the railways.

Senator DAWSON.—Is not that an admission that the Commonwealth should own the railways?

Senator GRAY.—It is only an admission that in certain circumstances, for purposes of defence, the use of the railways would be an advantage to the Commonwealth. The development of the territory of a State depends almost entirely on its railway system. If a new railway is advocated in any part of the State, it will be admitted that the State representatives of the district, who are acquainted with the nature of the country, and its mineral and agricultural resources, will be better able to decide whether or not such a railway should be constructed than would the Federal Parliament. The States representatives for the district would naturally also have a far better knowledge of its requirements than would members of this Parliament. That will apply in the case of all the States. I do not think, for instance, that representatives of Western Australia would consider it wise to hand over to the Federal Parliament, composed of representatives of the various States, the administration of the Western Australian railways,

and the development of that State—because that is what it would amount to. If a railway were required in any particular district of the State, and a reduction of railway freights were suggested on any particular line for the advantage of local producers, I do not believe that representatives of Western Australia would be prepared to refer such questions to a central administration under the control of the Commonwealth Parliament.

Senator DAWSON.—Is not Western Australia now appealing to us in connexion with the trans-Australian railway?

Senator GRAY.—Western Australia is now asking for a railway which will connect that State with the other States of the Commonwealth, but she is doing that for a special purpose, and chiefly for the purpose of defence. I point out that under the Constitution, the Federal Executive has the power to use the railways of any of the States for that purpose without the passing of any motion of this kind. Western Australia has asked for a survey of the Kalgoorlie to Port Augusta railway, but I venture to say that the representatives of that State will not assert that the people of Western Australia would agree to the Commonwealth taking over the railways of that State as a whole.

Senator PEARCE.—After the treatment they have received in connexion with the proposed survey, they would have grave doubts on the subject.

Senator GRAY.—Does Senator Pearce mean to say that if this Parliament had agreed to the proposed survey, Western Australia would have been prepared to hand over the control of all her railways to the Federal Executive?

Senator PEARCE.—If the survey had been agreed to, the Western Australian people would have had a little more confidence in the Federal Parliament than they have now.

Senator GRAY.—I am of opinion that, owing to the different conditions prevailing in the States, they require different systems of railway administration. I am, for instance, in favour of what is known as the Zone system as applied to New South Wales, but I do not believe it could be applied with advantage in Victoria or in Tasmania. Do honorable senators believe that New South Wales would be prepared to hand over to two or three Commissioners under the control of the Federal Executive the principal means of the development of

her territory, and to place in their hands the development of the resources on which her prosperity must depend. We might as well propose to hand over everything necessary for the advancement of our people.

Senator STYLES.—I have explained that what I propose could be done without depriving New South Wales of control.

Senator GRAY.—The honorable senator assumed a condition of affairs which I do not believe the New South Wales people would for a moment agree to accept. I say frankly that the past administration of the Commonwealth has not been such as to encourage the people of New South Wales to intrust the Commonwealth Parliament with such a large control of the means of developing the resources of the State.

Senator DAWSON.—What the honorable senator means is that the people of New South Wales have no confidence in either the present or the past Federal Ministers.

Senator GRAY.—I say that the people of New South Wales have, so far, seen no reason why they should give these extraordinary powers to the Commonwealth Parliament. Federation has not resulted as many of us thought it would, and I think every one will admit that, in the matter of administration, the government of the Commonwealth has been weak. Consider the reasons which actuated the Imperial Government in dividing this continent into Colonies? Have those reasons been effective, and has development of this continent taken place to such an extent that we are now in a position to go back to the original state of affairs when Australia was a continent under one Government? This proposal would practically have the same effect as a proposal to bring all the railways in Europe, or all the railways in England, under one central control. I may say that it is quite possible that in the future the system of railway administration in vogue in America and in England may be admitted to be of advantage here. There are many people who consider that free-trade in railways has done more than anything else to develop the United States. Granted that most of the early shareholders in United States railways have been ruined, and that the interest paid on these railways has not been satisfactory, no one who understands their working will deny that they have been, to a large extent, the means of the great development of that country.

Senator DAWSON.—They have absolutely ruined the resident farmer.

Senator GRAY.—They have absolutely ruined many of the shareholders interested in them, but they have been the means of settling vast numbers of people on the land, and enabling them to forward their produce to market and to dispose of it at a profit.

Senator DAWSON.—Is there in any district in America farmers such as we have in Australia, farming their own lands, and with the right to the produce of their labour?

Senator GRAY.—I might say that there are millions of such farmers.

Senator DAWSON.—They have Bonanza farms, worked for the benefit of the railway companies.

Senator GRAY.—We know that whole villages of Germans and Scandinavians have been transferred from their own countries, and settled in homes of their own in America. Before they reached the United States the land on which they were to be settled had been bought, they were planted on it, and divided it amongst themselves, and the lands are now in their possession.

Senator GUTHRIE.—That was done also in Australia.

Senator GRAY.—It was done, in the days gone by, to a very limited extent. I am endeavouring to show that, instead of centralizing the whole of our railway systems under the control of one administration, there are many railway experts who believe that the Australian railways will never be properly utilized for the development of the country until we have free-trade in railways here, as there is in America and England. It must not be supposed that private railway companies in these countries have the power to do as they please. They are restricted by regulations and conditions affecting freights and running rights. The railways working to a centre from one direction are not permitted to injure those working to the same centre from other directions. They must obey regulations and conditions which prevent any action being taken by one company that would be inimical to the interests of another, or of the districts through which the railways of other companies run. I venture to say that no English railway expert would for a moment entertain the idea as a practical business proposal of working the whole of the railways of the Commonwealth from one centre. He would not agree that they could be so worked as advantageously as they are now worked by the States Governments, who recognise that the

development of their States depends very largely on their railway administration. I believe that it will be a very long time before the people of New South Wales can be convinced that the administration of the railways of Australia by one central Federal authority would be of advantage to the people of the Commonwealth, as a whole. Senator Styles referred to the unification of gauge. I presume that we are all agreed that it would be advantageous if the railways in this country were built on a uniform gauge, but Senator Styles has failed to convince me that the States Governments could not, if they pleased, adopt a uniform gauge at the present time just as easily as it could be adopted under Federal control.

Senator STYLES.—They could, but they will not do so.

Senator GRAY.—That is a proof that the unification of gauge would cost so much that the States Governments do not consider it practicable to undertake the necessary expenditure at the present time. I cannot understand how my honorable friends opposite could possibly entertain such an idea, because they have declared to all Australia that they do not intend on any consideration to raise further loans. How is this country to be developed by railway construction if no more loans are to be raised?

Senator DAWSON.—The honorable senator is entirely mistaken about that matter.

Senator GRAY.—I am very glad to hear that I am. But I certainly understood that the Labour caucus had given out that statement.

Senator DAWSON.—Let me tell the honorable senator that we are not in favour of borrowing money except for reproductive works.

Senator GRAY.—I am very pleased to hear that announcement. I think we can all pretty well agree to that policy, with certain limitations. I do not believe that the people of the States would consent for a moment to part with their railways. Take, for instance, the value which is attached to them. It is well known that New South Wales could have sold her railways in the London market for an amount which would have covered her public debt. If the other States were in a similar position the amount which would be required for the purchase of the State-owned railways would be an extraordinarily large one, and might for years to come prevent any interest being paid on the capital cost.

Senator STYLES.—Does not the honorable senator see that it is a case of the people selling to the people, and not a case of buying the railways from a private company?

Senator GRAY.—I quite see that, but I cannot forecast what may happen under such conditions. If the railways were valued under a scheme which people at home might consider for the time being a big watering scheme, their value as assets might be greatly diminished. In conclusion, I have to thank Senator Styles for submitting the motion, because it deals with a most important question, which no doubt in the future will have to be considered by the public.

Senator FRASER (Victoria).—I had not the good fortune to be in the chamber when Senator Styles commenced his speech, but I am certain that I could not have agreed with any of the arguments he used, because I am totally opposed to his motion, and so are the people of the Commonwealth. If they were polled to-morrow, there would be an overwhelming vote against the Commonwealth taking over the railways. The States own the lands and the railways, and are not likely to give them up to the Commonwealth. The prosperity of the country depends upon production, which can be best assisted by the construction and good management of railways. There are still millions and millions of acres of land belonging to the States. The statement made by Mr. Outhwaite in England is absolutely untrue. In Queensland and in some of the other States there are untold millions of acres belonging to the Crown.

Senator DAWSON.—Where does the honorable senator find these untold millions of acres of unalienated land in Queensland?

Senator FRASER.—Everywhere—east, west, north, and south.

Senator DAWSON.—Will the honorable senator particularize? I know Queensland well.

Senator FRASER.—Let the honorable senator look at a map. The alienated lands comprise the principal parts of the Darling Downs, some parts along the coast, and a few other dots. North of Rockhampton there are untold millions of acres of Crown lands, which are under sheep, cattle, and horses. The honorable senator knows that these lands are unsold.

Senator DAWSON.—I know that the honorable senator is wrong. From Cairns up towards the Gulf the land is all alienated.

There are large stations, and I believe the honorable senator is the principal shareholder in one station.

Senator FRASER.—I do not wish to argue with the honorable senator. I assert that not 15 per cent. of the lands of Queensland have been alienated.

Senator MULCAHY.—Nothing like that percentage.

Senator FRASER.—I stretched a point in order to be on the right side.

Senator DAWSON.—It takes Cobb and Company's coach two days to go through a station which the honorable senator has up there.

Senator FRASER.—I do not wish to weary the Senate. The land is developed by the use of the railways, and possibly its development will be assisted in the future by the utilization of the rivers, for there is ample water to serve our purposes. Assuming that the State-owned railways were taken over by the Commonwealth and paid for, probably they would be managed from a central department in Melbourne. It would be necessary to cross the sea to manage the Tasmanian railways. How could a huge central Department manage the several railways in Queensland which connect with the Government lines, the railways running north from Rockhampton for 400 or 600 miles, or the railways running north from Townsville for many miles?

Senator GUTHRIE. — How does South Australia manage the railway from Port Darwin to Pine Creek? From Adelaide.

Senator FRASER.—In South Australia the authorities manage probably as well as they can. But would their railways be managed any better if they were controlled from Melbourne by the Federal Government?

Senator GUTHRIE.—They might be managed as well.

Senator FRASER.—In my opinion the management would be infinitely worse. I have owned private railways in New South Wales, and I venture to say that they were worked at half the cost of the State-owned railways.

Senator DAWSON.—In what portion of Queensland is there a private railway running north from Rockhampton for 400 miles?

Senator FRASER.—I referred to the State-owned railways; but there are many private railways in that State.

Senator DAWSON.—How many?

Senator FRASER.—Six or seven.

Senator DAWSON.—There are about two.

Senator FRASER.—I know of four private railways in Queensland. There is an extension from Beaudesert, which the honorable senator does not know about.

Senator DAWSON.—That is only a tram line.

Senator FRASER.—It is operated by a locomotive using steam.

Senator DAWSON.—How does the honorable senator make up the seven private railways?

Senator FRASER. — If the honorable senator refers to the map he will find that I am correct.

Senator DAWSON.—There are only three private railways. Let the honorable senator answer my question.

Senator FRASER.—There are at least seven private railways in Queensland, and I named the one which was built only the other day.

Senator DAWSON.—That is only one.

Senator FRASER.—There are several private lines in connexion with the sugar industry. I know of four or five lines.

Senator DAWSON.—Over Crown land?

Senator FRASER.—In saying that private lines are worked more economically than State railways, I do not reflect upon the State management. It is acknowledged throughout the world that any huge political Department cannot manage railways so well as private persons can. Private management will always be better than State management. In New South Wales, Queensland, Victoria, and, I think, South Australia, after a long experience of political management, the Parliaments were obliged, in order to secure economical and good management, to place the railways under semi-private management, namely, Commissioners. It is acknowledged by all men who are abreast with the times that the management of the lines by Commissioners is far and away better than was the political management. If the railways be not well managed it will take a lot of money to run them. In the first place, they are expected to cover the interest on the outlay and the working expenses. If the outlay is great, and the management is expensive, the producers cannot have cheap freights. The growers of wool, wheat, meat, and all other products, which are carried over the railways, have to pay freight, according to the cost of construction, as well as the cost of management.

If we are to compete with Canada, the United States, and other parts of the world, where railways are managed much better than here, that is a handicap against our producers. Our railways should be managed economically and well, so that the producers may in no way be handicapped.

Senator STEWART.—Are they better managed than the American railways?

Senator FRASER.—Everybody knows that the American railways are built at an extremely low cost. I can name a station in Victoria — the one at Maryborough — which has cost as much money as, perhaps, all the stations within a length of 500 miles in the United States or Canada. In those countries, for great distances, there are no stations. Passengers have to jump from the train to the ground.

Senator STYLES.—That is the reason they have not so much interest to pay.

Senator FRASER.—They have a better system than ours.

Senator STYLES.—The honorable senator is referring to the building of lines, not the working of them.

Senator FRASER.—We have worked on the wrong principle in building our Australian railways. They should have been built on Canadian and United States lines. The English system is a very good one for England, and I have no doubt enables trains to run at a higher speed than the American system permits, but the bogie system, and other improvements adopted in America, would have suited our purpose better. It would be impossible to develop this great country, with its enormous resources, if the whole of the railways were controlled by one authority. It often pays a State to build a line which is not expected to pay interest for years to come. The Commonwealth would not consider such facts. Senator Styles says that extensions could be made by the Commonwealth at the request of the States. But that would be a roundabout, rigmarole way of proceeding. How should we be able to deal with railway extension in the far west of Western Australia, or the far north of Queensland? No one Minister could master the whole of the details. Even in connexion with such public works as the Commonwealth now undertakes, we had the Minister of Defence admitting last evening that he knew nothing about some of the proposals. Of course, he could not be expected to know, and we do not blame him. The greater the area the greater the difficulty, and the less likely is

a Minister to know the details. A further objection to Senator Styles' proposal is that the States are not inclined to extend greater powers to the Commonwealth. I vouch for that fact. There is a feeling of apprehension on the part of the people of all the States, so far as I know; I cannot speak for Western Australia.

Senator STANFORTH SMITH.—What the honorable senator calls the "people" is merely a noisy minority.

Senator FRASER.—With reference to the question of gauges, the fault of the present system lies at the door of New South Wales. I admit that it would be a good thing to have a uniform gauge throughout Australia. But it would never pay. It would be cheaper to build the transcontinental line than to institute a uniform gauge. And there is no absolute necessity for it.

Senator Sir JOSIAH SYMON.—The transcontinental line that the honorable senator refers to is that from Port Darwin.

Senator FRASER.—Well, if there is to be a transcontinental line at all, that from Oodnadatta to Port Darwin is infinitely preferable to that from Port Augusta to Kalgoorlie. But I hope that neither will be built for many a day. We cannot afford to saddle ourselves with millions of debt, from which we shall get no return. The difficulty with respect to gauges is often exaggerated. It has to be remembered that there is not much heavy traffic going across the border. The bulk of the heavy trade goes by boat between States, and wherever there is water communication inland, as there is upon some of the rivers, it will always successfully compete with railway traffic. Wool is being sent all the way from the north of New South Wales to Port Victor, at a great deal less than the cost of sending it by rail to be shipped at Port Melbourne or Williamstown. Wool from the Edward River can be taken by water to Port Victor, 1,200 miles for £1 or 25s. a ton. I could get it done for less, if I tried to cut things close; and the man who carries it makes a little fortune. One man who engaged in the trade, Captain Wilson, died worth thousands, though he started as a poor sailor boy on a Murray River boat. The States would not gain a penny from uniformity of gauge, and I am quite sure that they would not dream of consenting to such a proposition as that of Senator Styles.

Senator PEARCE (Western Australia).—In the first place, I think that the motion as worded is a very bald one. It is plain

and unadorned. It lays down no conditions. In its present form, I could not support it. There is, however, one condition under which one could support the taking over of the railways of the States; and that is in connexion with the taking over of the debts of the States. It appears to me that it would be a business-like idea in taking over States debts to take over the assets which represent them. The greater part of the money owed by Australia to foreign money-lenders has been borrowed to build railways. But a proposal to take over the railways of the States, irrespective of other considerations, is one to which I could be no party. I will give my reasons. Australia is a vast country, and the means of communication between State and State are at present so limited that I agree with Senator Fraser that it would be impossible for the Commonwealth Government to cater adequately for the wants of the people in respect of railway communication.

Senator GUTHRIE.—We cater for them in respect of posts, telegraphs, and telephones.

Senator PEARCE.—There is a sense in which posts and telegraphs are different from the railways. Post and telegraph business is linked together all over the continent. But there is railway communication between only some States. It also has to be borne in mind that the railways are not only, nor are they chiefly, for the purpose of providing communication between States. They are chiefly for the purpose of opening up country, and providing facilities for commerce in every part of every State. Postal administration differs from that of railways in being in a very much larger sense, naturally a Federal service. The Post and Telegraph Department is not affected by the artificial geographical boundaries, which, in consequence of the limitations imposed by the Constitution, have an effect on commerce and transport services. So many of the powers affecting business, production, and transport are retained to the States Parliaments, that to hand over the railways to the Commonwealth without, at the same time, extending the powers of the Commonwealth Parliament to deal with matters which have been specifically left to the States, would be like handing over a shell, and keeping the kernel. Practically the power of the States is sovereign in connexion with land settlement, mining, and almost every other element of production. It would be an anomaly if the control of transport, which is one of the chief factors in production, were

handed over to the central Government, while all the other powers affecting production remained with the States Governments. I am sure that the federalizing of the railways under such conditions would lead to considerable dissatisfaction. Western Australia, for instance, possesses a railway system having its own centres, and separate organization, the object of which is to develop those portions of the State which present themselves as capable of development. The State Government have control of the lands, and open up areas which they consider suitable for settlement; and to assist to that end railways are constructed in certain directions. Then, again, the State Government control mining, and with the object of developing the industry, railways are run through certain areas; they have also control of the Forestry Department, and cause railways to be diverted or constructed in certain districts in order to assist the forestry industry. That is what is done by a State which has control of these three great lines of production.

Senator FRASER.—And the policy pays a State.

Senator PEARCE.—That is so; and by these means the best results are obtained. What would happen if the control of these three great industries remained with the States, while the railways were handed over to the Commonwealth? If the State Government determined on promoting settlement in a particular district, it would rest, not with the State Parliament, but with the Parliament of the Commonwealth, to say whether a railway should be constructed to that end.

Senator STYLES.—Perhaps I did not make myself clear, but that is not what I said.

Senator PEARCE.—Whatever Senator Styles may have said, that seems to me to be the logical outcome of handing over the control of the railways to the Commonwealth Parliament.

Senator DAWSON.—Senator Pearce apparently thinks that the Commonwealth Parliament could not properly control the railways.

Senator PEARCE.—I am casting no reflection on the Commonwealth Parliament, but simply recognising our limitations. It seems to me that the Parliament or Government which has the power to open up lands, and make certain conditions to induce settlement, ought to be best fitted to deal with the railway policy as affecting the development of a State. The same remark applies to the mining and the for-

estry industries. Let us look at the difficulty from another point of view. It has been determined, and, so far, the arrangement has not been disturbed that the expenditure of the Commonwealth shall be distributed on a *per capita* basis. Each of the States is at a different stage of development in regard to railway construction, and those States which are most backward, are naturally anxious, in the interests of land settlement, mining, and forestry, to carry out a railway policy. If the control of the railways were handed over to the Commonwealth Parliament, the very fact that some of the States are in a backward state of railway development would have a tendency to hamper them, because the expenditure in those States would, as we saw in connexion with a Bill recently before us, be so disproportionate that honorable senators would feel impelled to oppose railway construction proposals, not on the ground that they were not legitimately needed to open up a particular district, but on the ground that more was being asked for in the case of one State than in the case of other States.

Senator STYLES.—The honorable senator has misunderstood me.

Senator MILLEN.—That was not the objection raised to the measure before us yesterday.

Senator PEARCE.—I am making no complaint, but merely pointing out to honorable members the fact that disproportionate expenditure of the kind would cast into the scale a weight which might, perhaps, have the effect of determining whether or not a railway should be constructed. Instead, therefore, of the conclusion as to the construction of a railway being based on whether the line was necessary or not, the question would be determined largely by the fact that a certain State's quota of *per capita* expenditure exceeded that of other States.

Senator STYLES.—My proposal is that the States shall control the construction of lines, but that the work shall be carried out by the Commonwealth.

Senator PEARCE.—That may be Senator Styles' intention, but I fancy that if the States are asked to hand over the railways to the Commonwealth, they will take it that they are handing over the control of railway development for all time. I do not think the Commonwealth Parliament would consent to take the railways over on any other condition.

Senator STYLES.—I explained that also; there is a misunderstanding.

Senator PEARCE.—If such conditions had been laid down in the case of the Post and Telegraph Department, Federation would not have been achieved. In my opinion the transfer of the railways at the present time would be a bar to development. The States Parliaments are best fitted to control the railways, simply because of the fact that they have control of the elements of production. The suggested alteration of gauges is of very serious import from a financial point of view, involving, as it does, an expenditure which is enough to stagger anybody. We must remember that an alteration of the gauge would not mean the carriage of a single additional ton of produce, or one more passenger.

Senator STYLES.—But a quantity of rolling-stock could be dispensed with.

Senator PEARCE.—To make the alteration of gauges a condition of federalizing the railways is adding to the proposition a weight which could not be carried. Engineers have dealt with this subject very gingerly, and there has not been the slightest disposition on the part of the States Governments to tackle the question in a practical manner. Many long years would be consumed in discussion before an arrangement was arrived at as to what should be the standard gauge, and who should pay the expense of the alterations. The Australian railways, as at present managed, compare more than favorably with railways in any other part of the world. It is necessary to say that, because some statements made by Senator Gray and Senator Fraser might be held to infer that there is something in the administration of our railways of which we need be ashamed.

Senator GRAY.—I neither said that nor wished it to be inferred.

Senator PEARCE.—Senator Gray held up as an ideal what he called free-trade in railways, such as exists in America; but I should say that the American railways afford a very sorry ideal for Australia.

Senator GRAY.—I said that while the administration in America is not all that could be desired, the results are satisfactory financially, and that the railways proved of great advantage to the country.

Senator PEARCE.—The history of the railways of America may be pleasant reading to the Vanderbilts and the Jay Goulds, but it is very unpleasant to the people

who have been exploited and driven from their homes in the eastern States, and lately in the western States, by preferential rates, rebates, and other methods, which are familiar to all who have investigated this matter. With all their financial success, and the wonderful genius at the head of the concerns—and even with the additional advantages of a population of 80,000,000 people to cater for, as compared with 4,000,000 in Australia—the American railways do not compare favorably in their financial returns with the Australian railways.

Senator STYLES.—Sixty-six per cent. of the railways in America pay no dividends at all.

Senator GRAY.—The American railway rates are very much less than the rates charged in Australia.

Senator PEARCE.—A railway may be selected here and there and shown to pay a high percentage of profit, but, taking the American and Canadian railways as a whole, and the Australian railways as a whole, the latter are the best paying.

Senator GRAY. — Railway freights are very much lower in America than here.

Senator PEARCE.—That statement is not correct when generally applied to the American railways, because the average charge on the Australian lines is lower, as shown by Mr. Coghlan's figures. Senator Gray has said that freights in America are fixed by elective boards.

Senator GRAY.—What I said was that there is an Inter-State Commission appointed to regulate freights and prevent one railway company giving preference as against another company carrying on business in the same district.

Senator PEARCE.—As a matter of actual practice, the Inter-State Commission in America has no effect in regard to the general charges on railways; it only acts where railways charges are used for the purpose of forming an Inter-State Tariff.

Senator GRAY.—That is what I meant.

Senator PEARCE.—Happily we need not contemplate those dangers in Australia, where the railways are the property of the people, and, I think, will remain so. There is no need to regard the Commonwealth and the States as opposing factors in the question, because the people, whether as a State or as a Commonwealth, already own the railways. It is not a question of change of ownership at all. If they are trans-

ferred to the Commonwealth, the same people will own them.

Senator STYLES.—I pointed that out over and over again.

Senator PEARCE.—It is a question of change of control. There is another matter to be borne in mind, and that is that the railway systems of some of the States of the Commonwealth are paying a profit, whilst others are worked at a loss. The railway system of Victoria, for the first time for many years, paid a profit last year, and this year also they have paid. The railway system of New South Wales pays about interest and working expenditure.

Senator STYLES.—No; there was a loss of £300,000 on the New South Wales railways last year.

Senator PEARCE. — In the previous year, I think, they paid about interest and working expenses.

Senator STYLES. — No; there was a greater loss that year.

Senator PEARCE. — The Queensland and Tasmanian railways show a loss, and also the South Australian railways.

Senator STYLES.—No; there was a profit on the working of the South Australian railways.

Senator PEARCE.—The South Australian railways are in this position, that, while they may show a slight gain, they are dependent entirely on Broken Hill for it, and a strike of a few weeks on Broken Hill would turn their surplus into a loss.

Senator MILLEN.—There can be no strikes in New South Wales now.

Senator PEARCE.—If there can be no strikes, let us say that a depreciation in the price of lead would turn the surplus on the working of the South Australian railways into a loss. Western Australia shows a solid gain over interest and working expenses in the management of her railways.

Senator STYLES. — A surplus of £112,000.

Senator PLAYFORD.—A strike at Coolgardie might convert that into a loss.

Senator PEARCE. — There can be no strikes in Coolgardie, and the price of gold does not fluctuate as does the price of lead. The point I wish to make is that some of our railway systems are paying, whilst others are not paying. We might say to the people of Western Australia, for instance, who have built a number of their railways out of revenue—"You are building railways out of revenue earned by your existing railway system, and we wish you to

throw your railways into the pool;" but we should have to add—"We want you also to help to bear the loss on the Tasmanian railway system, and to remember that when you ask for a further development of your railway system, Tasmania being asked to share in the necessary expenditure, its representatives in Parliament and its people will probably be found fighting against you."

Senator STYLES.—The Tasmanian railways will pay in a very few years; they are increasing their revenue every year.

Senator PEARCE.—I hope the honorable senator is a true prophet. I have stated the position, and I have referred to Western Australia only for the purpose of illustration. At the present time the people of that State are extending their railways, and are rapidly developing the resources of the State by that means. Their railways are returning a profit, and the proposed change would mean to them a handing over of the development of the State to people some of whom would be interested in keeping down expenditure on new railways, and would probably endeavour to block every attempt at further development. Knowing that their own State railways were not paying, they would object to be called upon to share in railway expenditure in other States. For these reasons, I feel that at the present juncture I cannot vote for such a motion. As I have said before, there is one contingency in which I could vote for it, and that is if it were proposed in connexion with the transfer of States debts, and the railways were taken over as assets to provide security to the Commonwealth for the States debts.

Debate (on motion by Senator DAWSON) adjourned.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

Report adopted.

COPYRIGHT BILL.

In Committee (Consideration resumed from 13th September, *vide* page 2190):

Clauses 18 and 19 agreed to.

Clause 20—

Where a book is written in distinct parts by separate authors, and the name of each author is attached to the portion written by him, each author shall be entitled to copyright in the portion written by him, in the same manner as if it were a separate book.

Senator Sir JOSIAH SYMON (South Australia).—Under the previous clause we

have provided that where there are joint authors of a book the copyright shall be the property of those authors; but under this clause it is proposed to provide that where a book is written in distinct parts by separate authors, each author shall be entitled to copyright in the portion written by him, as if it were a separate book. I should like the Minister in charge of the Bill to say what precedent there is for this clause, which proposes a very awkward form of copyright. In view of the amendment carried by Senator Givens on my amendment, fixing the period of copyright, honorable senators will see that this clause would give a different period of copyright for two parts of the same book. This is one of the disadvantages of not having a fixed period of copyright without any reference to a man's life, or to his life, plus seven years. Under this clause, we might have two or more copyrights in the same book expiring at different times. That would be very inconvenient, and it would destroy the value of the copyright. Perhaps Senator Keating can show that there is some precedent for this provision. I intended to call attention to the difficulty arising also under clause 19, but that is not so obvious, nor is it very material. Clause 20, however, might cause a very great deal of trouble.

Senator KEATING (Tasmania—Honorary Minister).—As the memorandum which has been circulated shows, this clause is taken from clause 9 of the British Copyright Bill. It is quite possible to have a book prepared in several parts, with distinct authors in respect of each part. There is something similar in the case of an encyclopædia. There might be a work dealing with several branches of a particular subject, and one author might devote himself to the consideration of one of these branches, and another author to another. In such a case, copyright, in the portions of the work which would be separable, and might be published separately, could be vested in the persons particularly responsible for them, where the book clearly indicated that. Subsequently, it is proposed to make provision in the case of encyclopædias, periodicals, and magazines for copyright to the authors of particular articles, and contributions of a literary character appearing in those publications. The criticism applied to this clause could be applied equally well to the proposal to give copyright in respect of articles contributed to magazines or periodicals.

Senator Sir JOSIAH SYMON (South Australia).—When the honorable and learned senator says that the same criticism might be applied to the proposal to give copyright in respect of articles published in an encyclopædia, he overlooks the fact that, in the case of an encyclopædia, the proposal is to give the copyright to the proprietor or projector of the work, and not to the authors of articles contained in it.

Senator KEATING.—There might be a reservation, as in the clause dealing with periodicals.

Senator Sir JOSIAH SYMON.—We are not dealing with periodicals, and I repeat that in the case of an encyclopædia, the proposal is to give copyright to the proprietor.

Senator KEATING.—That is in the absence of any special agreement.

Senator Sir JOSIAH SYMON.—In that case, there is no copyright proposed in respect of individual articles, and for a very excellent reason. Clause 22 deals with the case of articles appearing in periodicals, which are on quite a different footing as compared with portions of the same book which are the work of different authors. The provision is safeguarded, as regards the publishers of a periodical, by a reservation to him, literally, of a two years' ownership of the right to publish an article. So that the difficulty does not arise there. This clause 20 is taken from a provision appearing in a draft Bill which, although it was considered some four or five years ago by the House of Lords, was never dealt with by the House of Commons, and has had no legislative force given to it. This is, therefore, a purely experimental provision, and we should be very careful before we adopt a provision of this kind, under which we might have two or more different durations of copyright in respect of the same book. These new departures should be carefully scrutinized. Honorable senators must see that clause 20 will involve very great inconvenience, not merely to authors but to publishers, and also to those who may be charged with infringing the copyright in any portion of a book.

Clause agreed to.

Clause 21 agreed to.

Clause 22—

1. The author of any article, contributed for valuable consideration to and first published in a

periodical, shall be entitled to copyright in the article as a separate work, but so that—

- (a) he shall not be entitled to publish the article or authorize its publication until two years after the end of the year in which the article was first published, and
- (b) his right shall not exclude the right of the proprietor of the periodical under this section.

2. The proprietor of a periodical in which an article, which has been contributed for valuable consideration, is first published shall be entitled to copyright in the article, but so that—

- (a) he shall not be entitled to publish the article or authorize its publication except in the periodical in its original form of publication, and
- (b) his right shall not exclude the right of the author of the article, under this section.

Senator PEARCE (Western Australia).—Paragraph *a* of sub-clause 1 provides that copyright shall subsist for two years from the end of the year in which the article was first published. So that if, for valuable consideration, a person supplied an article to a periodical, the owner of that periodical would have an absolute copyright in the article for two years from the end of the year in which it was published. These articles are not in the same category as books. Although they would cease to have any value to the periodical, almost at the expiration of the year of publication, still they would have a value to the contributor if he could use them again in pamphlet or book form. What object can there be in giving copyright for such an extended term to the owner of the periodical, when in a short time it would practically cease to have any value? It will place a handicap on the contributor. I ask the Minister to consider whether the term could not be materially shortened with advantage without inflicting any hardship on the owner of the periodical.

Senator KEATING (Tasmania—Honorary Minister).—The provision which is made for the author by this clause is very much more liberal and considerate than the existing law. At the present time copyright may exist in an article; but the author cannot republish it separately within twenty-eight years from its publication.

Senator PEARCE.—What law is the Minister referring to?

Senator KEATING.—According to the English law, which operates unless it has been modified by Statute in any particular State, until the expiration of twenty-eight years, the author has no right to separately publish such an article. During that period the owner of the periodical can republish the

article; but, of course, his rights are circumscribed to this extent—that he cannot republish the article separately within the period except with the consent of the author. There is a period of twenty-eight years during which the rights of both parties are, to some extent, suspended. After the lapse of twenty-eight years, the author has the right to publish in a separate form; the article reverts to him entirely for the balance of the term of copyright, and the owner of the periodical can in no way interfere with or derogate from that right. If the author reserves to himself the right to publish the article separately, as he may do by an agreement at the time it was produced, he can exercise his right without prejudice to any rights which the owner of the periodical may, by agreement, have reserved to himself. Honorable senators will understand that this clause, like many others in the Bill, can only apply in the absence of an express agreement to the contrary. In other words, it will be competent for either the author, or the owner of the periodical, to vary this provision by an express agreement. For valuable consideration, a man may contribute an article to a periodical, and the owner of the periodical may acquire the copyright therein for a certain period. That period may be a lengthy one, say twenty-eight years, as in the case I referred to. Within that time, the author may have obtained some fame by reason of his works. In many instances, publishers have been known to republish the earlier works of men who had subsequently acquired fame. That has prejudiced very considerably the good name of such writers, and they are very anxious that their earlier efforts shall not appear when they are enjoying, perhaps, a well-deserved reputation. In many instances they think their reputation is liable to be besmirched by the republication of articles written by them many years before. We propose to limit the term, in the absence of any agreement to the contrary, to two years. Remembering that the provision is subject to any variation which may be determined upon by the author and the publisher, honorable senators will see that it is a very liberal advance upon the present law, so far as authors are concerned.

Senator MILLEN (New South Wales).—No doubt the Minister has given a very satisfactory explanation of the law as it is, and of the provision of the Bill which will enable an author and the proprietor of

a magazine to come to an agreement, but he has not explained why the term should be two years rather than one year or twenty years. All he has said is that there is a law which compared to this measure is tyrannical. He has said nothing to justify the fixing of the period at two years. The mere fact that under the Bill it is competent for the author of an article to enter into an arrangement with its publisher does not affect the matter at all. Under the Bill, it will be quite competent for an author to sell either the right to publish the article once only, or the copyright in the article for the full term to which he is entitled. We should shape the Bill to meet the ordinary run of cases. If the period were reduced to one year, it would be much more likely to meet the ordinary requirements of those who write for the magazines than would a two-years' period. It seems to me that, after the lapse of some time, writers invariably desire to collect most of their articles for the purpose of republishing them in book form. Assuming that the period were fixed at twelve months, and that they wished to give the owner of the magazine a longer term, they could do so under the provisions of the measure. I believe that a period of one year would be much more workable, and would meet the convenience and requirements of writers and publishers much better than a period of two years.

Senator Sir JOSIAH SYMON (South Australia).—I go further than Senator Millen. I think that paragraphs *a* and *b* of the first sub-clause should be omitted. There has been no explanation given by the Minister as to why paragraph *a* should have been inserted. What the clause is dealing with is copyright in articles published in periodicals. If, for valuable consideration, a man writes an article for a periodical, he is given a copyright. If that is so, why should we annex to that a disability preventing him from publishing next month his article in pamphlet form? I cannot understand why that limitation should be imposed, particularly as there is another copyright given to the publisher, who, however, is not entitled to publish the article in pamphlet form at all. This is the most misguided, topsy-turvy clause I ever saw. There are two copyrights given, one to the author of an article, with a disability attached, and the other to the publisher of the article, with a disability attached. I am not at all sure

that there should be a copyright given to the paid author of an article in a periodical.

Senator MULCAHY.—Why not?

Senator Sir JOSIAH SYMON.—When an author is paid for an article, it ceases to be his property.

Senator MULCAHY.—He will only get paid in proportion to the length of copyright he gives to the owner of the periodical; he can sell the whole of his copyright if he chooses.

Senator Sir JOSIAH SYMON.—It would be much simpler to say that the price given for an article shall include all rights than to give the author a copyright with a disability, and the publisher a copyright which would be practically of no use to him. There may be an exception, but, as a rule, there is no second edition of a periodical. The effect of the provision is to bury the article for two years. Sub-clause 2 is, I think, unnecessary, but still it might enable the author or the owner of the periodical to stop any person from reproducing the article. In the first place, I move—

That the words "but so that," line 4, be left out.

If that amendment be agreed to, then paragraphs *a* and *b* of the first sub-clause can be omitted.

Senator MILLEN (New South Wales).—The remarks of Senator Symon have suggested to me a prior amendment, which, perhaps, he will afford me an opportunity to move. Sub-clause 2 deals with only the author of an article contributed for valuable consideration. Why should it not also apply to an author, who may present his article to the proprietor of a magazine, and receive no payment? Surely the latter is entitled to as much consideration as the former! If any one is entitled to a preference it is the man who has not received any payment for his work. At any rate, he should be placed on absolutely the same footing as the other. It is well known that many prominent public men contribute to periodicals articles for which they are not paid, and do not expect to receive payment. They are entitled to have their rights safeguarded. I see no reason why we should discriminate between an author who is paid for his article and one who is not. Therefore, I suggest the omission of the words "for valuable consideration."

Senator Sir JOSIAH SYMON (South Australia).—I agree with my honorable

friend Senator Millen. I do not see why a man should be penalized because he does not ask for payment for an article published in a periodical. I dare say that many of us have contributed articles for which we have not been paid, and the least reward we can have is to feel that we are possessed of property in our productions. The statement of Senator Keating answers the argument of Senator Dobson. That is to say, if we give absolute copyright it is competent for the parties to bargain as they choose. What we are concerned to do is to give absolute copyright in the product of a man's brain which appears in the form of an article in a periodical, and to give that without qualification. I shall withdraw my amendment to enable Senator Millen to move his.

Amendment, by leave, withdrawn.

Amendment (by Senator MILLEN) proposed—

That the words "for valuable consideration," lines 1 and 2, be left out.

Senator DOBSON (Tasmania).—I am inclined to think that the clause ought to stand, with a slight modification as to the term. Senator Keating has pointed out that the object of these clauses is to regulate the rights of parties where there is no agreement to the contrary. Take an article which has been contributed for valuable consideration. When a man has paid for an article which is to be published in his magazine, it would hardly do for the author, a few weeks after it had appeared, to republish it in pamphlet form. The best plan is to lay down certain lines with regard to cases which are happening every day. I think that if a magazine proprietor has paid for an article he should have the exclusive right to it for a few months. I suggest that it would be better to retain the clause, substituting six months for two years. I agree with Senator Millen that two years is too long. If a man contributes articles to various magazines in England and America, he may desire to republish them as a volume of essays, and it would be rather unfair to make him wait two years. Six months would be a fair period, and would give proper protection to the publisher.

Senator KEATING (Tasmania—Honorary Minister).—Whatever term honorable senators may insert in the clause, I would ask them not to consider this amendment as being in the same

field. This matter of valuable consideration is the crux of the whole clause. In the first instance, an author is a person who is, *primâ facie*, entitled to copyright in his work. As far back as 1824, in a case that came before the Courts in England, this question of valuable consideration was considered in connexion with a copyright case. In the case of *Barfield v. Nicholson*, Sir John Leach said, in effect—

The person who forms the plan, and who embarks in the speculation of a work, and who employs various persons to compose different parts of it, if not legally, is equitably the author of that particular work, so far as copyright is concerned.

Senator MILLEN.—Clearly that referred to encyclopædias.

Senator KEATING.—Yes; and where a person designs and prepares a certain scheme of publication and other people are commissioned for valuable consideration to assist him with the product of their thought and research, it is obvious that the man who has commissioned the work is to some extent entitled to the material benefits of copyright in it. That is the principle upon which the law stands, and upon which this clause has been framed. The position at present is that an author in that case could not publish separately for a period of twenty-eight years. I am reminded by a remark from Senator Symon that the author's remedy during the twenty-eight years is only against the proprietor of the periodical. So that if another person published the article separately during those twenty-eight years, the author would have no right of redress against that individual. The existing law is based upon this consideration—that where one commissions another to do work for money, and provides the particular means by which the work of the person who is so paid shall be submitted to the public, that proprietor of the publication is entitled to some of the material benefits of the copyright. Hitherto the period has been twenty-eight years. Now we propose to limit the proprietor's right of republishing to two years, and to say that he cannot republish in a separate form, but only in his magazine and in the form in which the article originally appeared. We are limiting the publisher's right to two years.

Senator MILLEN.—But why differentiate between a man who is paid and one who is not?

Senator KEATING.—We are not differentiating. We are making provision for the benefits of copyright to be distributed between the person who commissions an author to write an article and the person who writes it. The question of protecting a man who contributes an article gratis is a separate one, and I suggest that it should be provided for in a separate clause, to the effect that where an article is contributed gratuitously the author shall have an absolute copyright in it. But I do think that in these cases of mixed rights, as I may call them, we ought to be careful to make proper provision for distributing the benefits between the owner of the periodical and the person who contributes an article for valuable consideration.

Senator DOBSON.—Is not two years too long?

Senator KEATING.—That is a matter for the Committee. I do not object to securing the rights of the author of a gratuitous article. The period of two years has been adopted because it was chosen by the English Commission which investigated the whole subject, and made recommendations after a considerable amount of research and examining a number of expert witnesses.

Senator MULCAHY.—Suppose an author wrote an article and made an agreement with the publisher that he should have the right to republish; how would this clause affect him?

Senator KEATING.—The clause would not make such a contract invalid. It would be desirable to have it in writing, but I do not think that would be absolutely necessary. An express contract could vary the effect of this clause.

Senator PEARCE (Western Australia).—I think the course suggested by the Minister is the better one, and I suggest to Senator Millen that he should withdraw his amendment and submit a separate clause to safeguard the writer of an article who does not receive valuable consideration. The Minister might accept the suggestion of Senator Dobson to cut down the term to six months. I cannot accept Senator Symon's suggestion to strike out the sub-clause altogether, because that would open the door to the practice that an author could submit an article to the proprietor of a periodical, and while that periodical was still on sale could republish his article in another form.

Senator Sir JOSIAH SYMON.—The proprietor would take care to make the author agree not to do so.

Senator PEARCE. — Proprietors of magazines might then be induced to make far more stringent agreements. In fact, they might make their agreements with authors so drastic as to accomplish more than this clause is intended to secure. I therefore suggest that Senator Millen should withdraw his amendment.

Senator MILLEN (New South Wales). —The suggestion of the Minister in charge of the Bill is practically an admission of the strength of my contention that an author who contributes something without valuable consideration is entitled to the protection of the Bill.

Senator KEATING.—I think an author is entitled by law, in any case, to protection.

Senator MILLEN.—But the Minister admits there is a doubt, and it should be the object of the Committee to eliminate any element of uncertainty. I propose to ask leave to withdraw the amendment, with a view to asking the Committee to accept a new clause in which I practically adopt the language of the first portion of clause 22, with the substitution of "without valuable consideration" for "for valuable consideration."

Amendment, by leave, withdrawn.

Senator DOBSON (Tasmania). — I move—

That the word "two," line 7, be left out, with a view to insert in lieu thereof the word "one."

Senator Sir JOSIAH SYMON.—Why not make the period six months?

Senator DOBSON.—That was the period I first suggested; but, after hearing from the Minister in charge of the Bill the conclusion arrived at by the worthy men who constituted the Royal Commission in England, and who recommended that the term should be two years, I think one year to be a fair proposal.

Senator Sir JOSIAH SYMON (South Australia).—Senator Dobson seems to think that opinions, like wine, improve with age. The recommendations of the British Royal Commission have lain dormant for thirty years, and that fact shows that the proposals have not recommended themselves to the British Legislature, because, had a change been regarded as important, it would have been made long ago. I shall not press the amendment I suggested to eliminate this paragraph *a* of sub-clause 1. There may be a contract between the

proprietor of a periodical and the author to publish the article in pamphlet form immediately after the periodical has appeared, and the striking out of the paragraph would have precisely the same effect. If it were not intended to preserve from republication the article for a certain time, that would also be the subject of an agreement between the proprietor and the author; so that it is really a case of six of one and half-a-dozen of the other. I hold, however, that six months is quite long enough to keep an article from republication in the absence of an agreement.

Senator DOBSON.—Why did the British Royal Commission recommend a period of two years?

Senator Sir JOSIAH SYMON.—I suppose it was because some witness suggested two years, and another witness suggested five years, and the period of two years was hit upon without much consideration.

Senator DOBSON.—The Royal Commission took evidence, which they no doubt considered.

Senator Sir JOSIAH SYMON. — Of course, the Commission did consider the evidence, but their recommendations have remained dormant for thirty years, and I do not see how any weight or value can be attached to them, seeing that they have never been acted upon by the Legislature. The period of twenty-eight years was the law for a very long time, and I dare say that the valuable consideration for the article was, in fact, the purchase of the copyright. We now, like the British Royal Commission, do not desire to prescribe that length of time, but suggest that the price of the article shall merely be the reward for the publication in the magazine. It is almost, if not absolutely, unheard of for a magazine to be re-published.

Senator GUTHRIE.—There was the re-publication of *Everybody's Magazine*, containing the article on "Frenzied Finance."

Senator Sir JOSIAH SYMON. — At any rate, a new edition of a magazine is a very rare event; and if we prescribe six months during which an article shall remain buried, except by agreement between the author and the proprietor, we shall do well. We shall thus afford an opportunity to the reading public to get acquainted with the article, and also an opportunity to the author to arrange with the proprietor that when the six months' period, or whatever is Google of it,

shall end, there shall be a re-publication in pamphlet form. The reading public have to be considered, and in the absence of an agreement an automatic period of six months is long enough.

Senator DOBSON.—Were not all these views considered by the British Royal Commission?

Senator Sir JOSIAH SYMON. — According to Senator Dobson, the best thing for us to do would be to embody all the recommendations of the Royal Commission in the Bill.

Senator KEATING.—The Bill is based not only on the recommendations of the Royal Commission, but on the Copyright Bill of 1889.

Senator Sir JOSIAH SYMON. — No doubt the Bill is based on all the sources that are of value; but it comes before us now just as if it were an original draft from the hands of the Commonwealth Parliamentary Draftsman for our consideration; and it is our duty to see that we carry out the objects we have in view in passing a copyright law.

Senator MILLEN (New South Wales).—Senator Dobson seems to overlook one factor when he pins his faith to the recommendations of the British Royal Commission; and that factor is the different conditions which prevailed then as compared with the conditions which prevail to-day. I assume that the object of giving the proprietor of a magazine a term of copyright in an article is to enable the magazine to reach its ordinary reader. I can conceive of no other reason, and I say that six months, with the improved facilities of steam-ship and rail-road communication, will be more effective to-day than was the period of two years when the British Royal Commission made their recommendations. Even in my own time I can remember, in the rural districts of England, magazines many months old going their round, whereas to-day a publication a month old is discarded.

Senator DOBSON. — To-day magazines months old are read in libraries, farm-houses, and homes in the country.

Senator MILLEN.—To the same extent as thirty years ago?

Senator DOBSON.—To a greater extent, because there are ten times as many magazines.

Senator MILLEN.—The honorable and learned senator must know that the tendency to-day is not to read a magazine

three months old, but to purchase another which has just been published. In my opinion, a period of six months is ample.

Amendment agreed to.

Senator DOBSON (Tasmania).—I notice that, according to sub-clause 2, a proprietor is not entitled to publish an article except "in the periodical in its original form." How will this provision affect a periodical like the *Nineteenth Century*, the title of which has been slightly altered?

Senator KEATING.—I do not think that such a periodical will be affected by it.

Clause, as amended, agreed to.

Senator MILLEN (New South Wales).—I move—

That the following new clause be inserted:—

"22A. The author of any article contributed without valuable consideration to and first published in a periodical, shall be entitled to copyright in the article as a separate work."

Senator DOBSON (Tasmania).—The objections which I am inclined to think might be raised to this clause are these. A well-known writer, offering an article to the publisher of a periodical, would probably ask valuable consideration for it, but a comparatively unknown writer might regard the acceptance of an article by a publisher as an honour done him, and to some extent as a valuable consideration. So far from adding this clause to the Bill, I should be inclined to say that any reference to valuable consideration to an author of an article should find a place in the previous clause. The publisher of a periodical, by giving publicity to the writings of an unknown man, might bring him into notoriety, and yet he would have no copyright in the article even for a week. I do not think the new clause should be accepted.

Senator KEATING (Tasmania—Honorary Minister).—As I previously indicated, I see no objection to the insertion of such a clause as that proposed by Senator Millen. There is always some little trouble in connexion with copyright in articles contributed to periodicals and newspapers, for which valuable consideration is not given. Senator Dobson is inclined to think that in some instances the publication itself of an article by an obscure person might be valuable consideration. There might be instances in which the writer of an article would look upon its publication as valuable consideration, but there is nothing in this clause to prevent him allowing the person publishing his article to acquire full copyright in it. The uncertainty which exists in

the minds of some people as to the present law on this subject leads to what is considered in some quarters as a large measure of abuse. The proprietors of newspapers and periodicals often invite contributions, offering a certain award or prize for the best, and they reserve to themselves the right to publish even those which are unsuccessful. In that way, they obtain the product of the brains of other people without any adequate consideration, beyond the hope of reward, if they are successful in obtaining the promised prize. I do not think the clause will do any harm, and it will insure to those who do work of a valuable character the right to copyright in it unless they choose to part with that right. If there is to be any inclination to either side, it is desirable, I think, that we should incline more to the author than to the publisher.

Senator Sir JOSIAH SYMON.—It is only recognising his property.

Senator KEATING.—As a rule, publishers look after themselves very much better than do authors, and that would be especially true of the unskilled and inexperienced authors referred to by Senator Dobson. We cannot do better than conserve their rights, when we know that they can assign them, subject to such terms and conditions as they deem fit, if they think it desirable to do so.

Proposed new clause agreed to.

Clause 23—

The copyright in a book, the performing right in a dramatic or musical work, and the lecturing right in a lecture, shall be personal property, and shall be capable of assignment and of transmission by operation of law.

Senator DRAKE (Queensland).—I point out that the definition of the term "book" in the interpretation clause is not sufficiently wide to cover "article," and there should be some provision for assigning copyright in an article.

Senator MILLER.—Do we require anything more than the word "copyright?"

Senator DRAKE.—Perhaps not; if the word "book" is left out of the clause.

Senator Sir JOSIAH SYMON.—I think we should say, "The copyright, the performing right, and the lecturing right shall be," &c.

Senator DRAKE.—Some alteration of the clause as it stands is necessary to cover the assignment or transmission of copyright in an article.

Senator Sir JOSIAH SYMON (South Australia).—I think that Senator Drake's objection will commend itself as good to the Minister in charge of the Bill. It is the right that is the personal property, and what is conferred by this Bill is copyright, performing right, and lecturing right.

Senator KEATING.—Those words are not used without reference to a book, a dramatic or musical work, or a lecture.

Senator Sir JOSIAH SYMON.—It is the right that is really the personal property, and if we say simply that the copyright, the performing right, and the lecturing right shall be personal property, that will be a neat way of stating the clause. I move—

That the words "in a book," line 1, be left out.

Senator KEATING (Tasmania—Honorary Minister).—In the interpretation clause "book" is defined to mean—

any book or volume, or part or division of a book or volume, or any pamphlet, newspaper, sheet, or letter press, sheet of music, map, chart, diagram, or plan separately published, and any illustration therein.

Senator Sir JOSIAH SYMON.—If the honorable and learned senator will look at clause 18 he will find that it is the right that we make personal property by this Bill.

Senator KEATING.—At present I must admit that I do not see any objection to the use of the words "copyright, performing right, and lecturing right" in the place of those used in this clause, but there may be several objections which, on further investigation, will disclose themselves. This only illustrates again the inadvisableness of asking the Minister, when dealing with a technical Bill of this character, to accept amendments off-hand.

Progress reported.

ADJOURNMENT.

PUBLIC SERVICE CLASSIFICATION—IMMIGRATION: HIGH COMMISSIONER.

Senator KEATING (Tasmania—Honorary Minister).—In accordance with notice already given, I move—

That the Senate do now adjourn.

Senator STANFORTH SMITH (Western Australia).—I have to express my regret that, while the Government has not endeavoured to burke discussion on the important question of the classification of the Public Service, still the discussion has been

conducted with such limitations that it has been impossible for the Senate to express, in concrete form, an opinion as to the scheme of the Commissioner.

Senator KEATING.—There is no motion which could give wider range of discussion than this one.

Senator STANFORTH SMITH.—This motion gives the widest possible range for discussion, but it absolutely precludes us from giving expression to the general will of the Senate in concrete form. We have been compelled to discuss the question on a motion for adjournment, but I think it would have been better had the Government laid the scheme upon the table and initiated a discussion, as I think is usual, which would have enabled us to discuss the matter as we would discuss other questions, and would not have precluded us from carrying a motion. Because, while speakers may express diverse views, unless we carry a motion, it will be impossible for the Commissioner to know what opinion is held by the majority with regard to matters generally affecting his scheme. We must all admit—and I think that every speaker has so far admitted—that the task which confronted that officer was one of the very greatest difficulty. He was called upon to create absolute uniformity throughout the Public Service—a service previously governed by six different Acts, and an almost countless number of amending Acts. These Acts revealed varying practices, differing scales of remuneration, diverse district allowances, and a different system of bestowing increments. The difficulties I have enumerated were accentuated and complicated by the fact that the Constitution, in section 84, provides that public servants transferred from the States to the Commonwealth shall retain their existing rights. Undoubtedly this was a stupendous task to perform, and we are not surprised to find that there are in the classification scheme certain anomalies and inconsistencies. It is the duty of honorable senators to point them out, and to a certain extent direct the Commissioner in connexion with anything which is operating unfairly towards the Public Service. While it was hoped and intended that his appointment would do away with political influence, and allow promotion to a certain extent, at any rate, by juster methods than seniority, and introduce if possible a system of preferment by merit, it was not intended in the slightest degree that the

Commissioner should be beyond or above parliamentary control. In the debate on the Public Service Bill, speaker after speaker insisted that, while it was our desire to do away with political influence, there was no shadow of a suggestion that we should do away with parliamentary control. The Act states clearly the procedure. The Commissioner has to report to the Government, who are responsible to Parliament, and who have submitted to the Senate his classification scheme before they have come to a decision as to whether it shall be accepted or referred back to him. It has been said that the scheme has resulted in greater expense to the Commonwealth, and in higher salaries to public servants. A very superficial investigation of the scheme might lead one to suppose that that was correct. According to a return which, at my request, was prepared on the 3rd August last the total remuneration prior to the classification was £1,602,576, and the total increase as the result of the classification was £54,564. When the Minister of Home Affairs initiated the discussion on the scheme in another place, he stated that at the inauguration of the Federation there were 11,191 employés receiving a remuneration of £1,439,938; that on the 1st January, 1904, there were 11,661 employés receiving a remuneration of £1,578,861, or an increase of £138,923, and that as a result of the appeals, the remuneration was increased by £4,215, and the district allowance by £1,555, making a further increase of £5,770. I have always held that the Public Service should be well remunerated. When I stood for election I promised my constituents that I would vote for a well-paid Public Service. I said it was the duty of the Federal Government, as perhaps the largest employer of labour in the Commonwealth, to set a good example in this regard, and that we should not set a bad example to State and private employers. From the figures I have quoted, it might be concluded that the Public Service has done very well out of the classification scheme, and that to make any alteration would be unfair to the great Australian public, who have to pay the salaries. My complaint is not so much with regard to the present salaries, because in that respect public servants have little to complain about. What I have to complain about is that the future opportunities for obtaining any increase of salary have

been almost entirely destroyed by this scheme. Under the old system we had differential salaries, and, at any rate in Western Australia, a uniform allowance, irrespective of the nature of the work. Under the new system the Commissioner is providing for uniform salaries, with a differential allowance, calculated according to the salaries of the clerks and the geographical position in which they are employed. Therefore we must not let this increase blind us to the fact that the public servant is in an absolutely worse position as the result of the classification than he was in before Federation by reason of these increments being curtailed and the opportunities for advancement being so much smaller under our Public Service Act than under the States Acts. The whole position might be put in this way: It was necessary in the Act to level up the Public Service; therefore public servants in each State receive in the aggregate higher remuneration than they did before. It was like giving to the public servants a bonus and stopping all future dividends. We have given public servants an increase in salary, but we have virtually said, "You shall have very much smaller opportunities of increase than you previously had." So that really the position of a public servant is worse now than it was prior to Federation. Another point we must never forget in comparing the Public Service of the Commonwealth with that of the States is that its public officers have no pensions paid by the Commonwealth. They are forced by the Public Service Act to contribute so much to a fund in order to provide for themselves a pension when they attain a certain age, or an allowance if they become incapacitated. This has to be paid out of their salaries, and as it is not done in any of the States it imposes an obligation upon our public servants, which must be taken into consideration when we are instituting any comparison. In the Public Service Act we decided that in the general division we would create a minimum wage of £110 per annum, practically £2 2s. per week. We made no limitation as to the maximum, but the Commissioner has stepped in and created one of practically £2 12s. 6d. per week. It is only with extreme difficulty that a letter-carrier in the general division can attain to a salary of £138 a year, and therefore the Commissioner has established a maximum of practically £2 12s. 6d. per week. It is almost impossible

Senator Staniforth Smith.

for the great majority of letter-carriers, or persons in a similar occupation, ever to attain to that salary. I think we should fix the maximum at £3 per week—at least at £150 a year. The officers in the general division have great responsibilities. Often they have very difficult tasks to perform. In the proper sense of the term, theirs is skilled labour for which they should receive a fair remuneration. I would suggest that we should do away with the three grades of the general division, and allow the letter-carriers and others in that division to rise by annual increments to a maximum of £150. In the clerical division we allow the officers to rise to £160 without grades; we should at least allow those in the general division to rise by increments to £150, and do away with the three grades that are provided for in section 80. Whilst there are apparent opportunities for those in the clerical division to rise to the highest position, they are blocked by the classification. It insists upon the great majority of the telegraphists being relegated to the lowest division, and practically they have no opportunity to rise. At present two-thirds of the telegraph operators are in the fifth class. It would be a fair thing to remove that congestion around the lowest rung of the ladder by providing that at least one-half should be in the fifth division, and one-half in the fourth, instead of the present proportions of two-thirds and one-third. Otherwise, the officers will have less opportunities of advancement than they had prior to Federation. I have, I think, shown that the public servants are worse off than they were before Federation, although they have received what I may call a bonus as the result of the levelling-up process, which has blinded members of Parliament to the fact that the future prospects of the officers are irreparably injured by this classification scheme. The female officers of the service have been treated by the Commissioner in a manner totally opposed to the intentions of Parliament. The Act clearly lays down the broad principle of sex equality. The public servants, male and female, were to receive the same salary if they were doing similar work, and were possessed of equal capacity. But the whole intention of Parliament has been reversed by the Commissioner in practically preventing any female officer from being employed in the clerical division. Whether

they have passed the examination or not, they are all thrust into the general division, though they may be doing similar work to, and are equally competent with, men in the clerical division who are receiving higher remuneration. The promotion of female public servants has been absolutely blocked. Positions in the fifth class have been advertised, female clerks qualified by examination have applied, and the vacancies have been filled exclusively by males. Female officers who have passed the clerical—entrance—examination, and the minimum wage examination, entitling them to be placed in the clerical division, have without exception been placed in the general division. That is an invidious distinction that was not intended by the Act, but has been initiated by the Commissioner. Now, I wish to say a word with regard to the appeal board. I was instrumental in having those boards provided for in the Public Service Act. There can be no doubt that they have not created that degree of satisfaction, and conferred such benefits as it was hoped they would. They have not been as effective as Parliament intended. But it must be remembered that the Senate had a big fight to secure appeal boards at all. On two occasions, I think, the proposal of the Senate carried at my instance was rejected by the House of Representatives, and only in a modified form was it restored and ultimately retained in the Act. The nature of the appeal boards has undoubtedly militated against their successful operation. Practically, an appeal board as at present constituted is a body that sits in judgment on itself. It consists of the inspector, the permanent head, and some one elected by the officers of the service. The two former officers were, of course, largely instrumental in fixing the salaries and conditions against which appeals are made. They themselves are therefore called upon to adjudicate on their own work. It would be better if we had an appeal board composed of a representative of the Government and a representative of the employes, presided over by a stipendiary magistrate.

Senator GUTHRIE.—No, a Judge.

Senator STANIFORTH SMITH.—It might not be possible for a Judge to give sufficient time to the work. But either a stipendiary magistrate, a Judge, or some person in a judicial capacity, who is free from bias and has a capacity to weigh

evidence, should sit on the board. The recommendations of the board are subject to the decision of the Commissioner, which is final. Such a tribunal as at present constituted is not likely to have made many alterations in the classification scheme that was formulated largely at the instigation of its members. But, in any case, the provision with regard to appeal boards had this advantage—that it insured that a public servant with a grievance had a right to appeal to Cæsar. Not only that, but it enabled an aggrieved officer to give and call evidence, which had to be taken down and sent to the Commissioner, so that he might be able to know both sides of a case before he came to a decision. The object was to do away with social influence, which I insisted, when I proposed my amendment in the Public Service Bill, was almost, if not quite, as bad as political influence.

Senator GUTHRIE.—Worse.

Senator STANIFORTH SMITH.—Personally, I believe that in the Public Services of the States unfair cases of social influence are ten times as numerous as are unfair cases of political influence. We want to do away, as far as we can, with what I may call departmental pets—certain people who are relations of those high in the service, or who are perhaps very friendly with heads of departments, and who are pushed forward over the heads of others, or sent to places where the conditions of life are pleasant and opportunities of promotion are great; whilst persons equally honest and capable are retained where promotion is almost impossible.

Senator MULCAHY.—We shall have to bring down an archangel or two to manage the Public Service.

Senator STANIFORTH SMITH.—It is quite impossible to do that, unless we secure the services of Senator Mulcahy. We can, however, point out abuses that occur. While it is impossible for us to secure perfection, we can at least attempt to minimize evils that tend to spread to such an alarming extent in the service. It was unfortunate that the first test of the efficiency of the appeal boards was in relation to the myriad appeals against the classification scheme. It was almost physically impossible for the Commissioner to give individual attention to each case, to read the evidence, and to come to a decision. I know nothing about the matter personally, but he must have

delegated the decisions to some of his clerks, or must have acted upon the recommendations made by the appeal boards. Consequently, the very factor that we hoped would be useful in doing away with unfairness in the working of departments has not been availed of to the extent we had hoped. There were 2,217 appeals lodged, of which 443 were allowed, and 1,774 were disallowed. It is also unfortunate that, as reported in the press, the Commissioner showed hostility to the creation of the appeal boards. It is reported that he said that the system was unworkable, and also that Sir William Lyne, then Minister of Home Affairs, said that he would have the appeal board section repealed. For these reasons the career of the board has been of a somewhat chequered nature. It has had a very severe trial. We can only hope that in future the system will be more effective. I am pleased to say that at least some good has been accomplished. In Western Australia, in the Department of Trade and Customs, four officers, and in the Post and Telegraph Department sixty-three, were benefited as the result of the system. In the matter of district allowances, one centre was raised from scale 2 to scale 3; twenty-three centres were raised from scale 3 to scale 4; fifteen were raised from scale 4 to scale 5; four were raised from scale 5 to scale 6; three received a special allowance of £60 each; and in something like the same proportion officers in the other States were benefited. We can, therefore, rightly assume that if there had been no appeal boards there would have been hundreds of cases of injustice which would never have come before the Department, and would have remained until the present day. Indeed, I believe that many injustices remain now, which should have been rectified by the appeal boards; but we, at least, can congratulate ourselves on the fact that some have been adjusted, which otherwise would never have received consideration. In the salaries established under the Public Service Act, absolute equality throughout the Commonwealth was rendered necessary by reason of the Constitution, in order to enable public servants to be transferred from one part of a State to another, and from State to State. This absolute equality was inaugurated irrespective of climatic conditions, of the isolation of some places, and of the discomforts inseparable from certain positions. As I have stated, this uniformity was obligatory under the Con-

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stitution, but it would undoubtedly be a cruel injustice if disabilities were not corrected by allowances attached to the districts in order to compensate officers for the disabilities I have mentioned. I venture to think that in the system of allowances a grave mistake has been made by the Commissioner. Instead of adopting fixed allowances, according to locality, the Commissioner has adopted percentage allowances, modified by locality. He has computed the allowances partly from the geographical position in which the public servant is placed, and partly on the amount of the salary; and I say that that is wrong in principle. We grade salaries according to the ability of the individual and the importance of the position and the responsibilities; and in that, I think, we have adopted a right policy. But these factors in no way exist when we consider the question of allowances. Isolation, discomfort, and increased cost of living press as heavily on the official drawing £100 a year, as on the official receiving £500 a year. There is only one method which can be adopted in a spirit of absolute fairness, and that is to say that locality alone shall determine the amount of compensation. If a man in receipt of £100 a year is stationed at a place like Belladonia, Eucla, Wyndham, or Derby, in Western Australia, he ought, on the grounds I have stated, to receive the same allowance as a man who is paid a much higher salary. This is not a question of merit, but of discomfort and expense; and, therefore, the Commissioner, in my opinion, was wrong in making a compromise, and holding that locality should have a certain weight, and salary a certain weight.

Senator O'KEEFE.—Salary has nothing to do with the question; climatic allowances should be equal all round.

Senator STANIFORTH SMITH.—That is so. There is only one system of differentiation, irrespective of locality, which can be allowed with equity, and that is the differentiation between married and unmarried men. In the Western Australian Railway Department, married men receive an allowance of £50, and single men an allowance of £30 a year in inland towns. With that one exception, which may or may not be advisable, there should be no differentiation at all—locality should absolutely decide the amount of compensation. In bringing about uniformity of salaries, there was a

general levelling up, and on account of the accrued rights of the public servants it would have been impossible to adopt any other process. The public servants of Tasmania had their salaries increased to the extent of 18 per cent.; in South Australia, 17 per cent.; in New South Wales, 11 per cent.; in Victoria, 10 per cent.; in Western Australia, 5 per cent.; and Queensland, 4 per cent. It will be seen that the public servants of Western Australia and Queensland received the smallest increases, and if we ask ourselves why, in those States, the public servants previously received the higher salaries, we must come to the conclusion that the conditions of living were recognised by the States Governments. In other words, the higher salaries show that the conditions are worse, as, indeed, is admitted, in Western Australia and Queensland than in the other States. Now that the salaries are absolutely equalized, a much greater obligation is imposed on us to increase the allowances in those States. But the fact is that the allowances in Queensland and Western Australia have been in a great many cases largely reduced, while in few, if any, instances has there been any increase. I contend that the allowances should be increased instead of reduced, if any semblance of fairness is to be meted out to those public servants who, under the Constitution, are entitled to retain all their rights and privileges. At an inter-State conference of letter-carriers, attended by representatives from all the States, the following resolution was passed:—

That in the opinion of this conference, the whole of the State of Western Australia should be brought under clause 168 of the Public Service Regulations.

That is the clause which provides for a scale of district allowances; and in the opinion of this conference of letter-carriers, who compose one-fourth of the general division of the Public Service, the whole of the officers in Western Australia ought to receive this consideration. At a conference of the Electric Telegraph Association, held in Melbourne on the 20th June last, it was resolved —

In view of the high cost of living, and the higher rate of wages obtaining in Western Australia, as compared with the rest of the Commonwealth, this conference advocates the bringing of the whole State under the provisions for district allowances.

Those resolutions are undoubtedly justified by the increased cost of living, which can

be verified by a reference to newspaper advertisements in Western Australia, and to the price lists of commodities in the various States. I have here an extract from a newspaper, giving a comparison between the prices of goods in Adelaide and in Perth, based on what is required for a man and his wife for a week. The comparison is as follows:—Rent in Adelaide, 8s., as compared with 17s. 6d. in Western Australia; meat, 7s., as compared with 13s.; groceries, 8s., as compared with 11s. 6d.

Senator PLAYFORD.—Does the honorable senator say that meat is double the price in Perth?

Senator STANFORTH SMITH.—Very often it is. The comparison proceeds:—Milk 1s. 2d. in Adelaide, as compared with 1s. 6d. in Perth; vegetables, 10d., as compared with 1s. 9d.; bread, 2s. 1d., as compared with 2s. 11d.; wood, 2s., as compared with 2s. 6d.; fruit, 1s., as compared with 2s. The total cost for the week is £1 10s. 1d. in Adelaide, as compared with £2 12s. 8d. in Perth. Then a comparison is also instituted in regard to the cost of other provisions, as follows:—Bacon, 5½d. per lb. in Adelaide, as against 1s. 1d. in Perth; eggs, 11d. per dozen, as against 1s. 9d. per dozen; cheese, 5d. per lb., as against 10d. per lb.; tea, 1s. per lb., as against 1s. 3d. per lb.; butter, 8d. per lb., as against 1s. 1d. per lb.; and potatoes, 28 lbs. for 1s., as against 2s.

Senator MULCAHY.—What is the authority for those figures?

Senator STANFORTH SMITH.—The extract is from a Western Australian newspaper, called the *Spectator*.

Senator PLAYFORD.—The statement of prices is absolutely incorrect, so far as Adelaide is concerned.

Senator STANFORTH SMITH.—The comparison proceeds:—Mutton, 2½d. to 4d. per lb. in Adelaide, as compared with 4d. to 6d. per lb. in Perth; beef, 2½d. to 4d., as compared with 6d. to 9d.; bread, in the 2-lb. loaf, 2½d., as compared with 3½d.; and rabbits, 6d. per pair, as compared with 2s.

Senator PLAYFORD.—The whole statement is incorrect so far as Adelaide is concerned.

Senator STANFORTH SMITH.—The honorable senator is expressing a very dogmatic opinion without, I think, sufficient evidence.

Senator PLAYFORD.—I know what prices I pay for provisions for my own family.

Senator STANIFORTH SMITH.—Doubtless the honorable senator purchases commodities of the very best quality, and fares sumptuously every day. Poor public servants cannot afford to buy the choicest of the fruits of the earth, as doubtless the honorable senator does. Instead of this difference in the cost of living being recognised, the allowances in Western Australia, and, I believe, in Queensland, have been actually reduced. I admit that there are places in Queensland where the disabilities are just as great as those experienced in Western Australia. The climate in the north of Western Australia and in the north of Queensland, with the accompanying discomforts, is about equal, and any claims I have made on behalf of the public servants in the western State, may be made with equal force for the public servants in the northern State. There is no doubt that Western Australia has benefited least by the classification scheme, or, to put it another way, has been injured most. The unfortunate public servants have been punished both ways. As I pointed out before, the public servants in Tasmania have had their salaries increased by 18 per cent.

Senator O'KEEFE.—Do not forget the rates which prevailed in Tasmania before Federation.

Senator STANIFORTH SMITH.—I do not mention the rates prior to Federation, because salaries are now uniform. What I am pointing out is that Federation has benefited the public servants of every State more than it has the public servants of Western Australia, where the increase in the salaries amounts to only 5 per cent. In the latter State the public servants are also injured in the matter of allowances, which are lower than they were prior to Federation, so that, as I said, injury has been inflicted in both directions.

Senator O'KEEFE. — It might happen that the salaries of the public servants in one State, might under the classification not be increased at all, and yet no unfairness result—I mean if the salaries were previously sufficient.

Senator STANIFORTH SMITH.—The salaries paid in Western Australia and Queensland were practically taken as the standard, and the salaries elsewhere were brought up to their level, because no other course was possible under the Constitution. When all the rights and privileges of the public servants had to be preserved, it was impossible to reduce salaries.

Senator PLAYFORD.—That is why civil servants in Western Australia do not appear to have benefited so much by the classification.

Senator STANIFORTH SMITH.—The honorable senator confirms what I have said. Public servants in Western Australia have received less benefits under the classification, and they have been seriously injured by the reductions made in the allowances which they previously enjoyed. In the reclassification scheme as compared with the original classification scheme, of seventy towns in Western Australia, forty have been placed in a higher scale with respect to allowances, and thirty have been left as they were before. Civil servants employed in the towns which have been placed in the higher scale of allowances are now in receipt of allowances barely equal to those which they received prior to Federation, whilst those employed in the thirty towns which have been retained in the same scale as before, receive little more than half the amount in allowances that they received prior to Federation. These latter towns include inland centres like Kalgoorlie and Coolgardie, in which large staffs of public servants are employed. I say that in this Public Service Classification we are not carrying out the spirit and letter of section 84 of the Constitution, under which it was intended that all existing rights of civil servants should be maintained. Whilst the levelling-up process, to which I have referred, has practically resulted in bonuses to numbers of civil servants, so far as increments are concerned they are in an infinitely worse position than they were in before Federation. When we come to consider allowances, we find that they are receiving very much less than they received prior to Federation. The postal officials employed at Brownhill, Boulder, Bulla Bulling, Coolgardie, Kalgoorlie, and Trafalgar (now Lake View) received £30 a year as allowances in addition to salary prior to Federation. They are now receiving allowances according to the following scale: Those in receipt of a salary of £140 receive an allowance of £18 a year, or a little more than half the allowance paid prior to Federation. Those receiving salaries up to £150 receive an allowance of £19 10s., and there are very few in receipt of a higher salary. Those receiving salary up to £185 receive an allowance of £21 7s. 6d., and up to £219 an allowance of £23. In these towns, in which

there are employed a large number of public servants, the allowances paid have been reduced in some instances by nearly 50 per cent. Civil servants employed at Bardoc, Bonnievale, Broadarrow, Bulong, and Burbanks received an allowance of £30 a year prior to Federation. They are now in receipt of allowances computed as follows:—Salary up to £140, allowance £24; up to £160, allowance £26; up to £185, allowance £28 10s.; and up to £210, allowance £30 10s. In the case of Carnarvon, where public servants prior to Federation received an allowance of £40 a year, they are now in receipt of allowances on the scale which I have just referred to.

Senator O'KEEFE.—Is the honorable senator referring to climatic allowances, or to increments of salary?

Senator STANFORTH SMITH.—To allowances to meet extra cost of living, and in consideration of isolation, and adverse conditions of employment. I am contending that these allowances should be computed simply according to locality, and that no other factor should be allowed to enter into the computation. I say that a clerk at Carnarvon receiving £100 a year should get exactly the same allowances as an officer in receipt of £500 a year at the same place, because the adverse conditions must be equally oppressive to each. There can be no question in this matter as in the case of fixing salaries, of payment according to the value of services rendered. In dealing with allowances a lump sum should be given, as in the State service of Western Australia, and also in the case of private employers, as I shall be able to show. The principle adopted by the Public Service Commissioner has been to give the man in receipt of the higher salary a higher allowance. He would appear to have followed the Scriptural injunction, "To whomsoever hath, to him shall be given, and he shall have abundance, but whosoever hath not, from him shall be taken away, even that which he hath." I propose to refer to the allowances paid to civil servants in the employ of the State Government of Western Australia in similar conditions. In the Education Department, each civil servant employed in the inland towns of the State receives an allowance of £30 per annum, irrespective of salary. In the Railway Department, married men receive an allowance of £50 per annum, and single men an allowance of £30. In the

Police Department all receive £30 per annum and quarters. In the Treasury, Law Department, and Mines Department, officers receive an allowance of 20 per cent. on their salaries, which is a very generous allowance.

Senator PLAYFORD.—And a very bad principle, according to the honorable senator.

Senator STANFORTH SMITH.—I do not approve of the principle, but under that regulation a man in receipt of £150 a year salary would receive £30 a year as allowance. While I object to the principle adopted in the case of those Departments, I admit that the allowance granted is on an exceedingly generous scale. In dealing with the allowances paid by private firms, I quote the associated banks, because they are large employers of clerical servants, and in the inland towns of Western Australia they pay each clerk an allowance of £50 per annum in addition to salary. I say that the Commonwealth Government has no right to so seriously reduce the allowances heretofore paid to civil servants in Western Australia or in any other State. The course adopted is an injustice to those who are immediately concerned; but it is also an injustice to every wage-earner employed where these adverse conditions of employment obtain. The Commonwealth Government is, if not the largest, one of the largest employers of labour in Australia, and when they have taken this step the tendency will be for the States Governments to do the same thing. We know that the rate of wages is almost invariably fixed by those employing the largest number of hands. If a great mine in a certain locality pays a certain rate of wages it practically fixes the wages for the smaller mines around it. This applies to various other avocations. If the Commonwealth Government sets the example of altering the existing conditions obtaining on the Western Australian gold-fields, and of reducing allowances fixed by officials who had an infinitely better knowledge of the conditions of employment in those places than any Commonwealth Public Service Commissioner could possibly have, there is great danger that private firms and employers will also reduce the allowances which they are now paying. What has been done under this classification scheme may have the effect of decreasing the difference between wages paid on the gold-fields

of Western Australia and those paid in the Eastern States. If it is to be decided that the difference in cost of living, the disadvantage of isolation, and the other disabilities which have to be endured in remote parts of Western Australia, are to be estimated by an allowance of 7s. 6d. a week—because that is what this proposal practically amounts to—we shall be creating a standard for private employers on the Western Australian gold-fields. At the present time clerical and manual labour is receiving in the inland towns of Western Australia practically 50 per cent. more than similar labour is paid in the Eastern States. We are under this classification scheme, saying that the difference should only be 7s. 6d. per week. By adopting such a course we shall be doing a very great injustice not only to our own public servants in outside districts, but to the employés of the State Government and of private firms in those districts. There is one other matter to which I should like to refer, and that is the transfer of civil servants. Great injustice has been done in the past by the fact that civil servants who have been able to exercise no influence, who have not had the benefit of a relation in a Department, or some powerful friend in the community, have been practically banished to some "Siberia" in the centre of Western Australia or on the northern coast. They have been left there until they have resigned or until their health has broken down, owing to the rigour of the climate. Cases have occurred in which men who have been told that they must go to some of these places, have stated that they would resign rather than go into perpetual exile, because they know what the conditions would be. When an officer has applied for a transfer the head of the Department has said, "I want you to go up to Broome, Derby, Wyndham, Eucla, or Balladonia to relieve so-and-so, who has been there for three or four years." The clerk refuses to go, and says that he prefers to resign, with the result that the unfortunate wretches already banished to those places are kept there until their health is injured. In this way the greatest injustice has been done to many civil servants. As an illustration of many hundreds of cases, I can mention that of the postmaster of the town of Lawlers, which is almost in the centre of Western Australia. He went up there with his wife, eight, if

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not nine, years ago. He has several young children who have never seen the sea, who practically have never seen civilization. The doctor has told him that it is absolutely necessary for the health of his wife and children that he should have an extended holiday near the sea, or in some place where the conditions are better. Although I have been, I think, to every Minister up to the time when the Commissioner was appointed, and urged that the man should be transferred, still they have been unable to transfer him, because they said they could not get any one to take his place. If the Commissioner would lay it down as an absolute rule that in those places where the discomforts are great, no public servant should be compelled to stay more than three years, the whole difficulty would be got over, because a man would say, "I shall get a certain allowance above my salary. I shall have to put in my three years, and take my turn with the others." That is a very different thing from saying to a man, "You shall go to this out-of-the-way place, and we shall not say when you will be relieved, whether you will be there till you die, or until you resign." Unless such a rule as that be established, the greatest hardship will exist in the future, and the greatest injustice will be carried on in Western Australia. If a return were prepared to show the length of service that some of these men have done in tropical parts of Western Australia, and in parts where the discomforts are very great, where they see hardly a white face from one month's end to another, I think honorable senators would say that some provision should be made that public servants should not be compelled to stay more than three years in these out-of-the-way places. To sum up what I have said, I would say that female employés in the Civil Service possessing equal qualifications and aptitude, should be placed in the same class and receive equal remuneration as male civil servants doing similar work; that at least one-half of the total number of telegraphists should be in the fourth class; that the three grades in the general division should be abolished, and annual increments substituted up to at least £150; that district allowances should be more in conformity with those previously allowed by the States, and should constitute a more equitable compensation for increased cost of living, isolation, and climatic conditions; and that the

appeal board provision should be amended so that there should be on each board one representative of the Government, and one of the civil servants, presided over by a stipendiary magistrate or Judge. It is impossible for me to move these propositions under the restricted conditions in which I am placed. I do not wish in any way to prevent discussion, but when the debate on this scheme is completed I shall embody the propositions in a notice of motion, which I shall move at a later date.

Senator PEARCE (Western Australia).—On a previous occasion I spoke on the classification scheme generally; but there is one phase in connexion with the Public Service which would have been raised to-night by Senator Neild if he had been well enough to attend. When he was last here he asked me, if he were absent when the scheme was discussed, to bring forward the question of the isolation of a small number of public servants in the Military Department. In that Department there are a number of clerks who have been practically cut off from the rest of the public servants and placed in a most invidious position as compared with other public officers.

Senator PLAYFORD.—Unfortunately it is done by the third section of the Defence Act.

Senator PEARCE.—Whatever the reason for this isolation may be, I think there are sufficient grounds for altering the law. For instance, they are not considered eligible for transfer to other Departments under the Commonwealth when vacancies occur which they are competent to fill, although clerks in the Pay and Ordnance branches of the Military Department, and also clerks in the Rifle Club and Naval Offices, are so eligible for transfer and promotion.

Senator PLAYFORD.—I think they have a very just cause of complaint, and I shall try to get them placed within the Public Service, if I can.

Senator PEARCE.—The clerical positions in the military service are restricted. No regulations exist as to when promotions or increments may be expected, if clerks perform their services satisfactorily. There is no board of appeal or feeling of security of position. Again, military clerks cannot aspire to the higher positions to which public officers in the clerical division of the Public Service naturally hope to aspire, as a reward for years of meritorious service. Moreover, through want of opportunity,

they are prevented from rising in the military branch. They are not in the active forces, and therefore have no opportunity of rising in the military branch of the Defence Department, or in the clerical branch of the Public Service.

Senator PLAYFORD.—But in the clerical branch of the military service they can rise to the position of Secretary to the Minister.

Senator PEARCE.—Yes; but, in view of their small number, it is manifest that the chances of promotion are practically nil. Under the present regulations, military clerks are subjected to periodical medical examinations, which are not required of the men in other branches of the Public Service. They are compulsorily retired at the age of fifty-five years, without a pension or superannuation allowance, whilst clerks in the other Departments serve on until they attain the age of sixty years, and in some cases sixty-five years. That seems to be very harsh treatment.

Senator TURLEY.—They get no superannuation allowance.

Senator PEARCE.—That is so; but still, to retire a man at the age of fifty-five years, when practically he should be in his prime, seems a great hardship, because it is utterly impossible for him then to commence life afresh. If it is decided that the military clerks do not come under the provisions of section 33 of the Public Service Act, the Government should pass a short Bill to amend section 3 of the Defence Act, so as to bring them into the Public Service. I cannot understand any reasons being given for their present treatment. I believe that the reason given by Major-General Hutton was that there was some necessity for keeping military clerks under the control of military officers, because it might be necessary to court-martial them. Surely it could be laid down that if the military clerks broke any of the Public Service Regulations, the Commissioner should deal with them, and that if they broke any military regulations, they should be dealt with by court-martial, like the clerks in the Ordnance Department. I trust that the Minister will see if a remedy cannot be found for the position in which military clerks find themselves.

Senator PLAYFORD.—I am looking into the matter, and trust to be able to find a remedy.

Senator STYLES (Victoria).—I do not know whether the Minister has had his attention drawn to the fact that public officers in

Western Australia receive very much larger salaries than public officers in Victoria. I should be glad if he would examine a paper which has been placed in my hand, and see if an alteration can be made. It seems very unfair that such a discrepancy should exist in the case of officers in the Department of Trade and Customs.

Senator PLAYFORD.—In Western Australia the officers receive more remuneration on account of the higher cost of living, and now the representatives of the State say that the men do not receive enough.

Senator STYLES.—I would suggest that the salaries of the Victorian officers be raised to the standard of the Western Australian officers. I do not see why a letter-carrier should not be allowed to rise to at least £150 a year, which is only a fair and reasonable remuneration. I believe that the present limit is £138 a year, but I do not see why any deserving men should not have the opportunity to rise to a maximum of £150 or £156 per year. That is not a very large amount; and a man is encouraged to do his duty when he knows that he is fairly paid. That was my experience as a large employer of men. I should be glad if Senator Keating will look into the matters I have mentioned.

Senator CROFT (Western Australia).—I should not have risen to speak, but for an interjection by the Minister of Defence and a remark by Senator Styles. I fully realize that the latter has no desire to see very low wages paid in Western Australia, but wishes to see equitable wages paid to public officers in Victoria. I am one of those who believe, not only in the State controlling the various Departments we have under consideration, but also in the extension of its functions—and as those functions extend, so I hope it will be a model employer, and pay the best wages. I can assure the Minister of Defence that the difference in the cost of living was quite correctly represented by Senator Smith.

Senator PLAYFORD.—The prices quoted are, as regards Adelaide, altogether wrong.

Senator CROFT.—I believe that the prices are right. For the first few years after the Arbitration Court was established in Western Australia I conducted the majority of the cases for the Employés' Union.

Senator PLAYFORD.—Senator Smith's prices as regards Western Australia may be right; but his prices as regards Adelaide are wrong.

Senator CROFT.—With a view to ascertaining the cost of living for the information of the Arbitration Court, we obtained tradesmen's bills paid by small families, and sworn to as correct, which showed that, although in some seasons certain articles might be a little dearer, yet, taking the whole year round, the cost of living generally averaged from 18 to 33 per cent. more in Western Australia than in South Australia. The cost of living in Adelaide is higher than the cost of living in Sydney in a good season. Heaven knows that banks do not pay very liberal salaries at any time; but we find that these institutions have so far recognised the necessity of paying their employes increased wages on the gold-fields that they will not allow a clerk to work there for less than £200—a salary which would make some of the bank clerks in Melbourne envious, I should think—and they give a gold-field allowance of £50 per annum. I hold in my hand records of the Arbitration Court, which disclose the cost of living and the disabilities under which the various descriptions of workers were employed and had to live. Let me quote some of the wages paid, for instance, at Gwalia, a very thickly-populated place, which is connected by railway with Perth. I find that surface labourers—pick and shovel men—get 11s. 8d. per day; boiler cleaners and tool sharpeners, 15s. per day; tradesmen, mechanics, engine-drivers, amalgamators, mechanics' labourers, greasers, oilers, and cleaners, from 16s. to 16s. 8d. per day.

Senator PLAYFORD.—A perfect paradise for a working man.

Senator CROFT.—I have been through that country, and can assure the Minister that even with those rates of wages it is not a perfect paradise for a man to live in, let alone to try to raise a family of children in. When one considers the high wages paid to every other class of workers, it will be recognised that the dissatisfaction that exists amongst the public servants in Western Australia has some justification. I trust that the facts and circumstances so ably laid before the Senate by Senator Pearce and Senator Staniforth Smith will receive attention from the Commissioner.

Senator STORY (South Australia).—Although we have the assurance of the Minister that any complaints and suggestions made by honorable senators will receive consideration at the hands of the Commissioner, it seems to me that he and

his officers cannot, unless they plead guilty to incompetence, interfere with the classification scheme as amended. The Commissioner was appointed to classify the Public Service of the Commonwealth. He had the assistance of inspectors and other officers. They completed their work. Due provision was made in the Act that public servants who were dissatisfied with the classification should have the right of appeal. A large number of them availed themselves of that right. Some appeals were allowed; others were disallowed. Granting that in the first instance the Commissioner may have been mistaken in some particulars, he has now rectified his scheme, and he must insist that it is as near perfect as he can make it, and that to make further alterations, in deference to expressions of opinion by Parliament, would cause it to appear that he and his staff were not fit for the positions they occupy. For that reason, I think, it now remains for the Government to adopt the scheme, especially in justice to those who have successfully appealed. There is a considerable number of public servants in that position, and a large amount of back pay is due to them, in many cases covering periods of eighteen months. They cannot get that money until the classification scheme has been finally adopted, and therefore injustice is done to them. The case of the letter-carriers has been referred to by Senator Pearce, but as the Minister has promised that the Commissioner will consider their grievances, I need not refer to that branch of the service. I agree most heartily with those who have pointed out that the clerical division seems to have been treated very much more generously than the general division. In the general division are men who have quite as much clerical ability as those in the clerical division, in addition to which they possess mechanical skill and general knowledge. But simply because they are engaged in work which is, in many instances, of far greater importance, and much more disagreeable, and involves greater integrity on the part of the officers than that performed by clerical officers, they have no chance of rising above a miserable £150 per annum. I indorse the remarks of Senator Smith as to the fact that in the classification scheme the Commissioner has absolutely ignored the principle laid down by the Federal Parliament, that women employed in the Public Service, provided they are doing the same kind of work, and are equal

in capacity to men, should receive the same pay. There are postmistresses and women occupying other positions which are important and responsible, and which compare with positions held by men of a like character. But simply because they are women, their promotion is barred. Certainly they have good ground to complain of their treatment. Some of them have unsuccessfully appealed against their classification. Senator Smith, however, made it appear that South Australian public servants have been generously treated in comparison with those of Western Australia. But there is a class of public servants in South Australia that has been very badly treated. I refer to postmasters. In the classification scheme a large number of very important post-offices are graded at £140 per annum. Many of them are at important places. Under State management they carried a very much higher salary, and officers of the service looked forward to secure these positions as promotion for good service. To illustrate what I say, I have taken half-a-dozen post-offices in the State of South Australia, and propose to mention the salaries paid by the State before Federation, the salaries suggested by a Classification Board appointed by the State some years ago to grade these offices, and the salaries proposed under the Commonwealth classification scheme. The half-a-dozen offices which I shall take are a fair example of the whole classification in South Australia. First of all, at Strathalbyn, an important town south of Adelaide, the salary and allowances paid by the State amounted to £340; the State Classification Board fixed the salary at £291; the Commonwealth classification makes it £240. The present occupant of the office receives £210. At Renmark the salary under the State régime was £245; the State Classification Board proposed to make it £260; the salary under the Commonwealth classification is £144. At Petersburg under the State the salary of the postmaster was £420; the State Classification Board proposed to leave it at that amount; the Commonwealth classification proposes to cut it down to £257. At Kadina the State salary, with allowances, was £370; the State Classification Board proposed £355; the Commonwealth classification cuts the amount down to £234. At Mount Barker the State salary was £340; the State Classification Board proposed to make it £350; the Commonwealth classification scheme makes it £189.

There are similar instances throughout the classification scheme, the Commissioner having been most parsimonious in fixing the salaries of postmasters. In fact, they have been fixed so low that officers in the General Post Office in Adelaide, who at one time were anxious to secure country post-offices, and regarded the transfer as promotion, now prefer to remain in the General Post Office as subordinates rather than forfeit some amount of salary by taking country offices. For purposes of comparing payments at present made by private employers and even by the State, I will take Mount Barker, a town of which I know something, and which is a fair type. There are two branch banks there. The manager of one gets £320, with allowances, and the manager of the second receives £300. The inspector of stock, who is a State officer, receives £320 per annum; the schoolmaster £270; the railway station-master £240; and the postmaster only £210, less £21 rent. In a town which is large enough to pay the salaries of two bank managers and several officials, the postmaster receives a beggarly pittance of £189 per annum.

Senator O'KEEFE.—And bank managers are not generally overpaid.

Senator STORY.—I quote those figures in order to compare payments in private employment with salaries paid by the Commonwealth. No encouragement whatever is given to good men to join the service. It should be the object of the Commonwealth to attract the very best men to do its work, and the only way to secure that end is to make something like a fair reward for services rendered. Looking through the figures prepared by Sir George Turner, I notice that the Post and Telegraph Department of the Commonwealth shows a very fair profit. In New South Wales and Victoria the profit is, I think, 10 per cent.; in South Australia it is over 10 per cent. Surely a Department that can show such a profit can afford to pay its officers fair salaries. The Commonwealth has the services of well-tried and experienced men from the States' Public Services, to some of whom the transfer certainly did not mean promotion. In some cases, in order to obtain the same salary under Federal control, as was paid to them when in the employ of the State Government, they have been compelled to remove from the agreeable climate

of the south to the much warmer and objectionable climate of the northern part of South Australia. To an officer of some years' standing, who has a family growing up, and has formed social and other connexions in a certain locality, it is a great hardship to be compelled to make such a move, in order to obtain the salary to which he is entitled by his length of service. I do not think that it is of any use prolonging this discussion. In justice to members of the Public Service to whom a large amount of back pay is due, this scheme should be finally dealt with as early as possible. No doubt, cases of individual hardship will occur, but these may, later on, be disposed of by the Commissioner, or the appeal boards, and, although the scheme, generally speaking, is unsatisfactory, to alter it now, even if we had the power, would give rise to a great deal of trouble and difficulty.

Senator O'KEEFE (Tasmania).—I spoke on the classification scheme about a fortnight ago, but, as the motion before us is for the adjournment of the Senate, I wish to take advantage of the opportunity to draw attention to another matter. To-day, I asked the Minister representing the Minister of External Affairs, the following question:—

Whether, in view of the probable early appointment of a High Commissioner to represent Australia in London, the Government is not of opinion that any scheme for immigration should remain in abeyance until such official is appointed, so that he could take part in the selection or recommendation of any intending immigration.

The answer which I received was not quite so clear, and was hardly so fair as the question deserved; but, of course, I entirely absolve the Minister of Defence of any intention to be obscure.

Senator PLAYFORD.—I gave the answer which I had received from the Minister of External Affairs. I had nothing to do with preparing it.

Senator O'KEEFE.—The reply to my question was as follows:—

The appointment of a High Commissioner is regarded by the Government as an important factor in the encouragement of immigration, and Parliament will be invited to consider it in that relation.

That certainly is not a reply to the very simple and plain question which I asked. In view of newspaper correspondence on the question of immigration, and of certain statements made by the Minister of External Affairs, it occurs to me, as I believe it has occurred to a number of other people,

that it is quite possible, and, in fact, probable, that arrangements are likely to be made at a very early date for the furtherance of the scheme of General Booth, of the Salvation Army, to send 5,000 families to Australia. I have nothing to say on the question whether General Booth or any other individual is qualified to choose immigrants such as the States desire; but, in view of the probable early appointment of an official to act as High Commissioner for all Australia—

Senator HIGGS.—Elected by Parliament.

Senator O'KEEFE.—Whether the High Commissioner be elected by Parliament, or appointed by the Government, does not matter for the purpose of my argument. My contention is that it would be more satisfactory if the High Commissioner had some voice in the furtherance of any scheme that may be proposed, and in the selection of intending immigrants. That was my object in framing what I submit was a fair question, to which a clear answer might have been given. As I said before, I do not charge the Minister of External Affairs with having intentionally made the answer obscure, but I think we ought to have some definite information on a matter which is of considerable importance to the Commonwealth.

Senator CROFT.—And is growing more important every day.

Senator O'KEEFE.—That is so. I make these observations with a view to affording an opportunity to the Minister of Defence to consult with the Minister of External Affairs, if he deems it advisable to take that course. If the Minister of Defence does not accept this suggestion some honorable senator or myself may feel it necessary to take some further action.

Senator PLAYFORD (South Australia—Minister of Defence).—It is evident that Senator O'Keefe has never been a member of a Ministry, or he would know that it is not always possible to give a direct "yes" or "no" in answer to a question. If, in some cases, a direct answer were given, the Ministry would tie their hands, and place themselves in an awkward position. Senator O'Keefe evidently desires to have a direct answer to the effect that all arrangements in regard to immigration shall be stopped until a High Commissioner is appointed. The Government desire to have a High Commissioner, but do not know whether they will succeed; and if Senator

O'Keefe had received the answer he desired, and the Government were unable to appoint a High Commissioner, no action could have been taken in connexion with immigration. I can thoroughly understand that the Prime Minister saw the point, and realized the difficulty in which the Government would be placed if the question were answered with a direct negative or affirmative.

Senator O'KEEFE.—Would it not have been more honest to have told me that in answer to the question?

Senator PLAYFORD.—The honorable senator might have read between the lines and realized the position. I am now telling the honorable senator exactly the view which I suppose the Prime Minister took. I may say that I have not conversed with the Prime Minister on the subject, and that I never saw the reply to the question until a few minutes before the Senate met. As I say, I read the answer as it was given to me, but I gathered what the situation was. The Government were asked to say "yes" or "no" to a suggestion that we should stop all consideration of the immigration problem until a High Commissioner had been appointed, and had arrived in London. Had the answer been in the affirmative, and no Commissioner appointed, the Government would not have been able to utilize the services of the present Agents-General for the States in the promotion of immigration. Therefore, the honorable senator received, I shall not say an evasive answer, but a sympathetic answer.

Senator STYLES.—A diplomatic answer.

Senator PLAYFORD.—A diplomatic answer, which meant that under the peculiar circumstances of the case it would not be wise for the Government to commit themselves to an absolute "yes" or "no."

Senator O'KEEFE.—Now I have received the answer which I wished.

Senator TURLEY (Queensland). — I had intended to address myself to the subject of the classification of the Public Service, but as Senator Smith has informed us that he intends to place some motions on the notice-paper in reference to the scheme, I think it better to defer the few remarks I desire to make until those proposals are before us. We shall then be able to register our opinion by a vote, a course which cannot be adopted under the present mode of discussion.

Question resolved in the affirmative.

Senate adjourned at 9.30 p.m.

House of Representatives.

Thursday, 21 September, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

OLD-AGE PENSIONS COMMISSION.

Mr. CARPENTER.—I wish to know from the Postmaster-General, as he is chairman of the Old-Age Pensions Commission, when the report of that body is likely to be presented to Parliament? Seeing that some of the States have made no provision for the granting of old-age pensions to their citizens, and are delaying action in the matter until it is seen what this Parliament will do, will the honorable gentleman and his fellow Commissioners treat the subject of their inquiry as a matter of urgency, so that Parliament may have an early opportunity to consider some practical scheme?

Mr. AUSTIN CHAPMAN.—The taking of evidence has been completed by the Commission in four of the States, and has been nearly completed in Victoria and New South Wales, but I am unable to say when the report of the Commission will be presented to Parliament. The Commissioners are desirous of reporting as early as possible, though they do not wish to present a report until they have obtained the fullest information on the subject.

Mr. CARPENTER.—Will the report be presented this session?

Mr. AUSTIN CHAPMAN.—If the Commission can manage it, it will be presented this session.

SLANDERS ON AUSTRALIA.

Mr. BAMFORD.—I wish to know from the Prime Minister if his attention has been directed to the following statement which appears in this morning's *Age*:—

JAPAN AND AUSTRALIA.

A BISHOP ON FEDERAL LEGISLATION.

WAGGA, Wednesday.

The Bishop of Carpentaria, in the course of a lecture last night, said that mission work among the South Sea Islanders and the Japanese at Thursday Island was much interfered with by Federal legislation. There were 1,500 Japanese at Thursday Island engaged in pearling, but recently 150 boats left for Dutch New Guinea, the legislation having made it impossible for them to carry on in Australian waters.

Is the honorable and learned gentleman prepared to give that statement an em-

phatic and unqualified contradiction? Is it not a fact that the boats engaged in the pearl-shelling industry have left Thursday Island, not because of our legislation, but because the beds near by have been depleted of shell, and operations are now being proceeded with at too great a distance from Thursday Island to make that place a centre? Is not this another of the fabrications which are spread abroad with the intention of slandering Commonwealth legislation?

Mr. DEAKIN.—I hesitate to believe that the report is a full or correct one. During his recent visit to Thursday Island, the Secretary to the Department of External Affairs made special inquiries of all the chief persons engaged in pearl-shelling there as to the state of the industry. They told him that it was suffering very severely, as all the world knows, because of the great drop in prices which has ruled for many months, and has rendered pearl-shelling unprofitable.

Mr. WILSON.—The price of pearl-shell has recently risen £20 a ton.

Mr. DEAKIN.—There must be a still further rise before it will be remunerative to work most of the beds which are accessible from Thursday Island. A great many of these beds have been more or less exhausted, so that the returns in shell are very much smaller than they were. The Secretary was satisfied from the information he received from the persons affected, that our legislation has had nothing to do with the recent departure of the boats from Thursday Island. The reasons given to him why the boats were leaving were the drop in the price of shell, and the intention to try new banks in the neighbourhood of the Dutch Settlements, some of which have not yet been thoroughly investigated. This is a speculative venture, due to the scarcity of shell near Thursday Island. So far as I am informed, there is no justification for the statement which the honorable member has read, if the Bishop's utterance is correctly reported.

COMMONWEALTH AND STATES RELATIONS.

Mr. KELLY asked the Prime Minister, upon notice—

1. Will his Government do everything possible to encourage good relations between Commonwealth and States Governments?

2. Does he think his statements in this House reflecting on the land laws of Victoria—and, therefore, inferentially, on the State Government responsible for permitting them to continue in force—are calculated to foster amicable relations between that State and the Commonwealth?

Mr. DEAKIN.—Assuming the honorable member's questions to be serious, the answers are as follow:—

1. Yes.
2. The statements cannot affect the amicable relations subsisting between the State and the Commonwealth. The most important measure now before the State Parliament providing for the irrigation of its northern areas is being passed so as to secure closer settlement upon a great scale, while amending Land Bills, intended to increase settlement, are either submitted or promised, not only in Victoria, but in every State in Australia, with the possible exception of Tasmania.

DEFENCE OF PORTLAND.

Mr. WILSON (for Mr. ROBINSON) asked the Minister representing the Minister of Defence, *upon notice*—

Whether he is in a position to answer the question asked on 16th August last, viz.:—"What action is proposed to be taken regarding the repeated requests of the residents of Portland, Victoria, that some arm of the Defence Force should be established in that town?"

Mr. EWING.—The answer to the honorable member's question is as follows:—

The Military Commandant of Victoria does not recommend raising volunteers at Portland at present, as the expense of bringing them to Queenscliff, where under present conditions they would require to be used as fortress troops would not be justified.

MAIL BAGS.

Mr. LIDDELL (for Mr. JOHNSON) asked the Postmaster-General, *upon notice*—

1. Whether an order has been given for a number of patent blocks, labels, and lead seals to be used tentatively for a certain period on mail bags travelling between the States?
2. If so, what are the terms of the agreement?
3. What is the estimated cost of—
 - (a) the block, label, and strap complete?
 - (b) the lead seals and the zinc seals per 1,000?
 - (c) the appliances and dies for sealing?
4. Are the dies of steel or of iron?
5. How much per ton are the agents prepared to allow for old seals and zinc?

Mr. AUSTIN CHAPMAN.—The answers to the honorable member's questions are as follow:—

1. It was approved that a three months' trial be made of a patent mail bag fastener and label, and that 100 of the fasteners, with the necessary zinc strips, and lead seals be obtained for that purpose.
2. There is no agreement.

3. (a) One shilling and fourpence halfpenny.
- (b) Fifteen shillings.
- (c) One and sixpence each.

4. Iron.

5. The amount which the agents are prepared to allow for old seals and zincs, is 2½d. per hundred.

PAPER.

Sir WILLIAM LYNE laid upon the table the following paper:—

Regulations under the Beer Excise Act 1901.

ELECTIVE MINISTRIES.

Debate resumed from 17th August (*vide* page 1119), on motion by Mr. FOWLER—

That the present methods of constituting Ministerial Cabinets, together with the powers exercised by these bodies, amount in many respects to the usurpation of the rights and duties of Parliament as a whole, tend to foment unnecessary party strife, impede the work of legislation, and precipitate artificial crises; and, therefore, in the opinion of this House, such legislation as may be necessary should be introduced to provide for the election of Ministers by Parliament.

Mr. G. B. EDWARDS (South Sydney).—One of the disabilities under which a member labours in regard to private motions is that they come on for consideration only at rare intervals. After considerable delay, a motion is moved, and the debate upon it adjourned. Other adjournments follow, and so interest in the subject naturally flags, while a still worse result is that it is difficult to obtain the decision of the House on the question at issue, because of the limited time available for private members' business. The Prime Minister has promised to give up some portion of the time set aside for Government business in order that a decision may be arrived at in regard to the motion affirming the desirability of Home Rule for Ireland.

Mr. DEAKIN.—And other motions.

Mr. G. B. EDWARDS.—If this concession is to be made in regard to a motion affirming the desirability of Home Rule for Ireland, I think that similar consideration should be given to the subject of Home Rule for Australia before the session terminates, so that next session Parliament may have available as much information as possible in regard to the subject. The question is one which should be thoroughly thrashed out, and if there is a majority against the proposal, I shall be one of the first to let it drop. I have brought it forward, however, hoping that we may get some fruit from it, by securing a system of government under which we shall have less friction, trouble, and expense, less waste of energy,

time, and temper, than we have under the present system. When last this question was before the House, I endeavoured to show that, not only in this Parliament, but in all the other Parliaments of the world, has the Cabinet system of party government resulted in unnecessary waste of time. Under it, indirect means are adopted to achieve certain ends, and they involve heavy expenditure and great loss of time. Other Legislatures, as well as this, have, therefore, been brought face to face with the consideration whether some reform of procedure is not necessary. Efforts have been made to achieve better results by curtailing the speeches of members, and by shortening debates, through the institution of the guillotine or closure process, under which a debate is automatically closed at the end of a certain period. I think, however, that a more thorough reform is required than such expedients for dealing with what has been termed the paralysis of Parliament, because the time thus saved is as nothing compared with what might be saved if we got rid of the party system of government which now dominates our politics. That would put an end to half of the useless discussion which now takes place, and work would be performed more speedily and to better purpose without it being necessary to pass further stringent standing or sessional orders for regulating our procedure. This statement is borne out by what happens in Switzerland. The system of government which prevails in that country has already been referred to in this discussion, and no doubt will be referred to again and again before it is finished. In Switzerland there is not the awful waste of time which we have as a consequence of the friction of party divisions. There are in that country political parties which are ready to uphold their various principles, and to advocate them as warmly and as vehemently as we advocate ours; but party divisions are not allowed to interfere with the ordinary working of the engine of government. While the relative strength of parties may alter, and their outlook upon the questions of the day change, the great engine of government works smoothly, without needless waste of time or friction. The science of government must be recognised as experimental, and as such it should be progressive. Any standstill in such a science must mean stagnation, and consequently we must recognise the necessity from time to time for reform, in order that

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the engine of government may be accommodated to the altered circumstances and the widened intelligence of the people. The more we consider this aspect of the question, the more we shall realize that, in politics, just as in any other experimental science, such as astronomy or chemistry, alterations have to be made from time to time in order to accommodate the conditions to new sets of ascertained facts. I think that, if we give this question our calm and dispassionate consideration, we shall be forced to admit that many of the conditions have altered since the system of Cabinet and party government was first adopted. We have progressed in many directions, and chiefly in the direction of making the whole basis of our system of government much more popular, or democratic, than it was ever expected to become. The changes that take place are often difficult to predict. While ordinary minds can trace the silent, slow revolution of the past into the present—the evolution of the ideal—even the most gifted minds and highly trained intellects can only vaguely feel the trend of future development. That a change is in progress is recognised by all the ablest minds that have investigated the subject. We recognise the fact that even the Cabinet itself has been undergoing a slow and gradual change, and we know not what it will develop into. But, following the line of development, we can predict that if the same relative amount of change takes place in the future that has taken place during the last fifty years, the power that will be assumed by an Executive Government, like that of our own, or that of Great Britain, will be such as to create an executive autocracy, second in its capacity for evil only to the old autocratic kingly power which it was thought our democratic institutions had replaced. The institutions and ideals with which we begin are frequently carried beyond the principles upon which they were originally based. If we could transport our minds back to the time of the Revolution when the first Ministry was created, and examine the conditions under which our system of government has slowly matured, we should probably think that we had then at last solved the difficulty of enabling the people to exercise a check on the Crown, and of placing them in the position to dominate the Government; in other words, of giving free expression to

the popular will. . Our institutions, however, depart, in many instances, from the very principles on which they were founded, and the Cabinet also is widely departing from the principles underlying it, and which led to its adoption in England. Therefore, the time has come for us to consider whether something cannot be done to bring it back into its natural relative position as an engine of government, under which we can more readily give expression to the will of the people. The division of government into the three branches of the Legislature, the Executive and the Judiciary is probably one of the oldest adopted in connexion with any science in the world. It is, at any rate, as old as Aristotle, and I think it will be granted at once that one of these branches must be paramount. All the systems of checks and balances that the most highly-gifted men, who have sat in Conventions to frame Constitutions, can devise, can result only in giving one of the three engines superior, if not paramount force in the working out of the Constitution. Whilst legislative and judicial systems may vary in their details, the difference between executive systems is still greater. We need not deal with the absolutely despotic Governments under which an autocrat does as he likes, and creates his own legislature and judiciary; but if we look at the executive systems of the world we shall see that, whilst there is a striking family likeness between the legislative and judiciary systems, there is a strong dissimilarity in the executive systems. Without any compulsion of law, we have merely followed the systems of government that have been adopted in the several constituent States of the Commonwealth. These systems have been formulated upon the English model, under which the Executive is elected by the majority for the time being in what is commonly called the more popular branch of the Parliament. In our case the House of Representatives is supposed to be the more popular branch; but, in bringing this principle into operation under our Constitution, the fact was, I will not say lost sight of, but swept on one side, that ours was a Federal Constitution, and that the Senate was elected upon an even wider franchise, so that it could not be definitely said which of the two Houses in this Parliament should be regarded as the more popular. Consequently, the English system was not wholly

applicable to our conditions. There are other systems of government in which provision is made for a totally different executive system. Whilst the systems of voting for representatives in certain districts or in certain States bear a very strong likeness throughout the Constitutions with which we are most familiar, there are striking differences in regard to the Executives. The United States Executive is constituted entirely separate and apart from the legislative power by the election by the whole body of the people, indirectly through their colleges of electors, of a President, who is at once constituted the executive power, and who selects other men to assist him in exercising his executive authority. In that case we have an absolute separation of the executive from the legislative functions, and that system, with all the checks and balances adopted by the fathers of that great Constitution, has not given the entire satisfaction that was predicted. . It is now felt that the power given to the Senate to veto and oppose many acts of the Executive is somewhat greater in its effects than was first anticipated, and the system is possibly not working out any better than our own. Passing from the English and the American systems, which are perhaps the most widely different of all the systems of executive under modern Constitutions, we come to the case of Switzerland, in which the Executive is chosen practically from members of the Legislature, and, having been so chosen, occupies a position in which it is practically independent of the accidental changes in the Legislature, and carries on the machinery of government irrespective of the change of *personnel* or opinions of the Legislature itself. I dare say that in this discussion some honorable members will discover some authority for saying that the Swiss system is not a great success, but the testimony of all the highest authorities, and of the Switzers themselves, who have lived under the Constitution, and have been acting as members of the Legislature or Executive, is entirely in its favour. They see no reason for amending it, but declare that it has given general satisfaction, that it works out the purpose for which it was created, and fulfils all that was expected of it. The ideal underlying the British system of government is that the will of the people shall prevail. I might almost make that the text of my political sermon, and if I did so I

would undertake to say that it would be possible, whilst adhering very closely to the text, to prove that, within our own experience in this Federal Parliament, instances have occurred in which the machinery of government has time after time prevented the will of the people from prevailing. If the Cabinet have not utterly opposed and set aside the will of the people, they have, at any rate, in numerous instances delayed its final expression upon our statute-book. Any machinery that operates in such a manner must be declared to have already broken down, and I contend that it is time to consider in what way we can improve it. I contend that, from the first, the ideal of the British Constitution was that the will of the people should prevail. The first glimmering symptoms of a movement in the direction of reform show that the effort on the part of the people of Great Britain to evolve a Constitution was based upon the ideal that the will of the people should prevail. On referring to *The Law and Custom of the Constitution*, by W. R. Anson, I find that the writer, at page 17, in dealing with the Commons and the Executive, after setting forth the difficulty of making the check upon the Crown effective, once a grant has been made, says—

Their efforts to keep a hold upon the King's Ministers show that they knew their weakness in this respect. The oath of office, and the practice of impeachment, were attempts to impose upon the servants of the Crown a sense of duty by more or less remote contingencies. The demand sometimes made that the officers of State should not be chosen by the Crown, but should be elected by the Commons, is a curious anticipation of modern practice, only the Commons desired in the middle ages to do directly and formally what in the modern constitution they do indirectly. The mediæval Parliament wanted to be able to elect for the Crown the Ministers of its choice. The modern Parliament is content with the power of making it impossible for the Crown to employ others than those whom Parliament favours for the time.

Here we see the first dawn of this effort on the part of Parliament to secure to itself the only power under which I contend the will of the people can be readily and properly enforced—the power of directly electing the Ministers who are to exercise the functions of the Executive. Anson himself refers to Stubbs, perhaps a more eminent authority in this connexion. In *The Constitutional History of England*, Vol. II., page 558, Professor Stubbs says—

The idea of controlling expenditure and securing the redress of all administrative abuses by

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maintaining a hold upon the King's Ministers, and even upon the King himself, appears in our history as soon as the nation begins to assert its constitutional right in the executory clauses of the Great Charter. Three methods of attaining the end proposed recommended themselves at different periods: these are analogous in the case of Ministers to the different methods by which under various systems the nation has attempted to restrain the exercise of Royal power, the rule of election, the tie of the coronation oath, and the threats of deposition; and they are all liable to the same abuses. The scheme of limiting the irresponsible power of the King by the election of the great officers of State in Parliament has been already referred to as one of the results of the long minority of Henry III. (1226). It was in close analogy with the practice of electing the bishoprics and abbacies, and to the theory of Royal election itself. When, in 1224, and several succeeding years, the barons claimed the right of choosing the justiciary, chancellor, and treasurer, they probably intended that the most capable man should be chosen, and that his appointment should be, if not for life, at least revocable only by the consent of the nation in Parliament. The King saw more clearly, perhaps, than the barons, that his power thus limited would be a burden rather than a dignity, and that no King worthy of the name could consent to be deprived of all freedom of action. Henry III. pertinaciously resisted the proposal, and it was never even made to Edward I., although in one instance he was requested to dismiss an improper treasurer. Revived under Edward II. in the 13th and following articles of the ordinances, it was defeated or dropped under Edward III., and again brought forward under Richard II. The Commons petitioned, in his first Parliament, that the chancellor, treasurer, chief justices, and chief baron, the steward and treasurer of the household, the chamberlain, privy seal, and warden of the forests on each side of the Trent might be appointed in Parliament, and the petition was granted and embodied in an ordinance for the period of the King's minority. In 1380 the Commons again urged that the five principal Ministers should be elected in Parliament. . . . The ultimate failure of a pretension maintained on every opportunity for a century and a half would seem to prove that, however in theory it may have been compatible with the idea of a limited monarchy, it was found practically impossible to maintain it, the personal influence of the King would overbear the authority of any ordinary Minister, and the Minister who could overawe the King would be too dangerous for the peace of the realm.

Thus in the earliest dawn of the movement towards a free Constitution, it is seen that the ideal was that the Parliament should exercise a free choice of these arms of the Executive, and that it should elect Ministers in charge of Departments, not only as a check upon the King, but as an absolute check upon all the functions of the Ministry. Of course, it was quite possible under this old system that the men so elected might subsequently become Court favorites, and that Ministers so elected might prove to be just as tyrannous

and troublesome as the Kings themselves. In fact, the "new presbyter" might be found to be the "old priest writ large." To me it seems quite clear that the original ideal is the one to which effect will ultimately be given, and that Parliament, which consists of the direct representatives of the people, will take to itself the power to elect those who shall discharge executive functions. Originally, of course, the only Executive was the Crown, and favorites of the Crown of more or less ability were found by a Plantagenet, a Tudor, or a Stuart to enable him to get or hold his will. The struggle on the part of the Parliaments against these minions of the Crown represents the trend of the whole of English history. The aim of Parliament has always been to get this power into its own hands, and to exercise it directly in its choice of Ministers. When we come to the age of Elizabeth, we find that that noble woman—imperious and autocratic as she almost invariably was—took probably a more common-sense view of the English Constitution than could reasonably be expected to be taken for several centuries. Although Elizabeth was an autocrat of the Tudor breed, whenever she found that the will of the nation was opposed to her own—imperious as she was—she immediately gave way. In fact, she had a finger upon the national pulse, which was quite as sensitive to the touch as is that of the most astute modern party leader or Prime Minister, who trims his sail to every wind that blows. In the matter of monopolies, and upon several other questions, where Elizabeth saw that the will of the mass of the people was opposed to her own, she knew when and how to give way, because she recognised that the ideal of the English Constitution was that the popular will—when once it had been ascertained—should prevail. As time went on we entered into probably the most terrific conflict in our history with the Stuarts with no other object than to regain this power. What was sought was that the will of Parliament should be effective as against that of the King in conducting the affairs of the nation.

Mr. DEAKIN.—It was the power of the purse which Parliament sought to obtain.

Mr. G. B. EDWARDS.—Parliament wished to obtain control of the purse in order that it might be in a position to secure

the redress of grievances. That power was only made use of in order to acquire the other powers of the Executive. I say that the kingcraft of James I., Strafford's policy of thorough administration, the Cabal, and Temple's plan, were all directed against this aim. It was to achieve this power that Pym and Hampden, Sidney and Vane fought. From that day to the present we have been striving to realize the ideal under which the power of the Executive is exercised in conformity with the will of the people. In the great struggle of the Stuarts against the Parliament, Parliament triumphed. But whilst Parliament gained the victory, it lost the substance of it. It lost what it had really aimed at securing, and Charles II. re-established the old bad system amidst the ringing of merry bells—

Then came those days, never to be recalled without a blush, the days of servitude without loyalty, and sensuality without love, of dwarfish talents and gigantic vices, the paradise of cold hearts and narrow minds, the golden age of the coward, the bigot, and the slave. The King cringed to his rival that he might trample on his people, sank into a viceroy of France, and pocketed with complacent infamy her degrading insults and her more degrading gold. The caresses of harlots, and the jests of buffoons, regulated the policy of the State. The Government had just ability enough to deceive, and just religion enough to persecute. The principles of liberty were the scoff of every grinning courtier, and the Anathema Maranatha of every fawning dean. In every high place worship was paid to Charles and James, Belial and Moloch; and England propitiated those obscene and cruel idols with the blood of her best and bravest children. Crime succeeded crime, and disgrace to disgrace, till the race, accursed of God and man, was a second time driven forth to wander on the face of the earth, and to be a byword and a shaking of the head to the nations.

I have quoted the above passage from Macaulay's essay on Milton, not because of its elaborate embroidery, or because of that wonderful trick of antithesis, which is Macaulay's characteristic style, but because I believe that with all its seeming exaggerations it adequately describes a condition of affairs in our history under which we dropped to probably our lowest status. It is from that period in our pictorial histories, that the sinister portraits of our worst statesmen and biggest rascals look out upon us to-day. That was the period of the lowest degradation which the English people have ever known. It was during that period that the Cabinet system of Government found its initiation. I grant that it was not just then that the Cabinet was created,

but I contend that in the Cabal we see the immediate progenitor of the Cabinet—the immediate deviation from what, I am contending, has been the ideal of our development throughout. At that time, as I have shown, the King had sunk into the position of a vassal of France, and was—as is known—receiving bribes from that Power. This fact was not known to his own subjects at the time, but it came to the knowledge of one of the craftiest of his statesmen—I refer to Shaftesbury. The latter used the power which he obtained as the result of that knowledge to give to a coterie of statesmen, who were then ruling the country, a power not only over the Crown, but over the people, which has never since been exercised. This little quintette, Clifford, Arlington, Buckingham, Ashley, and Lauderdale, making by the initials of their names the word “cabal,” was, I contend, despite its differentiation, the very initiation of the Cabinet system. The British statesmen of this period are those of whom we have least reason to be proud, as the rascals of the same period are those of whom we have most reason to be ashamed. The system was so bad that it was apparent that it could not, and must not, continue much longer. It was then that Temple's plan was brought under the notice of the King. Temple had been Minister at the United Provinces of Holland, and had seen there a combination of Governments having an Executive power somewhat different from that which was known in England, and which seemed to work well in the circumstances of those provinces. Before any action could be taken by that Executive, the consent of every one of the provinces had to be obtained. Under such a system, it was necessary to have a very powerful Executive which could authorize all acts required to be taken suddenly. As the provinces had been living for centuries in a state of almost incessant warfare, it was necessary for the Executive to have full power to act in any emergency. Temple had had full experience of this system, and he was consulted by the King as to the action which he should take to increase the kingly power without irritating the Commons. His plan was that the King should give a semblance of popular authority to the Executive by selecting fifteen of its members from the Parliament, and the remaining fifteen from outside, and there was a stipulation that the fifteen members selected from the Par-

liament should have a sum of £300,000 annual income between them by way of qualification. There is a great difference of opinion as to what Temple had in his mind in suggesting this scheme of Executive Government, but it seems apparent now that the proposal was one of the ordinary courtier—a proposal to give the King his way whilst seeming to give the great body of the people a voice in the exercise of Executive authority, theoretically opposed to the power of the King. Temple's plan, for various reasons, did not succeed, and the Stuarts passed away a second time. William III. then came to England. He came at a time when the discordant elements in the British Parliament were at their worst. Whatever may be said of William III.—and I certainly entertain a sincere admiration for that great historic character—he never understood Englishmen, or English institutions. The only way in which he could deal with a somewhat turbulent Parliament, and with a national character which he did not understand, was to select his Ministers indiscriminately from the two parties then existing in the House of Commons. He adopted this course, and the consequence was that he brought together a perfectly discordant Ministry, the members of which were always endeavouring to get the best of each other, as well as of their opponents. It will be readily recognised that such a system of Executive Government could not produce results to justify its existence. It happened that when William III. was brought almost to the verge of despair in dealing with the turbulent Commons, Sunderland, one of the greatest rascals in British history—he was probably second only to Jeffreys—volunteered a plan by which the King could secure a stable Government, and still give satisfaction to the people of England. Sunderland was a double traitor. He was a double apostate, and had committed every political and religious crime—such as religious crimes were in those days—that could be imagined. This man, who was probably the most contemptible of all the prominent characters of a somewhat contemptible period, brought before William III. a plan by which it was suggested a stable Government might be created, and the work of government so carried on as to give the King the necessary supplies for his European wars, and at the same time ease him of the trouble of managing the turbulent Commons. This was the system which we know to-day as

the Cabinet responsible government. It is probably best described by Macaulay. I propose to quote now from a very old edition of his *History of England*, which I purchased as a boy, and which is as dear to me as an old friend and almost as familiar to my hand as a glove. I think I can answer for the text of the passage which I am about to quote, and which really puts the whole case for Cabinet government into the shortest possible compass. After detailing some of the circumstances to which I have already referred, Macaulay says at page 452—

The Ministry is, in fact, a Committee of leading members of the two Houses. It is nominated by the Crown; but it consists exclusively of statesmen whose opinions on the pressing questions of the time agree, in the main, with the opinions of the majority of the House of Commons. Among the members of this Committee are distributed the great departments of the administration. Each Minister conducts the ordinary business of his own office without reference to his colleagues. But the most important business of every office, and especially such business as is likely to be the subject of discussion in Parliament, is brought under the consideration of the whole Ministry. In Parliament the Ministers are bound to act as one man on all questions relating to the executive government. If one of them dissents from the rest on a question too important to admit of compromise, it is his duty to retire. While the Ministers retain the confidence of the parliamentary majority, that majority supports them against opposition, and rejects every motion which reflects on them, or is likely to embarrass them. If they forfeit that confidence, if the parliamentary majority is dissatisfied with the way in which patronage is distributed, with the way in which the prerogative of mercy is used, with the conduct of foreign affairs, with the conduct of a war, the remedy is simple. It is not necessary that the Commons should take on themselves the business of administration, that they should request the Crown to make this man a bishop and that man a judge, to pardon one criminal and to execute another, to negotiate a treaty on a particular basis, or to send an expedition to a particular place. They have merely to declare that they have ceased to trust the Ministry, and to ask for a Ministry which they can trust.

It is by means of Ministries thus constituted, and thus changed, that the English Government has long been conducted in general conformity with the deliberate sense of the House of Commons, and yet has been wonderfully free from the vices which are characteristic of governments administered by large, tumultuous, and divided assemblies. A few distinguished persons, agreeing in their general opinions, are the confidential advisers at once of the Sovereign and of the Estates of the Realm. In the closet they speak with the authority of men who stand high in the estimation of the representatives of the people. In Parliament they speak with the authority of men versed in great affairs, and acquainted with all the secrets of the State. Thus

the Cabinet has something of the popular character of a representative body; and the representative body has something of the gravity of a Cabinet.

This is a description by one who probably studied that period of history which saw the creation of the system more closely than did any other authority. He may be said to have practically lived in the age of which he wrote, and what he says in the passage I have quoted is all that can be said for the system. When we examine it in the light of the sordid, wretched experience of those who have worked it, and have seen it at work, we must brush it aside as having no force whatever. Macaulay goes on to say at page 453 of this edition—

No writer has yet attempted to trace the progress of this institution, an institution indispensable to the harmonious working of our other institutions. The first Ministry was the work, partly of mere chance, and partly of wisdom; not, however, of that highest wisdom which is conversant with great principles of political philosophy, but of that lower wisdom which meets daily exigencies by daily expedients.

That is what I hold the Cabinet system to be. It was introduced as an expedient, and probably remained a more or less successful expedient up to the days within our own memory. But the time has come when we have to look round for a different system. The present one has outlived its usefulness, and is producing nothing but loss, waste, and irritation. In other words, Macaulay, who was probably one of the greatest admirers of the statesmen of the revolution, admits that the mechanism of the Cabinet system has been defective. He says that it has given rise to a class of men who have developed the gift of "working" Parliaments — to the man who is known both in England and Australia as "the old parliamentary hand." He points out, further, that it has developed men having no special aptitude for devising or administering laws, or for taking charge of a Department; but so long as they can work the machine, so long as they can hold a party together, so long as they can, by more or less underground engineering, control the votes of the House and secure the passing of measures, they succeed under the system. To suffer defeat, as Macaulay says, in one of his essays, is nothing if you can make a big speech and win the votes. This is a system, he says, in still another of his essays, which has sent men to the India Board who do not know a rupee from

a pagoda, and which has sent to the Admiralty Board men who do not know the bowsprit of a ship from her stern. It has made a foreign Minister of Pitt, who, as George II. said, had never opened Vatel, who was then regarded as an authority on foreign complications. It is a system which nearly made a Chancellor of the Exchequer of Sheridan, a man who could not work a sum in long division. In our own experience this system has continuously put inferior men into office. That probably is not its worst feature. It has constantly placed round men in square holes, and square men in round holes. It results in a loss of the whole force and vitality of one-half of the Legislature, while the other half is seeking to govern. Let me quote another authority on this system—Sir Henry Maine, the very talented author of *Ancient Law*, who, by the way, is, so far as I can judge from his writings, a Conservative. At page 114 of *Popular Government*, one of his more recent works, he writes—

The Cabinet, which, through a series of constitutional fictions, has succeeded to all the powers of the Crown, has drawn to itself all, and more than all, of the royal power over legislation. It can dissolve Parliament, and if it were to advise the Crown to veto a Bill which had been passed through both Houses, there is no certainty that the proceeding would be seriously objected to. That it can arrest a measure at any stage of its progress through either House of Parliament is conceded on all hands; and, indeed, the exercise of this power was exemplified at the end of the session of 1884, when a large number of Bills of the highest importance were abandoned in deference to a Cabinet decision. The Cabinet has further become the sole source of all important legislation, and therefore by the necessity of the case, of all constitutional legislation; and as a measure amending the constitution passes through the House of Commons, the modification or maintenance of its details depends entirely on the fiat of the Ministers of the day. Although the Cabinet is quite unknown to the law, it is manifestly the English institution, which is ever more and more growing in authority and influence, and already, besides wielding more than the legislative powers of the Crown, it has taken to itself nearly all the legislative powers of Parliament, depriving it in particular of the whole right of initiation. The long familiarity of Englishmen with this institution, and with the copies of it made in the European countries which possess constitutions, has blinded them to its extreme singularity. There is a fashion among historians of expressing wonder not unmixed with dislike at the secret bodies and councils which they occasionally find invested with authority in famous States. In ancient history the Spartan Ephors—in modern history the Venetian Council of Ten, are criticised in this spirit. Many of these writers are Englishmen, and yet they seem quite unconscious that their own country is governed by a secret council.

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One of the special objections to this system of government is that it is government by a secret council. The decisions of a Cabinet are always come to behind the curtain, and it is only at rare intervals—as when certain honorable gentlemen who recently occupied the Treasury benches were forced to remove to this side of the Chamber—that there is a little rift in the curtain, and we are entertained with reminiscences of what has been taking place behind it. That sort of thing is not healthy. It is not in accordance with what is done in connexion with the other branches of our system of government. That decisions in regard to amendments of the law and of the Constitution should be come to in secret. It would be far better if these things were done in the open light of day, so that we could know what was proposed, and who supported and who opposed it. If we knew that, we should cease to believe in the vaunted homogeneity of Cabinets. We should recognise the fact that has been revealed to us by the memoirs of many celebrated politicians, that, while to the world Cabinets are seemingly compact bodies, welded together to achieve a common object, Ministers behind the scenes often squabble, and reconcile their differences only in order that they may continue to hold their positions. The climax of wonder is reached if we set to work to consider how a sensible, practical people, such as we are, can view the continuance of this system with patience. The operations of party government have failed throughout the body politic, and it is one of the most remarkable facts of modern times that that system should continue to exist. No force has been less carefully examined. To use a comparison of Sir Henry Maine, as we are hardly conscious of the pressure of the atmosphere on every square inch of our bodies, so we are hardly conscious of the effects of the party system. When we rigidly and closely analyze and examine the matter, we must admit that, on whichever side we may sit, we are, consciously or unconsciously, biased by the fact that we belong to one party or another.

Mr. HUTCHISON. — Does the honorable member see any disadvantages in this new proposal?

Mr. G. B. EDWARDS.—I do not see half as many disadvantages in it as I see in the present system. Before I have concluded my remarks, I hope to show the House how far I agree with the Swiss sys-

tem which abolishes the party strength underlying and supporting the Ministry, and the American system under which a party elects, upholds, supports, and keeps its nominees in office. If I were to tell the honorable member that I see no blemishes in the proposal which I am putting before the House, I should say what is untrue, because human wit and ingenuity cannot propose anything which will be free from defects. But having looked into this matter very closely for seven or eight years past, I see fewer defects in the system which I suggest than have been demonstrated in the system under which we live. Sir Henry Maine has suggested that we should look at this question as an intelligent foreigner or a denizen of another part of the world, unaccustomed to our party divisions, would view it. Suppose, he says, that in one of the apologies so dear to the hearts of readers of the last century—some trifle by Montesquieu, Voltaire, or our own Goldsmith—an intelligent Huron Indian, an unsophisticated Mandarin, or some other visitor from far Eastern Asia, came to view our English civilization, and to witness the working of our institutions, what account would this traveller give of a cultivated and powerful European country whose political system consisted in half of the cleverest men in the land taking the utmost pains to prevent the other half from governing. Or, he says, taking the case of a Machiavelli analyzing a great party hero—

Many party heroes have been imagined who were never known to exist in reality. But he would describe them as they really were. Allowing them every sort of private virtue, he would deny that their virtues had had any effect upon their public conduct, except so far as they helped to make men believe their public conduct virtuous. But this public conduct he would find to be not so much immoral as non-moral. He would infer from actual observation that the party hero was debarred by his position from the full practice of the great virtues of veracity, justice, and moral intrepidity. He could seldom tell the full truth: he could never be fair to persons other than his followers and associates. The picture drawn of him would be one which few living men would deny to be correct, though they might excuse its occurrence in nature on the score of moral necessity. And then, a century or two later, when democracies were as much forgotten as the Italian Princedoms, our modern Machiavelli would perhaps be infamous, and his work a proverb of immorality.

In a previous motion of which I gave notice, but which I withdrew in order that we might have one discussion on the subject, I referred particularly to what I consi-

dered to be the effect of the party system on our political ethics. This effect is summed up in that extract from Sir Henry Maine in a way which should carry more conviction than any argument I could use. It is undeniably the fact that we all of us do for our party what we would not do for ourselves. When we are at variance with our party on some minor point, we say, "I do not agree with this; but what can I do in the matter? One must go with the crowd"; and we stick to our party. It is also undeniable that frequently proposals which are brought forward by Ministers are submitted by that Minister who, by the irony of fate, is least in sympathy with them. They are the proposals of the majority of the Cabinet of which he is a member, but he, personally, disapproves of them. Such a system must be bad for a community. If a man honestly entertains certain views, and expresses them howsoever lamely, and with whatsoever feebleness of diction, he will do some good in the world, from the bare reason that he believes in them. But we often see—the fact is so well known as not to need the support of particular instances—measure after measure introduced into Parliaments by men who are the first to speak in support of them, but probably least believe in them. A system which brings about such occurrences must have a demoralizing influence on the ethics of public life. A celebrated bishop, who has only recently died, refers to this effect of the Cabinet system as degrading and undermining the truth and honesty of the public life of Great Britain, and, as I have recently had occasion to learn, in reading Morley's *Life of Gladstone*, our noblest and most exemplary public men are affected by it. The Cabinet system is, as I have already said, an instance of arrested development. Its creation was progress at one stage of our development, but, as Macaulay has said, it was the product of a lower wisdom, an expedient for the time being. As years have passed by, and we have seen it working, we have found it to be not so efficient as it was expected to be, and more productive of evil results than was anticipated. While we have developed in other directions, while we have extended the basis of government by granting the franchise, first to all men owning property, then to all men occupying property, then to all men who were of age, and now to all adults; while we have removed disability after

disability from various classes and sects, we have left alone a system which was created to fit quite a different set of circumstances from that of the present time. One of these circumstances does not operate in our case. The conditions in England almost demanded that a party system of government should be adopted, owing to the existence of a National Church and the influence exercised by those connected with it. The Executive had the sole right to exercise patronage in connexion with appointments to offices in the Church, and under a system by which Parliament would have the right to separately elect each person to exercise the functions connected with a particular Department, it would have been difficult for the National Church to survive. It might have been possible, for instance, to appoint as Prime Minister a Jew in fact as well as by birth—as distinguished from Disraeli, who was a Jew by birth only. How under such a system could such a man be intrusted to exercise all the patronage of the Church? Not only was there necessity for the system of party government in connexion with the patronage of the Church, but the Church party itself exercised such a strong influence in politics that, in connexion with the formation of each Government, consideration had to be given to the question whether such and such a Minister would prove acceptable to the Church. We have nothing whatever to do with that factor in our politics, but we have still followed the system of government which was adopted in England to meet very different circumstances. Sir Samuel Griffith, whom I recognise as one of the ablest of the founders of our Federal Constitution, in his *Notes on Federation*, pages 17 and 18, says—

There are, perhaps, few political or historical subjects with respect to which so much misconception has arisen in Australia as that of responsible government. It is, of course, an elementary principle, that the person at whose volition an act is done, is the proper person to be held responsible for it. So long as acts of State are done at volition of the head of the State, he alone is responsible for them. But if he owns no superior who can call him to account, the only remedy against intolerable acts is revolution. The system called responsible government is based on the notion that the head of the State can himself do no wrong, that he does not do any act of State of his own motion, but follows the advice of his Ministers, on whom the responsibility for acts done, in order to give effect to their volition, naturally falls. They are therefore called responsible Ministers. If they do wrong, they can be punished or dismissed from office, without effecting any change in the headship of the State. Revolution is there-

fore no longer a necessary possibility; for a change of Ministers effects peacefully the desired result. The system is in practice so intimately connected with parliamentary government and party government that the terms are often used as convertible. The present form of development of responsible government is that, when the branch of the Legislature which more immediately represents the people, disapproves of the actions of Ministers, or ceases to have confidence in them, the head of the State dismisses them, or accepts their resignation, and appoints new ones. The effect is that the actual government of the State is conducted by officers who enjoy the confidence of the people. In practice they are themselves members of the Legislature. . . . The "sanction" of this unwritten law is found in the power of Parliament to withhold the necessary supplies for carrying on the business of the Government, until the Ministers appointed by the head of the State command their confidence. In practice also the Ministers work together as one body, and are appointed on the recommendation of one of them, called the Prime Minister. And, usually, the expression of want of confidence in one is accepted as a censure of all. This is not, however, the invariable rule; and it is evidently an accidental and not a fundamental feature of responsible government.

I am now drawing near to what I conceive to be the solution of the difficulty. When people speak of responsible government, as if that embodied all the features of our present system of selecting and forming Executives, a wrong impression is created, because the contrary of what they suggest cannot exist. An irresponsible system of government is impossible. Every system of government is responsible. Even an autocracy is subject to the responsibility to pay the penalty of a successful revolution. We should limit the definition of the system under which we live to parliamentary government—responsibility to one branch of the Legislature, which is also a Cabinet system of government. I think that we could still retain the Cabinet, but that we should further develop our Executive Council in the manner that is amply provided for under the Constitution. At present an Executive Council, which ought to be something greater than the Ministry—although it may include Ministers—and something created for greater purposes, does not exist for the reason that under our present working out of the Constitution the Ministry and the Executive Council are one and the same. I think that this question is to be solved by appointing Ministers individually at the will of this House, dealing with each man separately, and, having regard to his especial abilities, appointing him to exercise the functions relating to one Department. If the amendment I intend to move be

agreed to, I hope that some honorable members better skilled than I am will be able to elicit information that will guide us to a wise decision. After thinking over the matter for a considerable time, I have come to the conclusion that at the outset of our reform we should call into being an Executive Council which would be something more than a Ministry—which would embody what we believe to be the ideal underlying all our political progress. The Executive Council should be a miniature Parliament; and it should be fully representative of the Parliament. As has been frequently pointed out, no Ministry can be responsible to two Houses, and consequently no Minister can be responsible to two Houses. In view of the fact that under the Constitution this House has had conferred upon it certain powers over the finances, and certain powers of initiation in regard to financial legislation, it should have the control and appointment of Ministers who are to discharge the Executive functions in connexion with the great spending Departments. This House could not give up that position, nor could there be any claim on the part of the Senate based upon reasonableness to interfere with the right of this House to appoint Ministers, which, up to the present time, has remained unchallenged. I must confess that when the first change of Government took place, I thought that some trouble would arise with regard to this matter. If we had had in the Senate strong statesmen of the type that we can remember in the pre-Federation days, there would have been considerable trouble with regard to the constitution of the second Federal Ministry. In any case, however, it would be difficult for the Senate to seriously question the right of this House to appoint Ministers to discharge executive functions in connexion with the great spending Departments whilst this House has the control of the finances. With regard to another point, however, the Senate will be fairly entitled to put in its claim. It might fairly ask us to do what the Constitution provides for, namely, to constitute the Executive Council upon a wider basis. I would suggest that whilst we reserve to this House the power—by resolution conveying an address to the Crown, recommending such appointments—to appoint Ministers to the seven portfolios already provided for, we should add to the then number, in order to con-

stitute an Executive Council which would reflect the opinions, hopes, ambitions, and aims of the whole of the Legislature, the Speaker of this House, the President of the Senate, and three other members of the Senate to be selected as members of the Executive. That would give us twelve members of an Executive, elected possibly at different times, who, at the time of their election, would represent the prevailing opinion with respect to their fitness for any particular office, or for the position of Executive Councillor. To a very large extent the Executive would be a body subject to few changes, because, if an honorable member discharged the functions appertaining to his Ministerial office with general satisfaction to this House, I take it that there would be no desire on the part of this House, and much less excuse than exists at present, to turn him out of the office. We turn out a Ministry frequently because it has made a blunder, or has taken a course at variance with the views of the House, on a question of finance. We get rid of an able Defence Minister because the Treasurer has failed to secure the approval of the House in regard to some details of his financial scheme, or if the Minister of Home Affairs, with the concurrence of the Cabinet, makes some blundering proposal, having relation to the electoral system, or some other branch of the work of his Department, we may, in the process of getting rid of the Ministry, turn out of office the most efficient man who could be selected for the position of Treasurer. Over and over again this happens, and the climax of wonder is reached when it is conceded that we, as common sense, intelligent people, have put up for so many years with a system which gives such damnable results, which yields the least possible good from the Executive, and which, as Maine says, occupies one-half of the ablest men on one side of the House in endeavours to prevent the other half from ruling the country. I do not wish to occupy too much time in reading the large number of extracts that I have with me, but I desire to place this matter very fully before the House, and I should like to point out some of the difficulties which have arisen in able minds with regard to our Constitution. The honorable member for Perth apparently at one time—I believe he has since changed his opinion—was under the impression that in order to bring about the change he seeks to effect it would be

necessary to introduce legislation into this House. From the outset, I have taken up the position that, under the Constitution, no such step is required, and I am supported in that view by some authorities whom I shall presently quote. Before doing so, however, and in order that honorable members may understand the modern genesis of this idea, I should like to refer to the manner in which the question was viewed by the members of the Convention. I desire to assure honorable members that it was not by any means a foregone conclusion that the Convention would adopt the old system of Executive Government existing in the separate States. It was pointed out by many experienced men that we should depart from this old system of party government. The original motion submitted by the late Sir Henry Parkes at the Federal Convention in 1891 concluded with these words—

An Executive, consisting of a Governor-General, and such persons as may from time to time be appointed as his advisers, such persons sitting in Parliament, and whose term of office shall depend upon their possessing the confidence of the House of Representatives, expressed by the support of the majority.

It is quite plain, from the form in which that experienced statesman put the matter, that it was intended to adopt in its entirety the party system of government. But in the general discussion which followed, Sir Samuel Griffith laid down the principle—I have already quoted it from his *Notes on Australian Federation*—that under a system of Federal Government it was at any rate necessary to consider how far we should be able to depart from that system. With the fathers of our Constitution, it was not a question as to whether or not they should depart from the party system of government, but of how far they should depart from it. Summing up the general view entertained by members of the Conventions, I say that what was ultimately agreed to, was a form of wording which does not prevent the adoption of the party system of government—which does not altogether disallow it. In the language used by Mr. Speaker, who put the matter better than did most members of the Convention—

There must be a ready and easy way to make amendments in the Constitution. It must be elastic, and susceptible, not to a wave of public feeling which may be purely temporary, but where there is a growth of public conviction, it must be possible to alter the Constitution when we have framed it. What I am afraid of now is that, in

Mr. G. B. Edwards.

providing definitely for responsible government, we may find that clinging to responsible government may lead us to a greater sacrifice than it would be to surrender it.

Though it was taken for granted that the first Commonwealth Ministry—and probably the second—would be formed under the system of responsible government, as it is known to us, I claim that the Constitution is sufficiently elastic to enable many variations of that system to be adopted if it is found expedient to do so. At the first Federal Convention, Dr. Hackett boldly declared that either responsible government would kill Federation, or that Federation would kill responsible government. What he meant by that statement was that Federation would probably kill responsible government by substituting for it some other form of Executive. That opinion was also entertained by the President of the Senate, who wrote a full explanation of his views regarding the Executive in the Federation. His idea was that, in the proposed Federation, we could not logically adopt the old system of making the Cabinet responsible to the Legislature. Though it is not part of my province—or of that of any other honorable member—to argue as to the rights of the Senate, it seems to me absurd that under our Constitution a Ministry may live or die at the dictation of this House without reference to the other Chamber. Section 64 of the Constitution provides—

The Governor-General may appoint officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be Queen's Ministers of State for the Commonwealth.

After the first general election no Minister of State shall hold office for a longer period than three months, unless he is, or becomes, a Senator or a member of the House of Representatives.

The following section sets out—

Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.

Professor Harrison Moore, one of our most eminent authorities on this subject, after referring at length to these sections, proceeds—*vide* page 226 of his work on *The Australian Constitution*:—

The other provisions regarding the Ministers of State, though they are made with a view to the Cabinet system, do not preclude very extensive

modifications of that system. There is no recognition of the Cabinet, for, as pointed out, the Federal Executive Council is not necessarily identical in constitution or function with a Cabinet. There is no recognition of the collective responsibility of the Ministers of State; section 64 treats them as separate administrative officials, and there is no hint of a Prime Minister. There is nothing to prevent the virtual establishment of Ministries elected by Parliament, which at one time found some favour in Australia, though they cannot be given the fixity of tenure which the instability of political parties has recommended to many persons. All that has been done is to establish a Parliamentary Executive; the rest is left as in England and the colonies generally, to custom and convention.

In a note to this passage the same writer states—

The curiously worded section 65 may be found to have some bearing on this subject.

The writer is hardly justified in using the expression "is left as in England," seeing that the British Constitution is an unwritten one, and he might have gone further with regard to our own Constitution, and have said that all that has been done is to establish a parliamentary Executive of a certain character for purposes of initiation, and pending the creation by Parliament of an Executive. It was necessary to establish a parliamentary Executive to start the mechanism of Federation, and the Constitution created a form of executive which the Governor-General could call into being before the Parliament was in existence. All that our Constitution does is to create the possibility of calling such an Executive into being. It is then left to this Parliament to decide upon any modification of that system within the ambit of the Constitution. The same writer, on page 90, dealing with the preponderance of Parliament in the Commonwealth, says—

The organization and regulation of the Executive is almost exclusively in the hands of Parliament.

though he adds—

Cabinet Government is everywhere a matter of convention rather than of law, but it is more clearly adverted to in the Commonwealth Constitution than in the Constitution Act of any of the Colonies.

Then, again, upon page 531, he says, in mitigation of the quotation which I have just made, and which is somewhat against my contention—

Doubtless the Cabinet system, as applied to Federal Government, will develop new conventions and understandings, affecting both the Constitution of Ministries, and the relations of the Houses of Parliament.

I take it that in our modern Constitution we have more than ever made up our minds

as a nation to achieve the ideal that the will of the people alone must prevail. That is what we are approaching. I say that if this Parliament chooses to do so, it can, under the Constitution, appoint any man whom it may select to any office, and that its will in that respect is paramount, and would be accepted by the Governor-General. In 1873 Lord Dufferin, who was then Governor-General of Canada, put quite clearly, at Halifax, the relations which should and must exist between the Crown and the Parliament. He said:—

My only guiding star in the conduct and maintenance of my official relations with your public men is the Parliament of Canada. I believe in Parliament, no matter which way it votes; and to those men alone whom the deliberate will of the Confederate Parliament of Canada may assign to me as my responsible advisers, can I give my confidence. Whether they are the heads of this party or of that party, must be a matter of indifference to the Governor-General; so long as they are maintained, he is bound to give them his unreserved confidence, to defer to their advice, and to loyally assist them with his counsels. As a reasonable being, he cannot help having convictions on the merits of different policies, but these considerations are abstract and speculative, and devoid of practical effect in his official relations. As the head of a Constitutional State, engaged in the administration of Parliamentary Government, the Governor-General has no political friends—still less can he have political enemies.

I should like to use a homely illustration to show what I consider are the effects of party government upon our practical politics. I was acquainted some years ago with a gentleman who was interested in a Melbourne pickle factory, which was turning out excellent goods, and doing far better work of its kind than is now being done by this Parliament. The establishment was under the care of an overseer, in whom the proprietor had full confidence. As time went on, however, the manager in charge of the business met another overseer who was looking for a billet, and he was fool enough to think that it would be wise to have a second overseer sitting, so to speak, in opposition, and watching overseer No. 1, so as to make sure that the business was being conducted on proper lines. This seemed a very ingenious plan. It would, of course, involve a little extra expense, but the result, it was felt, would be the production of pickles that would suit the public taste, and lead to increased profits. But what was the outcome of this innovation? Pickle overseer No. 2 set to work—just as a leader of the Opposition in this Parliament must conscientiously do—to undermine his rival. He was determined that pickle

maker No. 1's "Picalilli" should not be half as good as it ought to be, that his "Chow Chow" should be of very inferior quality, and that his "mixed pickles" should be a very mixed lot. He succeeded admirably, and there was a change of government in that factory. The leader of the opposition went over to the government benches, and his honorable friend went into opposition. The owner of the factory, however, did not benefit by the change, for the original overseer, who could make first class pickles, took care that the new overseer should not turn out a good article. This is a very humble illustration—such an illustration as Abraham Lincoln might have introduced with much better effect than I have done—but to my mind it shows conclusively the effect of our present system of party government. We have a highly gifted man on one side of the House trying, probably, to prevent an equally gifted man on the other side from accomplishing any good work. That is the position from a plain business point of view, and that is the way in which we ought to look at this matter. We need results. The Constitution of the Commonwealth is a healthy tree. It is well rooted; it has a sound trunk and good limbs, but it is not bearing fruit. What we require to do is not to root it out, but to graft a better system of executive on to it, so that we may expect to secure fruit instead of the mere empty discussions and waste of time which it is at present producing. What have we done? I see before me the Treasurer, whose hospitality I have enjoyed on many occasions, and of whom I should be the last to say an unkind word. Amongst the few amenities of life in this Parliament I recognise that the opportunity which it affords one to enjoy almost daily intercourse with such a man as the right honorable gentleman, is one to be highly prized. My right honorable friend crossed Australia on foot, and now he wishes to cross it again on the iron track. On the occasion of his great overland trip he carried in his knapsack the Bible, and the works of Shakspeare and Gibbon, and transferred them on the march from his knapsack to his immortal mind. Surely one may feel some pride in knowing such a man. But high as is my appreciation of him, he is not the Admirable Crichton which his career in this Parliament would lead one to believe. Like Lord Brougham, if he had known a little law he might have been expected to know a

little of everything. He has occupied nearly every office in the Federal Ministry. He has undoubtedly the ability to fill some public office and that office having been determined upon, he should be kept there so that his distinguished gifts might be devoted in a proper direction to the service of the country. But what is the position? Take the other Ministerial offices. There is for instance, the Department of Defence, over which the right honorable member for Swan once presided. That Department has been administered by no less than five different members during the last five years, and it is to-day even more disorganized than it was in the first year of Federation. Then, again, let us turn to the Post and Telegraph Department, the administration of which has been marked by a measure of success because it comes more within the scope of the practical experience and ability of those members of the Parliament who can be selected to exercise executive functions. We have had men appointed to the office of Postmaster-General, who, with the abilities they possess, have developed a certain degree of executive skill, and have made themselves so well acquainted with the requirements of their office as to be able to do good work. But as fast as each of these honorable members has become thoroughly qualified to discharge the duties of that office, he has been hurled from power for no other reason than that the head of the Government has made up his mind with regard to some trumpery clause in a Bill, or in respect to the position of his eminent friend the leader of the Opposition. Are these sound reasons for bringing the practical business and work of the nation to a standstill? Is the punctilious regard of the head of the Government for his personal honour in reference to a speech made by the honorable member for Brown Hill or Baker's Flat to be a sufficient reason for his resigning office, and so hurling his colleagues from power, and disorganizing the whole administration of the several Departments of State? The action taken by the late Prime Minister, which resulted in the defeat of his Government, was right in the circumstances; but I wish to remove the possibility of such circumstances arising in future. My desire is to bring about such a state of affairs that the leader of a Government will not in such circumstances be called upon to resign, or to accept the alternative of being regarded as one prepared to cling

ignobly to office. If the right honorable member for East Sydney had had his way, he would have sent the House to the country. Speaking personally, I had no fear of a dissolution, but I felt that the only result would be the return of the three parties in the House with very much the same strength as before. If any honorable member analyzes existing parties, as I have done, he will find that we are differently divided on different questions. On the question of free-trade and protection, the protectionist majority is a small one, while on the question of nationalism against State rights we have an overwhelming majority in favour of what I consider to be nationalism. Honorable members on this side of the House are often referred to as "crusted Tories." I am always amused to hear myself so described, and I would point out that we have among the Opposition democrats, who, united with the democrats opposite, would form an overwhelming majority against anything like conservatism. Then, again, the question of whether we should have a navy of our own, or a system of defence, having some regard for our relation to the rest of the Empire, is one on which Tories and Democrats, Protectionists, Free-traders, Nationalists, and States-rights men are also much divided. Where are we to draw the line of cleavage for the purposes of party government in this Parliament? Such a line cannot be drawn. The system is kept alive only by accidental circumstances, and by legitimate personal ambition. There are times when the people of every country are called upon to consider the extent to which their political systems shall be reformed. It was at such a time that the Cabinet system was adopted in England, and a like state of affairs has again arisen. This system of parliamentary government, which might almost be said to have reached its full development, is declared by stern inexorable facts to be on its trial—the trial that comes to all institutions whose stagnant maturity demands a reformation—always more or less a reversion to first principles. We have to meet a crisis similar to that which our ancestors faced in the time of James I., or that which our fathers had to face just prior to the passing of the Reform Bill. It will soon again be necessary to reform the system in order that we may preserve the fundamental principles of popular government. To do this, it may be necessary to amend some

of the subordinate parts of the system. By introducing some improvements in the political machine, we may give fuller and more perfect effect to the principles upon which it is constructed, while preserving all that is essential. Consider, then, the position of this young nation, the latest off-shoot of a race inferior to none in the long, wide story of the world for its capacity to devise means whereby a free people shall govern itself according to the dual lights of conscience and reason. This race has given the world the Mother of Parliaments, with its unwritten Constitution, which is the admiration of civilized mankind, and is incomparable to anything, unless it be the operations of nature, the creation of a world—

Slow grows the splendid pattern that it plans,
Its wistful hands between.

This race has given to us the noble Constitution of the United States of America, begotten of that mighty mother, a charter under which 80,000,000 people enjoy political freedom; it has also produced our own no less noble Constitution, of which the right honorable member for Adelaide, at the conclusion of the Convention, so eloquently said—

Mine will be no Laodicean advocacy. I welcome it as the most magnificent Constitution into which the chosen representatives of a free and enlightened people ever breathed the life of popular sentiment and national hope.

Shall we, thus endowed—feeling, experiencing, and knowing the defects that have arisen—pusillanimously declare that political development is extinct? Shall we declare that perfection was achieved in this or that period of modern history, and refuse, for no better reason than a timid reverence for that which is, to depart from effete forms and obsolete methods which have carried us so far away from the principles upon which they were founded? Not so those great ones whom we venerate in our nation's story, who made our England the land she is—

A land . . .

Where freedom slowly broadens down

From precedent to precedent—

and established that Greater Britain beyond the four seas. These men made precedents when it might well be thought to be unreasonable to follow them. If the evils of our political system can be remedied or abated, practical common sense, of which we have shown no deficiency, should prompt us to take this step, in full reliance upon our powers under the Constitution to

govern ourselves, with full faith in our loyalty to law and order, with every confidence in the spirit of patriotism amongst us, and with a laudable desire to carry one step further the practical working out of democracy. If, in the administration of national affairs, we find that Hobbes was right in saying that "Liberty is power cut into fragments," then the aim of political scientists should be to gather up these fragments, and to consolidate them into an intelligent expression of the national will, operating for the commonweal of the Commonwealth, without unnecessary friction and delay. I ask leave to continue my remarks this day week, not because I intend to do so, but in order to secure the adjournment of the debate.

Leave granted; debate adjourned.

STATES DEBTS.

Mr. KNOX (Kooyong).—I move—

1. That a Select Committee be appointed to consider and report what is the best mode of dealing with the States' debts in the interests of the taxpayers of the Commonwealth, and what (if any) constitutional changes are necessary to give effect to its recommendations.
2. That such Committee have power to send for persons, papers, and records, and have leave to report the minutes of evidence from time to time.
3. That the Committee consist of Mr. Speaker, Mr. Fisher, Sir John Forrest, Sir Philip Fysh, Mr. Harper, Mr. Higgins, Mr. Dugald Thomson, Sir George Turner, Mr. Watson, and the mover. Five members to be a quorum.

Notwithstanding the eloquent speech to which the House has just listened, I trust that I may succeed in securing for a few minutes the attention of honorable members to the practical proposal which I am submitting. I earnestly hope that it will not be necessary for me to say much to convince them that the appointment of the proposed Select Committee is a desirable step to take. Indeed, I had hoped that the motion would commend itself to so many honorable members that the Government would allow it to go unopposed. The Committee will be a non-party body. At the suggestion of the honorable member for Wide Bay, representatives are nominated for each of the States, three of the proposed members having been Treasurers of the Commonwealth. If it is thought that Victoria has too large a representation, I hope that the House will have no hesitation in omitting my name, which has been inserted because it is customary for the mover of a Select Committee to nominate himself as a member

of it. The consolidation and conversion of the debts of the States was regarded as the most important of the objects of Federation, not only because it was thought desirable to obtain a simplification of control and to acquire more complete security, but because of the financial advantages to be obtained thereby for all the States. It may be properly urged that this benefit will not be secured immediately, but I confidently believe that it will be secured within a reasonable period of time. It seems idle, however, for the Commonwealth Parliament to simply remain open to receive suggestions and proposals on this subject. What the people of Australia ask for is a definite and concrete business proposition, and that can be secured only in the manner I suggest. The object of the Committee will be to recommend the scheme which will best serve the interests of all the States. In proposing the motion, it is not necessary to deal with the merits of the situation *per se*. The right honorable member for Balaclava, whose absence from Australia at the present time I regard as a great misfortune, showed, in the speeches which he made at the two Conferences held, one at Melbourne and the second at Hobart, a thorough appreciation of the difficulties of this question, based on long association with Commonwealth and States finance. The operation in view is inferior in magnitude only to the great Goschen conversion, involving as it does £233,000,000, though the whole of that amount has not to be dealt with immediately, because the loans are for varying terms, and contracted under varying conditions. The Goschen conversion had nothing like the difficulties surrounding it which attach to this conversion, inasmuch as the Administration of which Mr. Goschen was a Minister, were close to the source of the financial wealth of the world, and were advised by the greatest financial experts, while they had not to deal with the complicated States interests which surround this proposal. I take it that honorable members are unanimous in the opinion that the debts of the States should be converted and consolidated with the least possible delay, and I desire to enumerate the various fundamental and vital questions of policy which must engage the best attention of the Committee. The first question for the Committee to consider is: Shall the Commonwealth confine itself to the exercise of the first power given to it by section 105 of the

Constitution, and take over the whole of the debts of the States incurred at the date of the inauguration of Federation? These debts amount to £202,303,127. The next question is: Shall the Commonwealth exercise the alternative power which is given to it in that section, and take over the debts of the States *pro rata*, according to population? This would reduce the transfer to £172,000,000, and leave the States with an indebtedness of over £60,000,000? The third question is: Shall the Commonwealth take over all the debts of the States, including those incurred since the inauguration of Federation, amounting to £233,000,000? The next set of considerations contains the question: How is this to be done? Is it to be effected by joint State and Commonwealth legislation, or by a change of the Constitution? If by the latter, what is to be the extent of the change? The Committee must then consider what steps are necessary to prevent the dislocation of the finances of the States, and to save time. In this connexion they must deal with the question: Shall the Braddon clause be extended, as the States have indicated the wish that it shall be extended, or shall the Commonwealth alternatively agree to return to the States fixed amounts, based on their respective past receipts? Then comes the question: What indemnity shall the States give to the Commonwealth for the payment of shortages in interest? The right honorable member for Balaclava pointed out at the last Hobart Conference that the New South Wales shortage would be £527,000; the Victorian shortage, £200,000; the Queensland shortage, £825,000; the South Australian shortage, £576,000, and the Tasmanian shortage, £98,000, while Western Australia alone would have a surplus of £202,000. Another question is: Shall the gross or net revenue from the railways of the States be hypothecated to the Commonwealth? What steps are necessary to effect all these changes, and to provide the requisite security, which is an absolutely necessary condition precedent to any operation for the conversion or consolidation of the debts of the States? Then there is the policy of future borrowing: Shall future borrowing be done by the Commonwealth or by the States? This will have to be made the subject of agreement between the States and the Commonwealth. Then there is the question of the sinking fund to be established, and the funds for the purpose of repurchasing stocks, for which special provision will

have to be made by the States. Further, a decision will have to be arrived at as to the character and value of Commonwealth bonds, as to how consolidated funds shall be established, and as to the rate of interest to be offered, the rate of premium charged, or discount allowed in connexion with the issue of Commonwealth stock. These and many other questions, and many other matters of subsequent administration, which are indissolubly mixed up with great questions of policy, will have to be considered. Upon all these points it is desirable that we should obtain expert information. Any mistakes that may be made at the outset, owing to want of proper understanding, or full consideration, will involve the Commonwealth in losses amounting to probably hundreds of thousands of pounds. The public interests can be properly conserved only by the exercise of care in the initial transactions, and by the submission of a complete scheme which will commend itself to the financiers of Great Britain. The mere recital of the various matters which require attention should be sufficient to indicate the magnitude of the task that would lie before a Select Committee or before any Treasurer, and I submit, therefore, that I am justified in submitting the motion. It should be the object of the Committee, among other things, to secure the co-operation of the States, because I do not think that any scheme would prove satisfactory if it were adopted in opposition to their views. The arrangements made must be, as far as possible, of a mutual character. I do not think that the late Treasurer was fairly treated at the Hobart Conference, where his very sound and valuable proposals met with so much opposition. I hope that more reasonable counsels will prevail, particularly if the proposals put forward by the Commonwealth are backed up by the advice of leading financial experts. The appointment of the proposed Committee would constitute the first practical step taken in the direction of the settlement of this great question. The Committee would not be likely to incur any great expense, nor do I think that any great delay would occur in the preparation of their report. The honorable members to whom I have spoken desire to dispose of the matter as speedily as possible. I am perfectly aware that there is a feeling among honorable members against the appointment of too many Committees, but in view of the important

interests at stake, I earnestly hope that no objection will be raised in this case. The subject to be dealt with is highly technical, and we should obtain the very best advice obtainable with regard to it.

Mr. SPEAKER.—I desire to say that when I observed that my name was included among those of whom it was proposed to constitute the Committee, I had some little doubt as to the course I ought to follow; but I have come to the conclusion that, unless in the course of the debate it appears that any party issues are involved, I should place myself at the disposal of the House. If a general desire is expressed that I should act as a member of the Committee, I shall not refuse to do so.

Mr. WILKS (Dalley).—It is surprising that such a small number of members should be present whilst a matter involving no less than £234,000,000 is being discussed. [*Quorum formed.*] I directed attention to the state of the House, because in the absence of honorable members the honorable member for Kooyong has just made a very interesting speech, and you, Mr. Speaker, have made a most important declaration with regard to one of the most important matters with which the Executive have to deal. It is proposed that a Select Committee shall be appointed to discharge one of the most important functions of Government, and I ask honorable members to oppose the motion. The complexity of the problem which has to be solved does not afford sufficient justification for the appointment of a Select Committee. I desire to know whether the Prime Minister intends to support the motion?

Mr. DEAKIN.—I shall not oppose it.

Mr. WILKS.—Then the Prime Minister is prepared to surrender to the Committee one of the most important functions of Government. The Treasurer should be held responsible in regard to all matters of finance. He is drawing a handsome salary, and has the honour of appearing before the country as the Treasurer of the Commonwealth, and he should be called upon to discharge the responsibilities attaching to his office. Either the Treasurer is capable, or he is not. It appears to me that by consenting to the appointment of the Committee, the Treasurer is admitting his own incapacity. Select Committees, or Commissions, should be appointed only in extreme cases, and Ministers should most

jealously protect Parliament against any encroachment upon its domain. It is proposed to appoint a Select Committee to investigate what is admitted by the honorable member for Kooyong to be a matter of policy. Am I to understand that questions of policy are to be remitted to bodies of this character, so that Ministers may evade their responsibility? If the Treasurer had submitted a scheme for the transfer of the States debts, and if it had been found that we had not sufficient information to justify us in adopting that scheme, I could easily understand a Select Committee being appointed to make inquiries. But in the present instance it is proposed to appoint a Select Committee to formulate a scheme for the transfer of the States debts. This afternoon the honorable member for South Sydney delivered one of the most eloquent speeches upon a constitutional question that has been heard in this Chamber, and it seems to me a pity that more attention was not paid to his remarks. Apparently the Treasurer is prepared to surrender the responsibilities of his office to a Select Committee. In effect, he admits that he is unable to deal with this question. Surely to formulate a scheme for the transfer of the States debts is not beyond the capacity of the right honorable gentleman. In the mother country matters of this kind are never referred to Select Committees. Our present system of government is either good or bad. If Parliament consents to refer the debts problem to a Committee, that body must accept responsibility for dealing with it. The Treasurer is prepared to abandon alike his duty and his responsibility. In effect he says, "Here is an important matter. Let us delegate it to a Select Committee."

Sir JOHN FORREST.—Nonsense.

Mr. WILKS.—It is nonsense for the right honorable gentleman to accept a salary of £2,000 per annum, and to evade his responsibility in this connexion.

Sir JOHN FORREST.—That is a mean, paltry way of dealing with a public question.

Mr. WILKS.—The right honorable gentleman is adopting a mean, paltry way of escaping from his responsibility, whilst gasconading before the Commonwealth as its Treasurer.

Mr. SPEAKER.—Order! The honorable member is scarcely in order in making that remark.

Sir JOHN FORREST.—The honorable member should not be rude. He should behave himself.

Mr. WILKS.—The Treasurer's idea of good behaviour is that we should prostrate ourselves before him as if he were a monarch.

Mr. SPEAKER.—Order. The question before the Chair has reference to the appointment of a Select Committee, and not to the behaviour of the Treasurer. I called the attention of the honorable member to the improper remark which he made, and which provoked the rejoinder from the Treasurer. Both remarks were out of order.

Mr. WILKS.—Nobody regrets more than I do that we should indulge in personalities, but the only way in which we can effectually call attention to a matter of this kind is by making our remarks as caustic as possible. By referring the question of the transfer of the States debts to a Select Committee, the Government are permitting a usurpation of Executive authority.

Mr. DEAKIN.—Do not use the word "Executive," because the honorable member must know that that statement is incorrect.

Mr. WILKS.—I maintain that the States debts question, the operation of the provision in our Constitution relating to the bookkeeping period, and of the Braddon section, are matters which come within the scope of the Treasurer's Department. By consenting to the relegation of such matters to a Select Committee, the right honorable gentleman is lowering the standard of the administration of his office. The information which such a body could obtain is easily accessible to the Treasurer, and he should be the last person to surrender his power in a matter of this kind. I opposed the proposal which was submitted by the honorable member for Barrier in favour of the appointment of a Select Committee to inquire into the question of the desirability of establishing a State-owned line of mail steamers, because I regarded it as a usurpation of the responsibilities of the Postmaster-General. Similarly I opposed the motion of the honorable and learned member for Corio for the appointment of a Select Committee to investigate the Defence regulations. I believe that Select Committees should be appointed only in the most extreme cases, and that they should never be created to consider questions of principle. To-day we are asked

to appoint a committee to inquire into a matter of principle upon which this House has not yet decided to legislate. Surely the fact that members may be called upon to sit upon these bodies does not close their eyes to the danger of unduly multiplying them. The Prime Minister has indicated his willingness to agree to this proposal. Is it not the duty of the Treasurer to deal with matters affecting the finances of the States? It is proposed, Mr. Speaker, that you shall be a member of the Select Committee. I know that you have the reputation of being one of the ablest financiers in Australia, but I cannot say of my own knowledge that that reputation is well founded. I should be the last to say that the Parliament should not have the benefit of your experience in these matters, but I hold that if you possess these special qualifications, you should really hold office as Treasurer. I have often regretted that you are precluded by your position from taking part in our debates, and so affording the House the benefit of your ripe parliamentary experience, but I feel satisfied that if you occupied the office of Treasurer you would be the first to resent a proposal to appoint a Select Committee to deal with the administration of your Department. Your answer to such a proposition would be that those honorable members who profess to be experts in finance should by means of the debates in the House itself, give the country the full benefit of their experience instead of asking for the appointment of a Select Committee to enable them to do so. By yielding to the request for the appointment of various Select Committees, the Ministry are surrendering the principles of responsible government. If this is to be the attitude of responsible administrators, I shall have no hesitation in supporting the motion for the appointment of elective Ministries. I intend to resist every proposal for the appointment of a Select Committee to discharge duties which should be performed by the Government of the day. By consenting to the appointment of this Committee the Treasurer will lower himself in the eyes of the permanent officers of his Department.

Sir JOHN FORREST.—I have not said anything in reference to the motion.

Mr. WILKS.—The Prime Minister has said that he will not oppose the motion, and I should like to know what position the

Treasurer takes up. If he agrees to the appointment of this Committee, he will confess his inability to discharge the duties of his office. It is undesirable that we should too readily acquiesce in the appointment of Select Committees to interfere with the functions of government. I know that in taking up this attitude, I am becoming the Ishmaelite of the House. One must have due regard to the policy of "smoodge," if he wishes to make any progress in the world of politics, and if I wished to become unpopular, I could not do better than oppose the appointment of all Select Committees. I feel, however, that the Government are seeking to evade their Ministerial responsibilities. One of my strong objections to the Labour Party is that its policy has killed individual responsibility, and placed collective decision in its stead. It is largely because of that belief that I am not allied with the party to which I refer. I remember an occasion when the Minister of Trade and Customs resisted a proposal to appoint a Select Committee.

Sir WILLIAM LYNE.—I am not in favour of the appointment of too many Select Committees.

Mr. WILKS.—I am glad to hear it. The honorable gentleman opposed the appointment of a Select Committee to deal with a certain measure.

Sir WILLIAM LYNE.—The chances are that I may vote against the motion now before the Chair. In fact, I have already paired against it.

Mr. WILKS.—I trust that the honorable gentleman will record his vote against the motion. What has been the result of the labours of the several Select Committees that have been appointed by this Parliament? Can any one point to a recommendation by a Select Committee that has been adopted by the House, on the motion of a member of that Committee? As a matter of fact, I do not think that action has been taken on the report of any of these Committees, save at the instance of the Government of the day. Inquiries are made by these bodies, and reports are prepared at great expense, but it rarely happens that those reports are read by honorable members.

Sir WILLIAM LYNE.—Some parts of the report of the Iron Bonus Commission have been very widely read.

Mr. WILKS.—That is so. But it generally remains for the Government of the day to introduce measures based on the re-

commendations of Select Committees. There is a danger that the Committee now proposed to be appointed will seek to exercise legislative as well as administrative powers, and that is another reason why its appointment should be opposed. If it be appointed, it will rest with the Government of the day to take action upon its report, but I feel satisfied that the only result will be a waste of time and money. The Treasurer will now recognise that I do not oppose the appointment of Select Committees simply because they involve the payment of allowances. I would ask the Attorney-General to say whether he thinks a Committee should be appointed to deal with matters that should receive the consideration of the Government itself. The honorable and learned gentleman submitted a celebrated motion which resulted in the appointment of the Tariff Commission, and I think he admits that that motion was launched with the object of destroying the late Ministry.

Mr. ISAACS.—No; I could not be held responsible if the late Ministry chose to commit *hari-kari*.

Mr. WILKS.—The Tariff Commission has given satisfaction to neither the protectionist nor the free-trade party. We find the leading protectionist newspaper in this State referring to it in terms of contempt, and evincing great dissatisfaction with its proceedings. This shows how ineffective its labours are likely to be. I am anxious to convince honorable members of the absolute futility of appointing Select Committees or Commissions, and I think the results so far achieved by the appointment of the Tariff Commission and various Select Committees amply support my case.

Sir JOHN FORREST.—Did the honorable member vote for the appointment of the Tariff Commission?

Mr. WILKS.—No vote was taken on the question; but I have opposed the appointment of Select Committees, first, in regard to the Postmaster-General's Department; next, in regard to the Department of Defence; and, lastly, in regard to the Department of the Treasury.

Sir JOHN FORREST.—The honorable member did not take this stand before.

Mr. WILKS.—I regret that I have not done so.

Sir WILLIAM LYNE.—What is to be the scope of the Committee's inquiry?

Mr. WILKS.—The Committee is to have power to send for persons, papers, and re-

cords, and to consider and report upon the best mode of dealing with the States debts, and the constitutional changes which may be necessary to give effect to its recommendations.

SIR WILLIAM LYNE.—Will its consideration extend to the continuation of the Braddon provision of the Constitution?

MR. KNOX.—Of course, it will.

SIR WILLIAM LYNE.—What is to become of Parliament?

MR. WILKS.—The honorable member for Kooyong anticipates the findings of the proposed Committee by his notice of motion for the establishment of a Council of Finance.

MR. ISAACS.—The appointment of the proposed Committee is a non-party question.

MR. JOSEPH COOK.—The extension of the Braddon provision is not.

MR. LONSDALE.—Surely the Government have some opinion on that subject?

MR. WILKS.—I believe that if Mr. Speaker were on the floor of the House, he would oppose the motion.

MR. ISAACS.—Judging by what he said at the Convention, I think that he would support it.

MR. WILKS.—I think that he would be the last to give up the rights of Parliament.

MR. ISAACS.—That is another question.

MR. WILKS.—That is the direction in which we are drifting.

MR. KELLY.—The question is, Shall we leave an essential thing undone, if the Treasurer is not capable of doing it, or shall we do it ourselves?

MR. WILKS.—The Treasurer is either able or unable to formulate a scheme for the conversion of the debts of the States. If he is unable to do so, he should vacate his position, and the Ministry, if they persist in shielding him by supporting the appointment of Select Committees, should be put out of office. The right honorable gentleman has had his eye glued to the official window of public life for twenty years past, and is so accustomed to persons going down on their bended knees before him that he thinks that every one should do so.

MR. LONSDALE.—During that time he has been all things to all men.

MR. WILKS.—It would be very easy to block this proposal by talking it out, but I do not intend to do that. I ask the Government to resist it. The experience of

the Hobart Conference should blunt the desire for this Select Committee. That Conference was composed of experts, consisting, as it did, of the Premiers and Treasurers of the States and the Prime Minister and Treasurer of the Commonwealth; but its proceedings produced no result, and the Prime Minister and Treasurer of the Commonwealth were flaunted and insulted by the other members of the Conference. Surely the Cabinet constitutes the best Committee for dealing with this matter. The Treasurer might formulate a scheme, and put it before his colleagues for approval, finally placing it before Parliament for ratification. But under the proposal of the honorable member for Kooyong, all the Ministers, except the Treasurer, will be absolute ciphers in regard to this matter; or, if the report of the Committee must go before the Cabinet before action can be taken, needless expense will have been incurred. That report should be at once followed by action. The Treasurer should formulate a policy, and when it has been considered and approved by the Government, should bring it before Parliament. Do the Government admit their inability to deal with the subject, and plead that the problem is so important and complex that they must have the assistance of a Select Committee? Future Ministries will copy this example. There is too ready an acquiescence on the part of Ministers to proposals for the appointment of Select Committees, and Governments are too ready to shift the responsibilities of office on to other shoulders. Another question which deserves consideration in this connexion, though it is a minor one, is the cost of these inquiries. I have asked for the preparation of a return showing the cost of the Royal Commissions and Select Committees of the Commonwealth appointed since Federation, and I think that when it is laid on the table the information it will contain will stagger the community.

SIR JOHN FORREST.—It is the printing of evidence that costs so much.

MR. WILKS.—It is not only the printing, but the fees paid to members of Parliament.

SIR JOHN FORREST.—They do not get fees.

MR. WILKS.—They get travelling allowances.

SIR JOHN FORREST.—The members of the proposed Select Committee will not travel.

Mr. WILKS. — So many Commissions and Committees have been appointed that nearly every honorable gentleman is, or has been, a member of one or the other, and it is quite an honour to be an exception in that respect. I wish to see things conducted differently. It is useless for honorable members to refer by way of comparison to the Standing Committees of the old country. I regret that you, Mr. Speaker, have allowed yourself to be nominated to the Committee. While its investigation may result in obtaining useful information, I cannot see why the Treasurer cannot secure this information without such assistance. The readiness of honorable members to acquiesce in the appointment of Select Committees will be used as a weapon against them, because they will be charged with neglect of their duties and evasion of their responsibilities. Our ancestors were men who stuck to their convictions. That seems the last thing that some parliamentarians will do. Although I may be a feeble parliamentarian, I trust that I do not evade my responsibilities in order to make myself a successful delegate, because I abhor the system of delegation, and respect the system of parliamentary representation. I regret that the Opposition is not strongly opposing the motion. It is only in extreme cases that the appointment of Select Committees should be allowed. In comparison with the House of Commons, with its membership of over 600, the House of Representatives, with its membership of only seventy-five, and a working attendance of not more than forty, is itself only a Select Committee. The readiness of the Government to agree to the motion is an admission of their incompetence, and if referred to in the speech of the honorable member for South Sydney would have been a strong illustration of the uselessness of the Cabinet system. If the members of the proposed Committee are more capable of dealing with this matter than are the members of the Cabinet, they should change places.

Sir JOHN FORREST (Swan — Treasurer).—The motion of the honorable member for Kooyong was not instigated by me, and I am not anxious to have the assistance of a Select Committee in dealing with the States debts question. The statement of the Prime Minister that the Government will not oppose the motion does not in the slightest degree infer that we are unable to deal with the subject.

Mr. WEBSTER. — The question is not whether the Government are unable, but whether they are unwilling to deal with the subject.

Sir JOHN FORREST.—We are neither unable nor unwilling to do so. I agree with a great deal that the honorable member for Dalley has said with regard to the propriety of the Government taking the full responsibility for the finances. I do not believe in a Government sheltering itself behind any Select Committee. The object for which Select Committees are appointed is to obtain information from those who are supposed to be well acquainted with the subject of the inquiry. If there is one important matter upon which the fullest light should be thrown it is the question as to how we can best effect the transfer of the States debts to the Commonwealth. The Constitution confers upon this Parliament the power to take over £203,000,000 of States debts, and possibly some slight alteration of the Constitution—I hope it will not be anything serious—will be necessary. This matter has already been discussed to some extent at two Conferences, and persons outside who are accustomed to deal with financial matters are taking a deep interest in it. I believe that the majority of honorable members favour the idea of referring the whole question to a Select Committee. Their report would not bind either the Government or this House. I do not suppose that the appointment of the Committee would involve any great expense, or that any great length of time would be occupied by its inquiries.

Mr. CARPENTER.—Every State Treasurer would insist upon being consulted.

Sir JOHN FORREST.—I do not think so.

Mr. CARPENTER.—The States Treasurers have blocked every proposal made so far.

Sir JOHN FORREST.—That was because attempts were made to arrive at some common understanding. We are not called upon by the Constitution to consult the States Treasurers; but, of course, if we can arrive at an amicable agreement, it will be all the more satisfactory. I do not regard this as a party matter, although it is possible that when the Government, after having obtained all the information available, bring down definite proposals, the Opposition may take exception to them.

Mr. JOSEPH COOK.—It is inevitable that this will develop into a party question.

Sir JOHN FORREST.—That is very likely. Although I look upon this question as a very difficult one, requiring a great deal of consideration and management, I am not afraid—and I am sure that I can speak also for my honorable colleagues—to face it. We are prepared to deal with it, and if honorable members do not approve of the appointment of the proposed Select Committee, we shall proceed in our own way. I am not going to reject the assistance of a Select Committee, or of honorable members who have had experience in financial questions. I want their assistance, and I desire that as much light as possible shall be brought to bear upon the question, in order that the Government may be in a position to decide as to the best course to pursue.

Mr. JOSEPH COOK (Parramatta).—I listened with a great deal of interest to the remarks of the Treasurer, and I could not help making some comparisons in my own mind between the methods and ideals of the Government, and those of Governments in the great mother of Parliaments, of which we have heard so much this afternoon, and towards which the Treasurer entertains such feelings of loyalty and love. They do not do things like this in England. I venture to say that the Treasurer never heard of a British Government referring to a Select Committee for inquiry a question bearing upon the relations of the Imperial Government to, say, the Indian Government. He never heard of the British Government surrendering its rights in such a matter.

Sir JOHN FORREST.—They have a standing Council for India.

Mr. JOSEPH COOK.—I know they have, but that body reports direct to the Government. The members of the House of Commons are not permitted to know what relations exist between the Government and the great Indian Empire, particularly regarding matters of finance, until the whole matter has been disposed of and a Blue Book is issued. It is a leading principle of responsible government in the British Parliament that there must be no interference of any kind with the Government, and in many cases no information is given whilst matters are in progress towards settlement. Therefore, according to British precedent, the surrender of the Government in this matter involves a clear departure from the principles of responsible government as practised at the heart of

the Empire. I do not know that I ought to oppose the motion, and I do not propose to do so. If the Government are prepared to allow us to take over their work, and do it for them in this way, we should not complain. It is for honorable members who are supporting the Ministry, and who believe in responsible government, to do that. I am sorry to say that great slackness is being exhibited in this House in regard to the main principles of parliamentary government, and if this kind of thing is to continue, the honorable member for South Sydney and those associated with him must succeed in their attempt to completely overthrow our present system of parliamentary government, and set up another. We are surrendering quietly and weakly the principles of responsible government as it has been worked in British communities up to date; and when the mischief is done—if mischief it be; and so far we have not evolved any scheme to take the place of our present system of parliamentary government—it will not be because the present system is faulty, but because we have not worked it as we ought to have done, and as it has been worked in other parts of the world. I believe the honorable member for Kooyong will do this work quite as well as the Government could, and I have no objection to his taking a hand in it. But, at the same time, I say that it is equivalent to saying “good-bye” to government responsibility if this kind of thing is to be permitted to go on indefinitely. Recently, when honorable members on this side of the House desired to refer a matter of importance to a Select Committee, honorable members on the Government benches objected. Now that one of the most important functions of government, extending to the very foundation of our constitutional powers, is involved, they propose to weakly surrender the whole question to a Select Committee, constituted of members representing all parties in this House. What does the Treasurer hope to gain from this Committee in addition to the knowledge that has already been acquired? There have already been conferences and consultations with regard to this matter, and at the last gathering in Hobart definite proposals were made, to which four of the States Treasurers have since agreed. I understand that if the late Treasurer had remained in power he proposed, without waiting for any further Committees or information, to have brought

down a definite scheme. Therefore, it appears to me that we have reached a point of agreement with the States.

Mr. DEAKIN.—Only three of the States have agreed, and then only upon some points.

Mr. JOSEPH COOK. — I know that the question of the reservations made by the States Governments has still to be considered. Those reservations are in their very essence party matters. For instance, all the States are clamouring for the perpetuation of the Braddon clause. Some of them desire that it shall remain in perpetuity, and others that it shall be extended for a long period; whereas some of the parties in this House have declared that the clause must cease to operate at the end of the term fixed in the Constitution. Therefore, a declaration of party warfare has already been made in reference to this very important matter. It is evident that parties will be divided very keenly upon the supreme question of the relation of the finances of the States to those of the Commonwealth. To say, therefore, that this is a non-party question is simply to ignore the basic facts of the position. It cannot be a non-party question when we come to deal with it finally, and action upon any matter which must inevitably evolve into a party question ought surely to be undertaken upon the initiative of the Government of the day, and ought not to be held in abeyance until an outside non-party body has submitted its mandate to them. If the Government agree to the appointment of the Select Committee proposed, and if they consent to some of their number sitting upon it, how can they afterwards treat the question as if the Committee had never been called into being? The very object of consenting to the appointment of the Committee is that its conclusions may subsequently be adopted by the Government. This matter, which goes right to the foundation of the relations between the States and the Commonwealth, is one which tests the question of party government more keenly and vitally than does any other subject with which we shall have to deal in this Parliament. I should like to put another consideration to the honorable member for Kooyong. I wish to know what the Senate is likely to think of his proposal. If the Government and those who agree with them wish to secure a smooth and non-party result, are they likely to achieve it by totally ignoring the House which is

specially created to safeguard the rights of the States?

Mr. KNOX.—Does the honorable member think that the Senate does that to any material extent?

Mr. JOSEPH COOK.—It is established for that purpose. The Senate is the States House, and if it is to be ignored in this matter—which profoundly affects the relations of the States and the Commonwealth—it does not augur a smooth and safe passage to whatever proposals may be formulated by the Government as the result of the appointment of the proposed Committee. If the honorable member for Kooyong intends to persist in his proposal, I would strongly advise him to get the Senate represented upon the Committee. Otherwise, I fear that the other Chamber, with some justification, will hold that its position as the guardian of States rights is being ignored. I do not think there would be any trouble experienced in connexion with the transfer of the States debts, if only the necessary political conditions obtained to allow the machinery to work smoothly. What is the serious trouble in connexion with taking over the debts? Clearly it is the want of Commonwealth credit. That is the principal difficulty with which we are faced. If we could show the States to-morrow that we can obtain better credit than they can, they, instead of ourselves, would be formulating proposals of this kind. They would be anxious to have their debts taken over if only in order that they might receive better terms than they are now obtaining. They would be knocking at the Commonwealth door, and we should not be anxiously soliciting their approval to any scheme which we might formulate. The whole trouble connected with the problem of Federal finance is traceable to the political conditions under which we live. If those conditions were such as to secure to us a better credit than the States have the difficulties of this question would vanish like mist before the rising sun. They would rush to secure the advantages which would be so patent. We have heard a great deal recently in reference to Canada. Attempts have been made to institute a comparison between Canada and Australia. That always seems to me to be an idle thing to do, because the conditions which obtain in the two countries are not the same. I fear that for many years

we cannot hope to secure a credit in the London money market equal to that of Canada.

Mr. LONSDALE. — The credit of New South Wales in the London money market stood as high as that of Canada before she joined the Federation.

Mr. JOSEPH COOK. — I would remind the honorable member that boom-time is not the proper period to test the credit of a country.

Mr. LONSDALE. — After the depression, the credit of New South Wales stood higher than did that of Canada.

Mr. JOSEPH COOK. — One factor which assisted to send up the credit of that State was the prosperity induced by the constant borrowing and spending of money. Another was good government. Our credit can be tested only under normal conditions. There is a very great difference between Canadian and Australian credit. For instance, our Federation does not resemble that of Canada. We raise a very small amount of revenue compared with the total sum raised by the States, whereas in Canada the States collect only a very small revenue. In Canada the Federation has taken over the control of the lands, but here the Commonwealth does not own a yard of land. The plain fact is that Canada, which possesses a very much larger population than Australia, has a prosperous community, and a better security to offer to the money lenders in London than we can possibly have. I know that, as a last resort, our security is not the land, but the taxation resources which we possess. But the control of our taxation has a great deal to do with the establishment or otherwise of our credit in the money markets of the world. If we were able to do as Canada does — namely, to control all our debt; and that debt were a small one, based upon a solid security and an elastic revenue — we should doubtless obtain the same credit as does the Dominion. It all comes back in the last resort to the condition of politics. It is our politics in Australia to-day which are affecting our credit abroad.

Mr. WEBSTER. — How long has that been so? Is it only during the past six months?

Mr. JOSEPH COOK. — Let me remind the honorable member that in Canada the Governments which control its affairs remain in office for ten, twelve, and fifteen years.

Mr. DEAKIN. — Suppose that we begin in the same way.

Mr. JOSEPH COOK. — I see no hope for it; but I may tell my honorable friend that if he will refrain from doing mischief he may continue on the Treasury benches for ever. My trouble is that the longer he remains there the more mischief does he accomplish, as we shall see when we resume the consideration of the Commerce Bill which so profoundly affects the whole trading relations of Australia. If the honorable and learned gentleman will refrain from doing mischief, I am quite prepared to allow him to remain in office as long as do the Ministers in Canada. I need scarcely refer to the fact that in the Commonwealth we have had five Governments in five years. If honorable members do not see that that circumstance alone is bound to smash up any little credit that we may have had in London — where people study these matters as keenly as we do — they must be shutting their eyes to the facts. An era of safe, steady, responsible, and strong government will do more to re-establish our credit abroad than anything else. It is owing to the weakness of the Government that a Select Committee requires to be appointed to deal with the question of the transfer of the States debts. I venture to say that if the Government were not dependent upon honorable members occupying the corner benches for their support, we should not have the legislation that we are getting, and we should not have so many Select Committees appointed.

Mr. DAVID THOMSON. — The honorable member is supporting the motion.

Mr. JOSEPH COOK. — But I am opposing the Government. I wish to end the game of see-saw that is going on. I do not desire to see a Government driven and harried as the present Ministry are being driven and harried by those who support them. For that support they pay a very high price indeed.

AN HONORABLE MEMBER. — The honorable member, while supporting the motion, is condemning the Government.

Mr. JOSEPH COOK. — I am condemning the composition of this House, and I am condemning the Government for holding office under existing conditions, since they must necessarily surrender that effective control of the House which, above all things, is necessary in carrying through a measure of this heroic character. Only a strong, compact Government, whose members are secure in their seats, can carry through huge financial proposals.

Therefore, I say that our trouble is not to devise new schemes. What can a Select Committee accomplish more than has already been accomplished by the ex-Treasurer?

Mr. WEBSTER.—Why does the honorable member support the appointment of the Committee?

Mr. JOSEPH COOK.—I am not supporting it very wildly. If the Government chooses to surrender the control of its business to this side of the House, I have no objection to the honorable member for Kooyong taking advantage of it. I am not anxious for the appointment of the Select Committee proposed, but I shall vote for the motion if only to emphasize the ineptitude of the Government, and its abdication of responsibility. A Select Committee to inquire into this matter may accomplish a little good. At any rate, it cannot do very much harm.

Sir JOHN FORREST.—I would not urge that as a reason in favour of its appointment.

Mr. JOSEPH COOK.—That is my main reason. If the Government would oppose the motion, I might be prepared to vote with them. If they will do that, and will accept full responsibility for their financial proposals, I might be ready to support them in a claim to do so. Why should I oppose the appointment of this committee, when the Government themselves are prepared to surrender their functions and responsibilities to it? One of my complaints is that they are not taking up their proper position as a Government. We should have had the view of the Cabinet respecting this important financial matter. It seems, however, that we are not to have anything of the kind. We have learned that the Prime Minister is prepared to accept the motion, and we have been told by another prominent member of the Administration that he consents to it. One Minister has admitted that he regards the motion as a surrender of Parliamentary responsibility to a committee. That is practically what the Minister of Trade and Customs has said. The Attorney-General has told us that this is an absolutely non-party question. I should have thought that upon a question of this kind, profoundly affecting, as it does, the financial relations of the Commonwealth and the States, we should have had at least the matured reasoned Cabinet view presented to the House. It appears that that is not to be done, and I must congratulate the honor-

able member for Kooyong upon the power that he has acquired, and upon the total surrender of the prime functions of government to the control of the proposed committee. I have only to say, in conclusion, that before we can hope to satisfactorily settle the question of the taking over of the States debts, we shall have to put our political house in order. Before we shall be able to obtain the consent of the States—and without that consent we can never do the work satisfactorily—to the taking over of their debts, we must show them that we are better able to conduct their financial operations than they are themselves. I presume that the supreme effort of the Committee will be to secure the consent of the States to the Commonwealth taking over their debts. We have a certain degree of constitutional power to over-ride the States Legislatures, but I contend that that is a power which should be exercised only in the last resort. If we are to succeed in our efforts in this direction, we must have the States with us, and we shall only induce them to act with us when we are able to show that we are better fitted to control these financial matters than they are. As a matter of fact, however, they are disputing our claims in this respect. Only the other day a challenge was thrown out by the ex-Treasurer of South Australia, and similar challenges are being made in nearly every speech delivered by the Premiers of the different States. They complain that their operations are jeopardized and endangered by reason of the financial methods adopted by the Commonwealth. The financial position of the Commonwealth in its relation to the States appears to me to be a matter of the gravest possible moment, and one that is full of menace. I feel that the Government is simply blinking at the difficulties immediately ahead. What are those difficulties? We are spending the whole of our one-fourth of the Customs and Excise revenue.

Sir JOHN FORREST.—We have not spent it.

Mr. JOSEPH COOK.—We have practically done so.

Sir JOHN FORREST.—No.

Mr. JOSEPH COOK.—If we were paying interest on the transferred properties to-day, we should have nothing beyond the one-fourth—

Mr. SPEAKER.—I am afraid that the honorable member is proceeding beyond the question immediately before the Chair.

Mr. JOSEPH COOK.—I am pointing to the difficulties that will confront the Committee.

Mr. SPEAKER.—Up to the present the honorable member has been in order, but I ask him to keep closely to the question.

Mr. JOSEPH COOK.—I say that the principal reason why the States are so reluctant to hand over their debts to the Commonwealth Government is that they see and object to the trend of Federal financing. We are now spending every penny that we are entitled to disburse from a just and reasonable view of our position. If we paid interest on the transferred properties, and provided a sinking fund in respect of them, we should not have a penny left for other purposes. And yet on the top of all this, proposals are contemplated by the Government, and by the House itself, involving, as the honorable member for Hunter showed the other night, an extra expenditure of £4,000,000 or £5,000,000 during the next five or six years. If the outlook is not a serious one, I should like to know what more is necessary to make it so. These are facts that occasion anxiety on the part of the States authorities, and compel them in matters of finance to take up an attitude antagonistic to the Federal Government. Before we can carry the scheme for the taking over of the States debts to a satisfactory conclusion, we shall have to readjust our politics in the Federal Parliament, with a view of showing that we can husband the resources of the States better than they can. As soon as we are able to do that, we shall no longer need to be suppliants at their doors. They, in turn, will be glad to knock at the door of the Commonwealth, and ask for the privileges which we can give them.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—There is abundant material, if time permitted, for a searching criticism of the inconsistencies of the deputy leader of the Opposition. But I do not rise to contrast the conflicting views upon this subject which the honorable member has just submitted to the House. I speak with some reluctance, though it appears to me that the honorable member was much at fault in his references both to what the constitutional practice is in the mother country, according to my reading, and to what it certainly is, to my own knowledge, in the States of Australia. If he turns to *Todd*, and *May*, he will find both stating what we

know as a matter of common knowledge: That during the last century or so, the use of Select Committees and of Committees in general has extended very largely in the mother country. The system has been so extended that the appointment of Standing Committees, which take the place of the Grand Committees, to deal with important classes of Bills, is becoming a regular function of the House of Commons. Among the criticisms which have been directed at our parliamentary institutions by critics of the stamp of the honorable member for South Sydney, none have been more severe than those which have asked why a Parliament, composed of the representatives of the people, should consider itself bound not even to make systematic inquiries of its own with regard to any question until the Ministry—which it intrusts with the executive control of its affairs and the leadership of the House—has examined into and dealt with it. There has been developed a school of constitutional thinkers, who maintain that the pressure of modern life, and the increase of the demands, more particularly upon the Legislature, but also upon the Executive, are such that they can be met only by the more frequent subdivision of Parliament into Committees for the purpose of coping with practical issues in a practical way.

Mr. WILKS.—That may be all right in a House having over 600 members, but it should not be necessary in a House of seventy-five representatives.

Mr. DEAKIN.—It is becoming necessary in a House of any number. The difficulty does not arise merely from the number of members. If there were the same proportion of silent members in this House as there is in the House of Commons, we should have no trouble in this regard. My point is that the questions which arise out of our modern social conditions, are so technical and complex, and demand such intimate knowledge of trade, shipping, commerce, finance, and other matters with which we are compelled to deal, that they call for the concentrated attention of a body of men who will thoroughly sift the evidence, and survey the whole subject so as to prepare the way for the Legislature. In relation to such matters it will be necessary to make more and more use of Committees as Parliament endeavours to expand the sphere of its functions. That will have to be done simply because of the demands which the increasing intricacies of modern

life make upon Parliament—because of the fact that our constituents require us to cope with problems that can be dealt with only by experts, or after they have been heard. To intrust the collection of information, and the classification and preliminary review of the subject to Ministers charged with the heavy responsibility of Executive Government means that we must not only limit the number of subjects dealt with, but greatly extend the time for dealing with them. The only means found in France and elsewhere of dealing satisfactorily with this difficulty has been the creation of a number of committees, who take the first survey, collect information, and lay it before Parliament, which then shapes its decrees as it deems fit.

Mr. HIGGINS.—That has been carried to an extreme in America.

Mr. DEAKIN.—That is so. There government by committee sometimes, in a sense, takes the place of government by legislation.

Mr. WILKS.—That is because the Executive is kept quite distinct from the Legislature.

Mr. DEAKIN. — That is only partly the reason. The real reason may be found in the conditions of modern life and politics. If Parliament is to do its work in the future, and the Executive is to be free to do its duty—because, after all, the duties of an Executive consist not merely in preparing new measures; above all things, it has to act, and to act promptly in frequent emergencies, and constant administrative activity—it can deal only with those legislative measures upon which immediate action is required, and upon which it is already advised. When we find such a question as that of taking over the States debts stretching into the years before us, all must recognise that we require a scheme that must be gradually evolved and applied to the circumstances we have to confront. It is not too much to say that if there is one problem with respect to which the Commonwealth Government should welcome every opportunity to obtain further knowledge, research, and consideration, it is the very proposal with which this Committee will be called upon to deal. So far from relieving the Executive Government from any responsibility, this Committee, even if it obtains not only the knowledge of the

experts of which it will be composed, but all the expert knowledge obtainable in Australia, will not do more than pave the way to the necessary acceptance of a responsibility which must fall on whatever Government is in power to come down with a definite scheme.

Mr. WILKS.—Can the Committee do anything which the Treasurer himself could not do?

Mr. DEAKIN. — Certainly. Through its agency, not only the Treasurer, but ex-Treasurers and others of financial experience, will be able to give more consideration to the question than they would be able to do in the House itself. The Committee will be able to deal with it at greater leisure, and will produce for us, I hope, the opinions of the best financial experts that the country possesses. Their findings will then be closely examined by expert authorities in London and elsewhere, and we shall have the benefit of both. At every step we take in connexion with this matter, we are faced by two considerations—first of all, the agreement to be arrived at by the States and the Commonwealth as to what would be fair terms on which to take over the debts of the States, and secondly, a set of questions which can be dealt with only by financial experts, possessing the capacity and knowledge to determine the way in which we are to deal with the £200,000,000 or £300,000,000 which are eventually to be handled. The mere mechanism of these operations calls for close study. We shall have to consider how loans can best be put upon the market, how best they can be redeemed or disposed of from time to time, and by whom and how current loans can best be taken up. These are all matters for expert opinion, and that expert opinion will be secured most quickly by means of the proposed Committee. When the Committee has collected such knowledge as will be valuable to the Parliament in dealing with this immense monetary undertaking, its report will be subjected to searching public criticism.

Mr. SPEAKER.—The time allotted to private members' business has expired. Does the honorable and learned gentleman wish leave to continue his remarks on another day?

Mr. DEAKIN.—I do, sir.

Leave granted; debate adjourned.

COMMERCE BILL (No. 2).

In Committee (Consideration resumed from 20th September, *vide* page 2558):

Clause 7 as amended—

1. The regulations may prohibit the importation or introduction into Australia of any specified goods, unless there is applied to them a trade description of such character, relating to such matters, and applied in such manner, as is prescribed by the proclamation or by the regulations.

2. All goods imported in contravention of any proclamation under this section shall be forfeited to the King.

3. Subject to the regulations, the Comptroller-General, or on appeal from him the Minister, may permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the prescribed trade description will be applied to the goods or that they will be forthwith exported.

Mr. JOSEPH COOK (Parramatta).—I move—

That the words, "of such character," line 4, be left out.

The trade description provided for by the Bill is to be applied as required by regulation, and must furnish certain particulars as to the contents of the goods to which it is applied, their country of origin, and so forth. I submit that so long as the goods are true to name, and properly described, we shall achieve all that is aimed at. But if the Minister takes power to prescribe the exact words which must be used in connexion with any description, it may lead to no end of confusion and trouble in the handling of goods. The amendment is a very reasonable one, and I hope that the Minister will see his way to accept it.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I do not consider the amendment a reasonable one. If we allow every one to adopt such descriptions as he may choose to apply, there will be no such thing as regularity. One part of the clause depends on another, and I do not think that I can restrict the powers of the Department in the manner desired.

Mr. JOSEPH COOK.—Is it necessary to prescribe the precise wording of a description?

Sir WILLIAM LYNE.—I think that the Department should have power to do so. It will not be done in every case. As I have already said, trade descriptions will be decided upon only after consultation with those connected with the various

trades; but the Department should have power, if a reasonable arrangement cannot be come to in this way, to prescribe the descriptions which shall be used.

Mr. JOSEPH COOK (Parramatta).—I submit that it is not necessary for the Department to prescribe the exact wording of any trade description. If the trade description is true, and contains the particulars required by clause 3, that is all that is needed. The mere verbiage to be used might very well be left to the importers and exporters of the goods.

Mr. LONSDALE (New England). — I think that the amendment should be made. There is no sense in the provision which the Minister wishes to stand by. He asked last night that the Bill should not be overloaded, and when certain honorable members wished to provide for certain matters by specific enactment, promised to deal with them by regulation. Now, however, he wishes to load up the clause by encumbering it with detail. This is an amendment suggested by the honorable member for North Sydney, whose mercantile experience, and desire to make the Bill as effective as possible, should secure its consideration. If the words are left out, the Minister will still have power to compel the use of proper trade descriptions. I hope that the honorable gentleman will show a spirit of conciliation, and assist in preventing the Bill from becoming a measure to harass the traders of the Commonwealth.

Mr. ROBINSON (Wannon).—I regard the amendment as a most reasonable one. It does not affect the vital principles of the measure, but seeks to insure that traders shall be reasonably dealt with by the Department. If the words proposed to be omitted are left out, the Minister will still have sufficiently wide powers; but it is monstrous to provide that the Department shall prescribe the very wording of the description on a label. The officials may not have sufficient knowledge to do this properly, and, if the task is cast on them, pressure may be brought to bear by interested parties to secure the prescribing of trade descriptions which will harass their business competitors.

Mr. LONSDALE (New England). — I would point out that the great object of manufacturers nowadays is to place their goods before probable purchasers as attractively as possible, and the Americans have gained their position in the markets of the world largely by the beauty of their

labels, and the pleasing manner in which their goods are got up. The Minister, however, is asking for power which would allow him to fix, not only the wording of descriptions, but the colour of labels. If it is the honest intention of the framers of the Bill not to give trouble to business people, but simply to insure the placing of honest descriptions on goods, the words proposed to be left out are not needed. Without these words, the Minister will have sufficient power to prevent fraudulent description. In my opinion, the real object of the Bill is altogether different from that professed by its supporters, and what is aimed at is to give the merchant inside the Commonwealth an advantage over the person who sends goods here from abroad. The clause as worded will enable the Minister to enforce a still stronger protectionist policy than is being administered to-day. We should not allow such a provision as this to be placed on the statute-book. We know that the intention is to make the Bill a measure for the restriction of importation. I am ready to vote for the prohibition of importations which are not truly described. In that matter I go further than the Minister or the supporters of the Bill will go.

The CHAIRMAN. — The honorable member must not discuss the Bill.

Mr. LONSDALE.—My point is that the words proposed to be omitted will enable the Bill to be applied in a manner to which I am opposed.

Mr. MAUGER.—The honorable member's experience and mine in this matter differ very greatly.

Mr. LONSDALE.—We look at the subject from different stand-points. We know what has been done by the Department.

Mr. TUDOR.—What has been done?

Mr. LONSDALE.—We know what was done in the harvester case, and in many other cases.

Mr. JOSEPH COOK (Parramatta). — The simple question before the Committee is whether the Department should prescribe the exact wording of trade descriptions. If goods are called by their proper names, and marked to indicate their measure, quality, and so forth, what more is wanted? If, however, the Department insists on framing the wording of descriptions, over-zealous officers, by applying the rule with absolute strictness, may act in such a way as to absolutely ruin honest traders.

Mr. KNOX (Kooyong).—I hope the Minister will agree to the amendment.

He must not complain if we find it necessary to discuss a number of the minor details of the Bill. A great deal of this discussion would have been avoided if the Bill had been referred to a Select Committee, as I proposed, and, moreover, we should have had the advantage of expert advice in framing a thoroughly workable measure. The object of the Bill is to insure that correct trade descriptions shall be applied, and surely that end can be achieved without retaining the words to which exception has been taken. The expression which it is suggested shall be excised is redundant, and it is of no use to overload the Bill with a number of terms, which might be so construed as to hamper trade and commerce at every turn.

Mr. JOHNSON (Lang).—I really cannot understand the reluctance of the Minister to accept the amendment. The only effect of retaining the words proposed to be omitted will be to overweight the Bill unless they were inserted with a desire to afford the Minister and his officials means of harassing those who have to transact business with the Department.

Mr. HUME COOK.—Does the honorable member suppose that the Customs Department exists for the purpose of harassing people?

Mr. JOHNSON.—It has been used for that purpose, and it will probably be so used again. The harvester case presents one of the worst examples of the extent to which importers are sometimes harassed. The Melbourne manufacturers appear to be the only persons who can secure decent treatment at the hands of the Customs officials in Victoria.

Mr. WEBSTER.—I desire to know whether the honorable member is in order in stating that the Customs officials favour Victorian manufacturers.

The CHAIRMAN.—I think that any reference to gentlemen who are not present is purely a matter of taste. I would ask honorable members to strictly confine their remarks to amendments before the Chair, and to abstain from interruptions.

Mr. JOHNSON.—The papers relating to the matter to which I have referred, have been laid on the table of this House, and I have merely referred to the facts as disclosed in those documents.

The CHAIRMAN.—Has that matter anything to do with this clause?

Mr. JOHNSON.—Unquestionably, because I maintain that, unless the Minister

can advance some sound reason why the words objected to should be retained in the clause we are justified in assuming that they are intended to enable him to adopt a course similar to that followed in the case of the imported harvesters. If the Minister continues to treat suggestions made by members of the Opposition with the arrogance that has characterized his attitude throughout this debate, he can blame only himself for any delay that may occur in proceeding with the measure. Honorable members opposite have complained that attempts are being made to overload the Bill, but now that we desire to omit unnecessary words they are equally dissatisfied. I shall support the amendment.

Mr. KELLY (Wentworth).—I deprecate the trend of this discussion in the direction of a fiscal controversy. I think all honorable members are anxious to make the Bill a workable measure, and the amendment is intended to operate in that direction. If the words "of such character" are retained in the clause, Customs officials who may be suffering from swelled head, or who are recalcitrant, obstinate, or over-zealous, may make things very uncomfortable for those who have to transact business with the Department. They may harass persons who are endeavouring to comply with every reasonable requirement, and punishment may be visited upon those who are innocent of any attempt to defraud the Department. Even if the clause be amended in the manner suggested, the Minister would still have full discretion and control in regard to all matters relating to prescribed trade descriptions. I trust that the Minister will agree to the amendment.

Mr. KING O'MALLEY (Darwin). — I trust that honorable members of the Opposition will not quarrel over the retention of the words referred to. At a later stage I shall move the insertion of a new clause 7A, which will contain provisions far more important than any now embraced in the Bill. I propose that this Parliament, and not the Governor-General, shall be the paramount power. The proposed new clause provides—

1. Any manufactured or prepared article of food—

- (a) to which there is not applied a printed mark indicating its usual name; or
- (b) to which there is added any other substance not necessary to its preparation (including colouring matter or preserva-

tives) unless there is applied to it a printed mark indicating the substance so added; or

- (c) from which there is abstracted any material part or ingredient the abstraction of which is not necessary or usual in preparing the article or affects injuriously its quality, substance, or nature—unless there is applied to it a printed mark indicating the part or ingredient so abstracted; or
- (d) in which (in the case of an article usually sweetened with sugar) there is contained any sweetening substance in addition to or in lieu of sugar—unless there is applied to it a printed mark indicating the sweetening substance so contained,

is prohibited to be imported into Australia.

2. In this section—

- (a) "Food" includes any article used for food or drink by man other than drugs or water;
- (b) "Indicating" means plainly and legibly indicating;
- (c) in the case of goods made up into packages for sale by retail, "applied" means applied to every such package in the same manner and with the same permanency as other printed marks or indications of the goods.

3. All goods imported in contravention of this section shall be forfeited to the King.

4. Subject to the regulations, the Comptroller-General, or on appeal from him, the Minister may permit any goods which are liable to be or which have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the prescribed mark will be applied to the goods, or that they will be forthwith exported.

Mr. JOSEPH COOK (Parramatta).—There are some matters connected with this clause which demand careful consideration. I hold that a mere substitution of words for others which mean the same thing may lead to trouble. We ought not to leave the clause open to any such abuse as that. So long as the Minister gets the provision carried out substantially, he ought not to quibble about its verbiage. By the mere transposition, omission, or addition of a word, it ought not to be possible to involve an importer or exporter in any serious consequences.

Mr. McCAY (Corinella).—I am sorry that the Minister has not seen fit to meet the arguments which have been used in connexion with this amendment. I quite agree that a matter of this kind has nothing whatever to do with the question of free-trade or protection. At the same time, I think that the words are wider than the Minister really requires. The words, "a trade description of such character," cover almost

everything. They cover the form of the description—as has been pointed out by the deputy leader of the Opposition—and in my judgment they also cover the exact verbiage. All that the Minister desires, I imagine, is to obtain Legislative authority to enable the Department to prescribe that sufficient particulars shall be given. I see no objection to inserting some other words in lieu of the words “of such character” if those which remain are not sufficient for the purpose. I do not think that the Customs Department would intentionally err, but even that Department may fall into error.

Mr. MAUGER.—Does not the honorable and learned member think that it would be likely to err in the other direction?

Mr. McCAY.—I wish this Bill to go far enough, but not farther than is necessary. In a measure of this character, which imposes restrictions, and which gives the Customs Department arbitrary powers, it is our duty to see that we do not give that Department larger powers than are necessary. If the Minister will consent to the omission of these words, I am quite prepared to agree to the insertion of others which will accomplish his object without going too far. I suggest to the Minister that he might substitute for them the words “giving such particulars.” I heard what the honorable gentleman had to say, but I do not think that he made out a case in defence of the retention of the words “of such character,” in reply to the attack which has been made upon them. His own statements induced me to conclude that the words are larger than are required. Personally, I do not think that the clause is well drafted, and I should like to know if the Minister can see his way to adopt my suggestion.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I regret that I cannot accept the amendment. The same words, I would point out, are contained in clause 10, and they have been inserted after due consideration.

Mr. McCAY.—Do they not cover more ground than is desired by the Minister?

Sir WILLIAM LYNE.—I do not think so. The object is to give the Department a reserve power to adopt a certain course of action in those cases where we cannot arrive at some understanding with people engaged in any trade. I deprecate the statement which has been made that the Bill is intended to sneak in protection. It is intended to do nothing

of the kind. In regard to the Customs officers, I merely wish to say that my experience of them—I admit that I have only come into contact with the highest of them—is that they are some of the best and fairest officers I have ever met. Under the powers conferred by the Customs Act, it might be possible, in certain conditions, to harass the importers.

Mr. JOHNSON.—The Customs authorities have harassed them already.

Sir WILLIAM LYNE.—That is not so. The honorable member has a bee in his bonnet on this question. He has made an assertion which is absolutely incorrect. I have never known an officer of the Customs Department to take sides in any way. My experience is that they lay matters before the Minister in an absolutely fair manner. I repeat that these words were inserted after consultation between the Comptroller-General of Customs, the Attorney-General, the Parliamentary Draftsman and his assistant. Under these circumstances, it is not for me to allow words which have been so carefully considered to be mutilated, probably with an effect that I do not desire.

Mr. McCAY.—Will the Minister promise to have the matter again looked into?

Sir WILLIAM LYNE. — Certainly I will. I will bring it under the attention of the Attorney-General.

Mr. McCAY.—Will the honorable gentleman agree to recommit the clause if requested to do so?

Sir WILLIAM LYNE.—I will, if any reasonable cause can be given for the adoption of that course. I cannot promise to recommit every clause. I will bring the matter under the attention of the Attorney-General and of the Parliamentary Draftsman, and I shall explain what members of the Opposition have said, and particularly what the honorable and learned member himself has stated in regard to it. Should it then appear to them that any other words will compass the desired object, I shall be quite prepared to recommit the clause, with a view to inserting them.

Mr. McCAY. — I do not wish to vote for the omission of the words now if nothing else is to be inserted in their place.

Sir WILLIAM LYNE.—I have gone as far as I can by promising to bring these words under the attention of those who are responsible for the drafting of the clause. If it appears to them that other words can be substituted, without affecting the inten-

tion of the clause, I shall be quite prepared to recommit it.

Mr. WEBSTER (Gwydir).—I am very pleased with the stand which the Minister has taken in regard to this amendment. I do not understand the drift of the discussion upon this clause.

Mr. McCAY.—That is the honorable member's misfortune.

Mr. WEBSTER.—With all due respect to the honorable and learned member, I wish to say that the only point upon which some members of the Opposition are clear is that it is desirable to delay the passing of the Bill, or to mutilate its provisions as much as possible. The honorable and learned member for Corinella himself gave away the whole position. He admitted that the elimination of these words would leave the clause inadequate for the purposes of effective administration.

Mr. McCAY.—That is not an admission; it is a statement of my opinion.

Mr. WEBSTER.—The honorable and learned member acknowledged that if these words were struck out, some others would require to be substituted. When the honorable member for Corinella wishes to omit certain words from a clause, he generally indicates very clearly what he proposes to insert in their stead.

Mr. McCAY.—I have indicated the words that I think ought to be inserted.

Mr. WEBSTER.—The honorable and learned member did not clearly inform the Committee what he desired to substitute for these words. He suggested that the word "particulars" should take the place of "character," but it seems to me that that is simply a quibble.

Mr. KELLY.—Surely there is some difference between the two words.

Mr. WEBSTER.—I fail to detect any material difference between the two, and I think that if these words were omitted the Bill would really be rendered inoperative.

Amendment negatived.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the words "by the proclamation, or by the regulations," line 6, be omitted.

Mr. JOSEPH COOK (Parramatta).—Honorable members are well aware of the drastic nature of this Bill—of the powers of inspection which it is proposed to vest in officers of the Department, and of the obligations to be imposed on traders in respect to the marking of goods, and the description of their ingredients. The Bill

gives the Minister power to make inquiries into all sorts of secrets relating to the manufacture of various articles, and particularly of food stuffs and patent medicines. I propose to move an amendment that will secure to a trader the secrets which he may have discovered for himself, and which may be the cause of the success of his business. If the Minister is able to insure that the public are not deceived as to the make-up of goods that is all that he has set out to accomplish, and there is no need to make inquiries as to the secret methods of preparing various articles, except it be necessary for the purposes of their description. I therefore propose to move—

That the following new sub-clause be inserted—

1A. No trade description under this section shall be such as will reveal trade secrets or means or methods of preparation to the detriment of producers, manufacturers, or owners thereof, unless such revelations be necessary, in order to apprise users that the goods are deleterious, false, or defective.

The least we can do is to take care that a man's business secrets are preserved. There is no reason why his rivals should be put in possession of his trade secrets, unless it is absolutely necessary in the interests of the health of the community.

Sir WILLIAM LYNE.—Would it not be better to embody the honorable member's proposal in a new clause? That would give me an opportunity to thoroughly examine it.

Mr. JOSEPH COOK.—The amendment recognises that the health of the public is of supreme importance. If it be found that trade secrets must be investigated in order to protect the public from deleterious or defective goods, the Minister will still have power to make those secrets public.

Mr. CROUCH.—Why apply the provision to imports only?

Mr. JOSEPH COOK.—We can apply it to imports and exports.

Mr. CROUCH.—Not if it be inserted at the point proposed. It will be governed by the cross-heading.

The CHAIRMAN.—Order!

Mr. CROUCH.—I think, Mr. Chairman, that I am making a reasonable inquiry.

The CHAIRMAN.—The Standing Orders distinctly provide that all interruptions are disorderly, and even a pertinent question may be regarded as an interruption.

Mr. JOSEPH COOK.—If the Minister finds that it is necessary to expose fraud in connexion with a medicine, he should

certainly have the power to do so. But if there be a certain patent medicine which is not fraudulent and in respect of which the manufacturer has a trade secret, why should that secret be divulged unless it is absolutely necessary in the interests of the health of the community? The amendment will safeguard the health of the people; but it recognises that that having been secured, trade secrets should be preserved inviolate.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—Before the honorable member submits his amendment, I should like to suggest that he move that it be inserted as a new clause. I am disposed to accept it. If it can be so worded as to carry out the object stated by the honorable member, I think that it may well be inserted as a new clause. But, as the honorable and learned member for Corio has suggested, there is no reason why it should be applied to one class of goods and not to another. The matter could be dealt with much more completely in a new clause, and if the provision does not contain more than the honorable member has indicated, I shall be prepared to accept it. If the Department is empowered to prevent the public health from being injured by the importation of injurious compounds, I think that the makers of harmless compounds, who do not desire to publish the nature of their compositions, should be protected.

Mr. JOSEPH COOK (Parramatta).—I move—

That the following paragraph be inserted, to follow sub-clause 1:—

- (b) No trade description specified shall require, as regards the country or place where the goods were made or produced, the name of a country, in addition to that of a place or town, even if there be a place or town similarly named in Australia, if the place or town stated in the trade description sufficiently indicates the country in which these goods were made or produced.

To know the intention of the Department in this matter it is necessary to consult the provisions of the Merchandise Marks Bill passed through the Senate last year by the Watson Government, that being the measure for which the present Bill was substituted. Part III. deals with the importation of fraudulently marked goods, and clause 18 enacts—

The following goods are prohibited to be imported, and shall, if imported, be forfeited to the King:—

- (b) All goods manufactured at any place outside Australia, and having applied to

them any name or trade mark or mark being or purporting to be the name or trade mark or mark of any manufacturer dealer or trader in Australia, unless that name or trade mark or mark is accompanied by a definite indication of the country in which the goods were made or produced.

While clause 19 provides that—

Where there is on any goods the name of a place, which name is identical with or a colourable imitation of the name of a place in Australia, that name, unless accompanied by the name of the country in which the place is situate, shall be treated for the purposes of this Part of this Act as if it were the name of a place in Australia.

There are other provisions similarly worded. Under such an administration as is there provided for, if goods were imported, branded "Liverpool" only, the importer would be liable to a heavy penalty for misdescription, because there is a Liverpool in Australia, although the very nature of the goods might guarantee their manufacture or production in Liverpool, England. I take it that all that the Department should demand to know is where goods come from, and if their origin can be traced by the name of a city, it is not necessary to insist that they shall be branded with the name of the country in which that city is situated.

Mr. GROOM.—The Bill says "country or place."

Sir WILLIAM LYNE.—What the honorable member seeks to provide can be done under the Bill as it stands.

Mr. JOSEPH COOK.—The provisions I have read are the best indication of what is likely to be required by regulation, because they give us the mind of the Department in this matter. Although hundreds of thousands of pounds worth of goods are annually imported into Australia from Sheffield, England, it might happen under the Bill that such goods, being merely marked "Sheffield," would be confiscated because there is in Australia some nook called Sheffield. I regard the amendment as necessary to prevent endless trouble being given to honest traders.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I regard the amendment as unnecessary. Clause 3 provides that trade descriptions shall specify, amongst other things, the country or place in or at which the goods to which it applies were made or produced, and it is ridiculous to suppose that the Department would forfeit goods coming from a place so

well known as Sheffield, England, merely because the country of origin was not named in the description, and there was in Australia a place called Sheffield. I had nothing to do with the drafting of the Merchandise Marks Bill.

Mr. JOSEPH COOK.—But the officers of the Department had to do with the framing of that Bill.

Sir WILLIAM LYNE.—I can deal only with the Bill before the Committee. If the amendment were passed, the Department could not compel the name of the country of origin to be placed on the goods, although that might be absolutely necessary.

Mr. KELLY (Wentworth).—The amendment gives some elasticity to an otherwise hide-bound Bill.

Sir WILLIAM LYNE. — The Bill is not hide-bound. It says "country or place." Something must be left to the discretion of the Department.

Mr. KELLY.—The amendment is only an amplification of that phrase.

Sir WILLIAM LYNE.—It would hamper the Department very much.

Mr. KELLY.—I do not think so. I am the last to wish to give the Minister unnecessarily wide powers, but I think that in this case his power should be extended.

Sir WILLIAM LYNE.—Under the Bill, as it stands, the Minister has all the necessary power.

Mr. KELLY.—There may be a doubt as to the exact meaning of the word "place." If the mention of the town of origin only may misrepresent the place of origin, the Minister under this amendment, can say that the country of origin shall also be named. If certain English goods intended for export to America were at the last moment diverted to Australia, they would probably not bear a trade description including particulars as to the country and place of origin, as required under this Bill, and might, therefore, be forfeited, unless some such amendment is made in the Bill. The Minister has told us that the Bill already makes provision for the admission of goods bearing only the name of the town in which they were manufactured, and not the name of the country of origin, and, therefore, I cannot understand why he should object to the amendment, which would merely make the position perfectly clear.

Mr. LONSDALE (New England).—It appears to me that the suggestion of the honorable member for Parramatta might

reasonably be agreed to. He contends that if the name of the place of manufacture indicates the country of origin, that should be sufficient. The placing of the name of the country of origin on the goods will not protect the consumer. It has been shown that the requirement in England that "made in Germany" should be stamped upon all goods sent from that country to England has operated to the advantage of Germany, and, instead of our advertising foreign manufacturers, we should be content to assure ourselves that the goods are of good quality. It should not matter to us where goods are produced, so long as we have assurance that they are pure. To endeavour to prevent the use of German goods by branding them "made in Germany" will never succeed. The public do not care where goods are made, so long as they are what they require, and represent fair value for the money paid for them. The provision that was made some time ago in Victoria for indicating that certain furniture was made by Chinese labour, has not helped the European cabinet-makers, but has operated in a contrary direction. We are not objecting to the name of the place of manufacture being marked on the goods imported here, although personally I think that it is absurd to lay down any such condition. If it were necessary to specify all the particulars required under the provisions of the Bill upon the label of, say, a pot of jam, the printing would be so small that a magnifying glass would be required to enable persons to decipher it. This attempt to prescribe conditions with which it is really impracticable to comply, must fail. If the Minister desires to prevent goods of bad quality from being introduced into the Commonwealth, he should prohibit their importation. The Bill at present does not provide for any such thing. So long as a true trade description is furnished, the goods, however deleterious they may be, will be admitted, and allowed to pass into consumption.

Mr. WEBSTER (Gwydir).—I really cannot grasp the motive of the mover of the amendment, unless he desires to eliminate from the trade description all reference to the country of origin. The honorable member for New England stated that so long as goods are of fair quality, the consumers do not care whence they come. Unfortunately, that is to a certain extent true; but at least we should afford those who do not desire to patronize the products of cheap labour

countries an opportunity of exercising their choice in favour of articles produced under reasonable labour conditions. The honorable member for Parramatta has pointed out that there is a Liverpool in England and a Liverpool in New South Wales, and that it should not be necessary to couple "England" with "Liverpool" in the event of goods being sent out here from the Lancashire port. It appears to me, however, that in such a case it would be absolutely necessary, in order to avoid confusion, to state the country as well as the place of origin. The names of many European towns have been adopted in the American nomenclature, and it would be unfair to many traders in America if the name only of the place of manufacture were mentioned, because there would be no means of distinguishing between a certain town in Germany and a town of the same name in America.

Mr. JOSEPH COOK.—My amendment provides for that.

Mr. WEBSTER.—I do not see any necessity for the amendment. In my judgment it is unwise to load the measure with a number of amendments which can only create confusion, if they are not intended to produce some worse result. Amongst some people of the Commonwealth there is sufficient patriotism to induce them to purchase goods made in Australia in preference to goods which are manufactured abroad. The members of our race are also imbued with sufficient patriotism to prompt them to purchase goods made within the Empire, in preference to commodities which are made outside of it. Whilst I recognise that this patriotism has not yet attained its full development, the fact remains that it is growing in the Empire, as it is growing in the Commonwealth. One way in which we can assist its growth is by informing the public of the source of origin of the various goods which they consume. The honorable member for Parramatta has no feeling so far as Australia or the Empire are concerned. He wishes to leave in this Bill loopholes which will enable the foreign competitor to send goods into the Commonwealth without clearly stating upon them the source of their origin. I am glad that the Minister has refused to accept the amendment. If he desires to see the measure effective, he will hesitate to accept the proposals which are emanating from the

Opposition. I fail to see any virtue in the amendment.

Mr. JOSEPH COOK.—The honorable member does not understand it.

Mr. WEBSTER.—I can only say that such expressions do not reflect much credit upon the deputy leader of the Opposition. I do not accept his judgment as to my understanding of the clause. I understand a little more of the drift of his amendment than he desires I should, and probably that is what troubles him. I protest against this amendment being thrust upon the Committee practically without notice. Even if there were no other reason for objecting to it, I claim that, in view of the methods which have characterized honorable members opposite, we have a right to oppose any amendment which emanates from them. I commend the Minister for the stand he has taken up.

Mr. JOSEPH COOK (Parramatta). — The honorable member who has just resumed his seat has been discoursing on patriotism, and has delivered a homily on proper parliamentary conduct and manners. Of course he supported the Minister of Trade and Customs. All I have to say in regard to my patriotism is that I hope it is not of the same brand as that of the honorable member. If the Empire is to rest upon the substratum of intelligence indicated to us by his recent remarks, I say, "God help the Empire!"

Mr. KENNEDY.—It is not an article of commerce.

Mr. JOSEPH COOK. — I am afraid not. I am sure that all his remarks served the most useful purpose of improving the Bill, and they were about as sensible as the criticism of the Minister. All he says is, "I will not agree to it." There is no doubt about the standard of intelligence which is revealed there. We cannot do much against that kind of argument. It seems almost like a waste of time to talk to a Minister who so deals with an important matter of this kind. But even at the risk of incurring odious charges at the hands of the honorable member for Gwydir, I must persist in endeavouring to get my amendment understood. The clause under consideration preserves the right of the Minister to require the country of origin to be indicated in a possibly vexatious way. My amendment declares that the country of origin shall require

to be indicated upon the goods, unless the place indicates the country. If the place indicates the country, why should we visit these penal consequences upon an honest trader who, through an inadvertence, omits to state the country of origin?

Sir WILLIAM LYNE.—There is nothing in the Bill which compels that to be done.

Mr. JOSEPH COOK.—But there is power in the measure to allow the Minister to declare that it shall be done.

Sir WILLIAM LYNE.—Then Parliament will have an opportunity of dealing with the regulations.

Mr. JOSEPH COOK.—The probability is that Parliament will not know much about the regulations. When the Minister lays papers upon the table we can never hear what he says.

Mr. KENNEDY.—The honorable member heard him refuse to accept the amendment.

Mr. JOSEPH COOK.—I heard his refusal grunted across the table, and I would much prefer to hear it stated in an intelligible way. If he would indicate why he declines to accept my proposal, I might have no more to say. It is the attitude which he has adopted throughout the consideration of this Bill which has led to the prolongation of its discussion. Instead of grunting his refusals across the table, he ought to tell us why he declines to accept a reasonable amendment which, while safeguarding the object of the Bill in every way, provides that if an honest trader makes a mistake his goods shall not be forfeited, so long as the place sufficiently indicates the country of their origin. The Minister thinks it is fair to allow his officials to hold up a man's business, and to confiscate a shipment of goods, simply because an individual at the other end of the world does not know that in Australia there is a Liverpool or a Sheffield.

Sir WILLIAM LYNE.—It is difficult to imagine that such a thing can take place.

Mr. JOSEPH COOK.—It is fair to assume that it will take place, because it has been provided for by the Minister's own officers in a Bill which has already passed through the Senate.

Mr. KENNEDY.—Is there not a clear distinction between the purposes of the two measures?

Mr. JOSEPH COOK.—Not as to this matter. The Minister has indicated that he intends to confine the operation of this Bill to foodstuffs, medicines, and manufactures. Con-

sequently there is not a wide difference between the two measures in the matter of a trade description. We are as anxious as is the Minister that the country of origin should be indicated. All that we desire to do is to prevent the possibility of a man's goods being held up and confiscated, because of a simple mistake that may have been made at the other end of the world.

Mr. JOHNSON (Lang).—It seems to me that in dealing with the Bill, and the various amendments proposed, the Minister displays far more regard for the interests of the officers of the Department than for those of the public generally. As representatives of the people, it is our duty to consider the public first and the Department afterwards. I am not prepared to vest officialdom with extreme power. There is always a tendency on the part of some public officers to exercise the powers vested in them in such a manner as to tyrannize over those importers with whom they are brought into contact in the discharge of their duties, and while it is necessary to arm them with sufficient authority to discharge the functions of their office, they certainly ought not to be intrusted with powers which may be, and have been, used in a wholly unjustifiable manner. I would favour the curtailment rather than the extension of these powers. The Minister appears to think that every facility must be given to officials, not only to discharge their departmental duties, but really to exercise, behind its back, the powers of the Parliament itself. It is true that section 16 of the English Merchandise Marks Act of 1887 provides that the country as well as the place of origin of various goods shall be defined. That provision was inserted to meet the practice of continental manufacturers who placed English names upon goods which they put on the local market, to mislead the public into believing that they had been made in England instead of on the Continent. Instead of checking the importation of such goods, however, this provision had the opposite effect. The people of Great Britain became accustomed to the label "Made in Germany," and so forth, and as long as they suited them, were prepared to purchase goods so marked, whether they were made in Germany or Timbuctoo. Germany obtained a splendid advertisement as the result of this system, and I am satisfied that that will be the outcome of anything we may attempt in the same way. The criticism offered by the honorable member for

Gwydir shows that he does not understand the purport of the amendment.

Mr. JOSEPH COOK.—The amendment is that if the place indicates the country it shall not be an offence to omit from the label the name of the country.

Mr. JOHNSON.—That is so. If a label does not indicate the country of origin, the officers of the Department will have power to require a fuller description. It is evident that the purport of the amendment has not been grasped by some honorable members opposite. If it has, it is difficult to understand what objection they can have to it.

Mr. KENNEDY (Moir).—The controversy which has arisen in regard to the amendment is rather interesting. I take it that the amendment contains nothing for which provision has not already been made in the Bill.

Mr. KELLY.—The amendment is designed to embody the principle in the Bill itself.

Mr. KENNEDY.—It is already in the Bill, but honorable members opposite appear to be anxious to load up the measure with innumerable details. There is an impression in the minds of some honorable members that it is dangerous to intrust much power to Government officials. I would ask them, however, to name any Act of Parliament for the administration of which we have not to rely on public officials.

Mr. JOSEPH COOK.—I would instantly withdraw the amendment if the very words it contains were not to be found in another Bill that has been brought before us.

Mr. KENNEDY.—I shall deal with that point presently. I wish first of all to review the statement so frequently made that it is dangerous to give public officials much power. I would point out that the officers of the Commonwealth have no party purpose to serve, and that as they have to maintain their reputation as administrators, there is nothing to be feared in this regard. We know that a Minister who goes beyond the scope of the law he is administering can be dealt with by the Parliament itself, and I do not think that any official would venture to go outside an Act of Parliament or regulations made under it. That being so, all that we require to provide, so far as the question now before us is concerned, is that the goods shall bear the name of the country or the place of origin, so that they may be readily identified. That is already provided, and the amendment goes no further. The honorable member for Parra-

matta fears that the Minister, or his officials, might be able under the Bill to harass importers or traders. There is really no ground for such a fear.

Mr. JOSEPH COOK.—Not in view of the clause to which I have referred?

Mr. KENNEDY.—That deals with an entirely different set of circumstances. It was embodied in a Bill to prevent fraud in connexion with trade marks, and was designed to prevent an officer of the Department being misled as to the place in which a trade mark had been registered. The honorable member for Lang stated that the provision in the English Act, requiring that all goods shall bear a label showing their place of origin, was inserted because continental traders found it advantageous to place on the British market goods bearing labels giving British towns as the place of origin. Having regard to all these facts, it is absolutely necessary that extensive powers should be conferred on the Department, and I hold that those which it is proposed to confer are certainly not too wide. We must assume that, if mention of the place where they were produced or manufactured will identify the origin of goods, the Department will not impose restrictions hampering their importation.

Amendment negatived.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the word "proclamation," line 8, be left out, with a view to inserting in lieu thereof the word "regulation."

Mr. KNOX (Kooyong).—I move—

That after the word "King," line 9, the following words be inserted:—"Unless the owner or importer gives security to the satisfaction of the Comptroller-General that a true trade description will be applied to the goods, or that they will be forthwith exported."

The amendment would have been moved by the honorable member for North Sydney had he been present, and he would perhaps have given a more complete explanation of its intention than I can make. The clause as it stands makes the forfeiting of all goods imported in contravention of a proclamation mandatory.

Sir WILLIAM LYNE.—Subject to the limitation in sub-clause 3.

Mr. KNOX.—The Minister must be aware that goods are frequently sent out without the consignees knowing very much about them, until they receive advices relating to them. Of course, where there is a fraudulent attempt to introduce goods in

contravention of the proclamation, the Department must possess the power to forfeit; but where goods are sent out without the knowledge of the consignee, he should be allowed to export them, or to apply the prescribed trade description to the satisfaction of the Comptroller-General. The amendment will make the clause less arbitrary, but will not take away the power of the Department to forfeit.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I do not see much difference between the amendment and sub-clause 3, which provides that—

Subject to the regulations, the Comptroller-General, or, on appeal from him, the Minister, may permit any goods which are liable to be, or have been seized as forfeited under this section, to be delivered to the owner or importer, upon security being given to the satisfaction of the Comptroller-General that the prescribed trade description will be applied to the goods, or that they will be forthwith exported.

Mr. KELLY.—“Subject to the regulations.”

Sir WILLIAM LYNE.—The regulations cannot override the sub-clause. The forfeiture may be only a technical matter, and if the owner of the goods says, “There has been a mistake. I will give security that the prescribed trade description will be applied, or the goods will be exported,” the Comptroller may permit them to be delivered to him. If the Comptroller refuses to do so, the owner or importer may appeal to the Minister. The regulations will deal only with the method of procedure in these cases.

Mr. JOSEPH COOK (Parramatta).—There is a very vital difference between the amendment and sub-clause 3, inasmuch as the amendment makes the return of the goods a matter of right, whereas under sub-clause 3 it is an act of grace on the part of the Minister. Whereas under sub-clause 3 the Minister may or may not allow a consignee to apply the prescribed trade description, or export, the amendment gives the owner or importer the right to do so, in cases where a mistake has been made. Is it not a sufficient punishment to make the owner or importer export the goods again?

Sir WILLIAM LYNE.—The provision will not affect the honest trader.

Mr. JOSEPH COOK.—It is the honest trader who will be affected, and we are trying to protect him. If the penalty of exportation will not be effective to prevent importation in contravention of a procla-

mation, the larger penalty of forfeiture will not be effective. We wish to give the trader who has made an honest mistake the right to rectify that mistake, instead of compelling him to go cap-in-hand to the Minister to ask as an act of grace that he may be allowed to rectify it. There will be sufficient penalties in the Bill, even if the amendment is agreed to.

Mr. KELLY (Wentworth).—There is another point besides that which has been so well put by the honorable member for Parramatta. If sub-clause 2 remains unaltered all goods imported in contravention of a proclamation must be forfeited. Forfeiture must take place before sub-clause 3 can come into operation to return to the trader his goods. But why should this devious course be followed? The effect will be to require the employment of more Customs officials, but no good will be achieved by it. If the importer or owner is to be allowed to receive back his goods on giving security that the prescribed trade description will be applied, or that they will be forthwith exported, why should he not receive them back at once, instead of having them forfeited first? I hope that the Minister will accept an amendment that is obviously designed to facilitate the proper working of the measure.

Mr. ISAACS (Indi—Attorney-General).—We cannot accept the amendment. The clause provides that the goods that are specified in the regulations must have applied to them a trade description of such a character, relating to such matters, and applied in such manner as is prescribed; otherwise they will be forfeited, the forfeiture, however, being subject to remission. It is now proposed that the goods shall be forfeited, unless the owner or importer gives security to the satisfaction of the Comptroller-General that a true trade description will be applied to them. It would seem, according to the amendment, that the trade description is not to be as prescribed or to be applied in the manner required by the regulations; but as the importer himself may choose. That would be quite foreign to the intention of the clause.

Mr. McCAY (Corinella).—I understand that the intention of the amendment is to give the importer the right to his goods if he applies a true trade description to them after it has been discovered that they do not bear the trade description required by law. I think that that goes too far,

because goods might come in, and the importer might go on importing, in contravention of the law, until he was found out. At the same time, absolute forfeiture, conditional only upon the Ministerial discretion to waive it, is rather too severe a penalty. It is not desirable that the Minister should have to decide these matters to any extent more than is necessary, and I would suggest that the importer should have the right to his goods on the same terms as those operating in a case in which he successfully defended himself against a prosecution for applying a false trade description, namely, if he could show that he had not acted knowingly. In other words, it should be provided that the goods should be forfeited to the King, unless the owner or importer could satisfy the Comptroller-General or, on appeal, the Minister, that he did not knowingly import the goods in contravention of the law. He should then have a right to his goods upon applying a proper trade description. The matter would not then be left entirely to the discretion of the Comptroller-General or the Minister. I do not expect that the Minister or the Comptroller-General would refuse to release the goods under such circumstances.

Sir WILLIAM LYNE.—Certainly not.

Mr. McCAY.—Then there can be no impropriety in declaring that the goods shall be released.

Mr. ISAACS. — If the provision were framed in the way suggested by the honorable and learned member, the Courts might be asked to decide, upon extensive evidence, whether the Comptroller-General ought to have been satisfied in certain cases that the importer did not knowingly contravene the section.

Mr. McCAY.—I do not think that that is likely to occur, because, unless the Comptroller-General arrived at an obviously unreasonable decision, it would be sufficient for him to say that he was not satisfied.

Mr. ISAACS.—A provision of that kind would open the Courts at once.

Mr. McCAY.—I do not think so. If an importer acts unwittingly he should be able to claim his goods as a right.

Mr. ISAACS.—Clause 12 provides for that.

Mr. McCAY.—Even in clause 12 the matter still rests upon the discretion of the Minister. I desire to provide that where the Minister is satisfied that an importer

did not knowingly act in contravention of the law he shall have the right to his goods. Under the clause as it stands, even though the Minister might be satisfied that the importer had acted unwittingly, he could refuse to release the goods, and I contend that we have no right to leave these matters to the sense of justice of the Minister. I do not see the slightest unfairness in providing that, in the event of an importer being able to satisfy the Minister that he committed an offence unknowingly, he should be entitled to his goods.

Mr. ISAACS.—That would leave the door open to negligence.

Mr. McCAY.—The importer would still have to satisfy the Minister that he had acted unknowingly. Does the Attorney-General mean to say that if a man, owing to negligence, failed to place a proper description on his goods, he should be punished by the forfeiture of his property? The punishment to which he would be liable would be greater than that provided for wilful wrongdoing. I would suggest to the honorable member for Kooyong that he should alter his amendment in the way I have mentioned.

Mr. KNOX (Kooyong).—I do not wish to leave the door open for importers who are disposed to systematically evade the law, or to introduce inferior goods, and I am willing to alter the amendment by substituting for the words "a true" the words "the prescribed."

Amendment amended accordingly.

Mr. LONSDALE (New England).—Will the Minister accept the amendment in its altered form?

Sir WILLIAM LYNE.—No.

Mr. LONSDALE.—I think it should be accepted. We should not regard every man as a rogue and a vagabond, but should safeguard those who may, through ignorance, act in contravention of the law.

Mr. ISAACS.—Under the amendment an importer might obtain possession of his goods, no matter how deliberately he might have tried to evade the Act.

Mr. LONSDALE.—I think that we should afford some means of redress to persons who consider that they are unjustly treated by the Customs authorities. Every citizen should have a right to appeal to a judicial tribunal to decide whether he has committed an offence against the law. The Customs authorities should not be the sole arbiters in such matters. It appears to me that this clause is an ex-

trely drastic one. We ought to insert a provision which will effectually protect the rights of unoffending citizens, or of citizens who innocently infringe the law.

Mr. JOSEPH COOK (Parramatta).—I would point out that even if we adopt the amendment, a very severe penalty will still attach to any negligent importer — a penalty which will surely be sufficient to cover any negligence of which he may be guilty. The amendment provides that he may be compelled to re-export his goods. In most cases the adoption of that course would be sufficient to ruin a man. If that penalty is not severe enough to cover cases of negligence, I think that the Customs officials must be gluttons for power.

Amendment negatived.

Mr. McCAY (Corinella).—I move—

That the following words be added to sub-clause 2 :—“ unless the owner or importer satisfies the Comptroller-General, or, on appeal from him, the Minister, that he did not knowingly so import the goods.”

Under the clause, even though an importer may satisfy the Minister that he has unwittingly acted in contravention of the Act, the Minister is vested with a discretionary power to say whether or not the goods shall be forfeited. It is all very well to urge that we should trust to the discretion of the Minister. I hold that, where we can settle these matters by legislation, instead of trusting to any Minister's discretion, we should do so. When once the owner of any goods has satisfied the Comptroller-General or the Minister that he did not knowingly import such goods in contravention of the Act, I think that he should be entitled to their release as of right. They should not be liable to seizure. To my mind, that is only an act of the barest justice, and consequently I am unable to understand why the Attorney-General should have any hesitation in accepting the amendment.

Sir WILLIAM LYNE.—I will not accept it. I said so from the first.

Mr. McCAY. — My proposal is altogether different from that which was submitted by the honorable member for Koo-yong.

Sir WILLIAM LYNE.—It would have very much the same effect.

Mr. McCAY.—It would not have anything like the same effect. No Minister should ask for a power such as is contained in this clause. After an exporter has established his innocence he should be

entitled to his goods as of right. I shall certainly press my amendment to a division.

Mr. LONSDALE (New England). — I regard the amendment as a very reasonable one, and after hearing the explanation of the honorable and learned member for Corinella I cannot understand why the Minister opposes it. If an importer can establish the fact that he has transgressed the law through ignorance, surely he should be entitled to the release of his goods. In the absence of some definite provision of that character what remedy does he possess?

Mr. JOSEPH COOK.—His only remedy is by the grace of the Minister.

Mr. LONSDALE.—I would not trust the Minister. Why not give any person who is accused of having done wrong the right to appeal to the Courts?

Sir WILLIAM LYNE.—Let us get to a division.

Mr. LONSDALE.—The honorable gentleman has a majority behind him, and consequently exclaims “ Let us get to a division.” The resistance which he offers to this amendment shows that he is prepared to act in the way that has been suggested. We have had some experience of what he is capable of doing during the current session. I say that an outrage was committed by him, and is still being committed, in the matter of the valuation of certain imports. No innocent man should be placed at the mercy of Government officials or of any Minister. If the honorable gentleman will insert a clause giving to any one whose goods have been forfeited the right to appeal to the Courts, I shall be content to allow to pass a number of provisions in this Bill in which I do not believe. It would appear that with his majority behind him the Minister is determined to pass a drastic measure which will accomplish more than appears in the Bill itself. Surely the honorable gentleman can have no objection to the insertion of a clause which will give the right, which I claim that every man should have, to appeal to the Courts? Under this Bill an importer may be adjudged guilty by a Customs official, and his only appeal is to the Minister, who will naturally stand by an officer of his Department. If honorable members have any sense of the rights of individuals, they will not permit this Bill to go one step further until the amendment now proposed is accepted by the Government or some right of appeal is given to the Courts.

Mr. KELLY (Wentworth).—I understand that the Minister's only objection to the amendment is that if it were inserted a loop-hole might possibly be opened to fraud on the part of importers.

Sir WILLIAM LYNE.—That is not the only objection, but it is one very serious objection to the amendment.

Mr. KELLY.—That is one objection on which much stress has been laid. If this Department is so suspicious of the people with whom it has to deal, is it not reasonable to suppose that importers may be equally suspicious of the Department? By the amendment all that is asked is that if an importer has erred unknowingly he shall have the ordinary right of a British citizen to be declared not guilty of any serious offence. Under the Bill as it stands a man might have his goods purposely seized in order that they might be given back to him under sub-clause 3.

Mr. ISAACS.—They will not be seized if he has not broken the law.

Mr. KELLY. — He might have broken the law technically only.

Mr. ISAACS. — An offence under this clause would not be a technical breach of the law.

Mr. KELLY.—I believe that the Attorney-General makes a very good living out of technical breaches of the law, and we know that a technical breach of the law might be committed by an importer under this Bill as it stands. As a consequence, his goods might possibly be seized, in order that afterwards, under sub-clause 3, they might be returned to him—perhaps, for a consideration. I repeat that, if importers are the subjects of such suspicions by the Department, it is only reasonable to think that they might have some suspicions of the Department, although I do not say that they would be well founded. I am sure they would not, but I think that the suspicions entertained of importers by the Department would be equally ill-founded. For that reason, I cannot understand the objection to the amendment now proposed.

Question.—That the words proposed to be inserted be so inserted—put. The Committee divided.

Aves	...	...	12
Noes	...	...	24
<hr/>			
Majority	...	...	12

AYES.

Cook, J.
Fysh, Sir P. O.
Johnson, W. E.
Kelly, W. H.
Knox, W.
Lee, H. W.
Liddell, F.

Lonsdale, E.
McWilliams, W. J.
Wilks, W. H.

Tellers:

Fuller, G. W.
McCay, J. W.

NOES.

Batchelor, E. L.
Carpenter, W. H.
Chanter, J. M.
Chapman, A.
Crouch, R. A.
Deakin, A.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Groom, L. E.
Hutchison, J.
Isaacs, I. A.
Lyne, Sir W. J.

Maloney, W. R. N.
Poynton, A.
Ronald, J. B.
Storrer, D.
Thomas, J.
Thomson, D. A.
Tudor, F. G.
Watkins, D.
Webster, W.

Tellers:

Cook, J. N. H. H.
Kennedy, T.

PAIRS.

Glynn, P. McM.
Thomson, D.
Conroy, A. H. B.
Edwards, R.

Spence, W. G.
Watson, J. C.
Page, J.
Culpin, M.

Question so resolved in the negative.

Amendment negatived.

Mr. JOSEPH COOK (Parramatta).—A great deal has been said during the debate on this Bill as to the protection of the public, especially infants, against certain deleterious foods. It has been pointed out, too, that the Bill unnecessarily differentiates the person who produces deleterious foods outside the Commonwealth from the person who may produce them within the Commonwealth. Therefore, I propose to move an amendment which will put the two classes of producers on the same footing. I have to put the proposal in a negative way, because that is the only one which is left open to me now. I move—

That after the word "King," line 9, the following words be inserted:—"unless the owner or importer prove that goods of the same character produced, manufactured, made, prepared, or packed in Australia are permitted to be sold in the State into which the goods are imported without the prescribed trade description."

Sir WILLIAM LYNE.—The honorable member would kill the Bill if he carried that amendment.

Mr. JOSEPH COOK.—Does the Minister wish to differentiate between the two classes of producers? If that is his purpose, the Bill ought to be killed.

Sir WILLIAM LYNE.—The honorable member is trying his best to kill it.

Mr. JOSEPH COOK.—All this growling will not get us any further. We are prepared to reason with the Minister if there is any reason in him, but I have heard none to-night, and all this kind of humbug will not go down here. This amendment will test whether we really believe what we have been saying all through the debate, and whether we mean to put the outside producer of deleterious drugs on the same footing as the Australian producer of such articles.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—So far as I could gather from hearing the amendment read, I do not think it is constitutional. Certainly it is the most deliberate attempt I have yet heard any honorable member make to destroy the Bill. What has been said by the honorable member and his supporters all through the debate? They have urged that deleterious drugs and goods would be made in the States because the Commonwealth had no power over them in that regard. It has been acknowledged that it is not constitutional for the Commonwealth to deal with the internal affairs of any particular State. So that the honorable member wishes to allow those persons who, in their States, do some things which the laws do not prevent them from doing, and which are to the injury of its people to continue doing those things, and, at the same time, to permit those persons who have done improper things outside the Commonwealth to send into that State improper foods. It is one of the most extraordinary proposals I ever heard of if be honestly intended to improve the Bill. But to my mind it is made with a view to try to destroy the Bill. I ask you, sir, whether the amendment is in order. I submit that it infringes a right of the States, and therefore is not constitutional.

The CHAIRMAN.—It is not within the province of the Chair to give an opinion on a point of constitutional law. That is the function of the responsible officers of the Crown, and it would be improper for me to express such an opinion.

Mr. KELLY (Wentworth).—With unusual fervour the Minister has told us that this is a proposal to kill the Bill. These words come with singularly bad grace from him. For if anything has tended to delay the progress of this measure, it has been the conduct of the Minister in charge of it. Instead of giving explanations to which the Committee have been, from time to

time, entitled, the honorable gentleman has treated any inquiry from the Opposition with contempt, and, when in a quandary, has not relied on his own intelligence, but has hurriedly conferred with the officers of the Department, who have drafted and called this Bill into being. The Minister claims that the amendment is unconstitutional, and has based all his argument on the ground that we have not power to differentiate between State and State. Another clause of the Constitution provides that after the institution of a uniform Tariff all trade between the States shall be absolutely free.

Mr. HUTCHISON.—Where there is no roguery.

Mr. KELLY.—Where there is no roguery, although that fact is not specifically stated. Certain honorable members endeavoured to insert a provision against the passing from State to State of goods likely to deceive consumers; but the Constitution was again quoted against them. It is contended now that if we endeavour to prevent the protection of any bogus manufacture within a State, we are infringing the Constitution; but in advancing that argument the supporters of the Bill forget the section of the Constitution relating to Inter-State free-trade, which they quoted against the other amendment. If goods can be sold in Sydney under that interpretation, they may be sold in any corner of the Commonwealth, and this constitutional objection must necessarily fall to the ground. The only reasonable objection to the proposal was that made by the honorable member for Hindmarsh, who asked, by interjection, why, because one rogue exists, we should permit two of them to impose upon the public. But I ask the honorable member, who, I understand, is a keen believer in protection, whether, if the products of rogues are kept out of the Commonwealth, there will not be infinitely greater opportunity for the products of rogues inside? Is it not for the Committee to consider whether any action we take at the present time may not possibly so act as to foster bogus industries in any one State?

Mr. KENNEDY.—That is the danger.

Mr. KELLY.—That is the danger which I understand the present amendment is intended to meet.

Mr. ISAACS.—The amendment will encourage roguery.

Mr. KELLY.—The clause, unless amended, will encourage roguery in giving

protection to the local rogue, because it will not allow the outside rogue to interfere with the business of the inside rogue. Piece-goods are allowed to be introduced, if properly described; and as paper may be imported as piece-goods, it might, after it has passed the Customs barrier, be made up and sold as boots. If the importation of paper boots is prohibited, an industry will spring up in the Commonwealth for the making of similar boots in order to cheat the public. I hope that the honorable member for Parramatta will persist with this amendment, which, while it may perhaps not be so efficacious as the other amendment, is one which will prevent protection being afforded to the roguish manufacturer within the confines of Australia.

Mr. LONSDALE (New England).—While I am not very strongly in favour of the amendment, I think it ought to be carried, because it will, at any rate, prevent the possibility of protection being afforded to the dishonest manufacturer within the Commonwealth. The supporters of the amendment are charged with being desirous of allowing deleterious goods to be imported; but it must not be forgotten that the Bill will not keep such goods out, except with the consent of the Minister. If the Bill distinctly stated that goods of dishonest manufacture should be invariably prohibited I could understand honorable members voting for the provision; but, as a matter of fact, the Minister may absolutely refuse to allow one importer to affix a proper trade description, thus prohibiting the goods, while he may allow another to affix a trade description, and import the same class of goods. I am prepared to support a proposal to prohibit all goods which may be injurious to humanity; but I decline to be a party to leave the matter entirely in the Minister's hands.

Mr. HUTCHISON.—The honorable member should have voted for my amendment yesterday.

Mr. LONSDALE.—That amendment I regarded as unconstitutional, and, therefore, I voted with the Government.

Mr. ISAACS.—The present amendment is absolutely unconstitutional, being in contravention of section 99 of the Constitution.

Mr. LONSDALE.—That is not the view I take, because it simply proposes to admit into the Commonwealth goods of the same

quality as those made within the Commonwealth.

Mr. ISAACS.—The amendment speaks of any particular State.

Mr. LONSDALE.—If it is merely the use of the word "State" instead of "Commonwealth" that makes the amendment unconstitutional, that can be rectified. Will the Attorney-General, with all his legal erudition, tell me that we cannot provide that imports shall be of the same quality as similar articles made within the Commonwealth?

Mr. ISAACS.—It is unconstitutional to distinguish between the States.

Mr. LONSDALE.—Although the Minister professes a desire to improve the Bill, it seems that his only object is to secure to himself the widest powers. If he is prepared to say that he will draft a new clause giving effect to the principle embodied in this amendment, I shall be satisfied.

Mr. WILKS (Dalley).—It seemed to me that our proceedings were being reduced to a burlesque when the Chairman was called upon to rule whether or not the amendment was constitutional. I have on several occasions supported the Government's attitude in regard to this Bill, because of my desire that Australia shall have pure food supplies. When the honorable member for Hindmarsh submitted an amendment with that object in view, I supported him, and I intend for the reason stated to vote for the amendment now before the Chair. The Minister declares that, if passed, it would kill the Bill. To my mind, that is a declaration that, in the opinion of the Minister and his colleagues, local manufacturers are in the habit of producing deleterious goods. It seems to me that the Government desire to use this measure as a veiled system of protection. If they are not prepared to place the local producer on equal terms with the foreign manufacturer, they are probably of opinion that the former manufactures deleterious goods. It seems that while honorable members object to their children being poisoned by deleterious foods from foreign countries, they are quite prepared to allow them to be poisoned by local productions. If the local productions are satisfactory, why should the Government object to the amendment?

Sir WILLIAM LYNE.—Because the manufacture of goods in a State is controlled by the Parliament of that State.

Mr. WILKS.—I am now prepared to share the view expressed last night by the

honorable member for Capricornia, that the Bill should be thrown under the table. The honorable member for Parramatta has made several attempts to improve it, but the Government are disposed to resist all our efforts in that direction, and there is no reason, therefore, why I should continue to support it. I shall be compelled to do that which I believe the honorable member for Hindmarsh will do—to vote against the third reading of the Bill, on the ground that it will be nothing better than a placard, and will not carry out the object that we all profess to have in view. Although I am a free-trader, I fully believe that our local manufacturers are producing sound and healthy goods. It is because of that belief that I am prepared to vote for an amendment which will place them on an equal footing with the foreigner, and because also it is my desire to see the health of the community preserved.

Mr. LEE (Cowper).—I understand from the statement made by the Minister that the Commonwealth has no control over deleterious foods manufactured in any one State.

Sir WILLIAM LYNE.—Not in one State.

Mr. LEE.—Then the sooner we improve the Bill, or else throw it into the waste-paper basket, the better. I think the amendment is a reasonable one, and that it is only right that we should refuse to differentiate between imported and locally-manufactured goods.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 8 and 9 agreed to.

Progress reported.

House adjourned at 10.57 p.m.

Senate.

Friday, 22 September, 1905.

The PRESIDENT took the chair at 10.30 a.m., and read prayers.

NOTICES OF MOTION.

ANTICIPATING DISCUSSION.

The PRESIDENT.—I do not intend to express a final opinion now; but it seems to me that in all probability the notice of motion relating to public servants, which has just been given by Senator Staniforth Smith, ought not to appear on the notice-paper, as it is in contravention of the stand-

ing order, which forbids the anticipation of the discussion on a question. Honorable senators will see that Senator Neild has given notice of his intention to discuss on the 9th November, the Public Service Commissioner's report, and to move a motion relating thereto.

Senator PEARCE.—But relating to only one phase of the subject.

The PRESIDENT.—I know; but an honorable senator, by altering the terms of his motion, and discussing different phases of a question, could initiate several debates on the same subject-matter. On this particular question it is quite competent for an honorable senator to so word his notice of motion as to bring forward apparently a different issue. If that is so, certainly it is in contravention of the spirit of the standing order. The question resolves itself into this: Can Senator Smith move the motion, of which he has given notice, as an amendment to Senator Neild's motion. If he can, undoubtedly the subject-matter is the same. I shall look into the question, and if I come to the conclusion that the notice of motion ought not to appear on the notice-paper, I shall give a direction accordingly.

Senator STANIFORTH SMITH.—May I point out to you, sir, that I have drawn up this notice of motion in such a manner that I think it in no way touches the matter which is included in the notice of motion which has been given by Senator Neild for the 9th November.

The PRESIDENT. — I have already pointed out that if it were permissible to initiate a number of debates on the same subject-matter by dealing with different phases of it, we might have the whole session taken up with the discussion of one question.

Senator STANIFORTH SMITH.—May I point out to you, sir, that Senator Neild proposes to deal "with the transference, *vide* the Public Service Classification, of officers from the clerical to the general division," and with certain eventualities arising out of that.

The PRESIDENT.—That is quite clear.

Senator STANIFORTH SMITH.—Senator Neild's notice of motion deals with something which occurs as the result of officers being transferred from one division to another. But I have not touched that point, and, therefore, my notice of motion could not be proposed as

an amendment to a notice of motion dealing with a different subject-matter.

The PRESIDENT.—I shall look into the question as carefully as I can.

Senator MILLEN. — On the 25th August, sir, when dealing with a very similar matter, you expressed the opinion that it was desirable to alter the Standing Orders. If one may speak for honorable senators generally, the Senate appeared to be entirely with you on that occasion. I desire to inquire if any steps have been or are being taken to bring the matter under the notice of the Standing Orders Committee with a view to give effect to your opinion.

The PRESIDENT.—I have written a memorandum on the subject, which I have submitted to Senator Higgs and Senator Gould, and which I intend to send round to other members of the Standing Orders Committee, which will meet on Thursday next.

HIGH COMMISSIONER.

Senator HIGGS.—In reply to some questions put by Senator O'Keefe yesterday, the Minister of Defence said that the Government wanted to get a High Commissioner, but they did not know whether they would succeed. I wish to ask the honorable senator whether he meant by that reply that he does not know whether Parliament will pass the High Commissioner Bill, or whether, if that Bill be passed, the Government may not be able to get a gentleman to fill the position?

Senator PLAYFORD.—Man proposes sometimes, but a bigger power disposes. Therefore, in stating yesterday that I did not know if we should succeed, I only spoke the truth. There is not a single member of the Senate who knows whether Parliament will pass the High Commissioner Bill. I believe it will, but I am not sure.

Senator HIGGS.—Does the Minister consider the passage of the Bill a matter of pressing importance?

Senator PLAYFORD.—I ask the honorable senator to give notice of that question.

Senator Sir JOSIAH SYMON.—Will the Minister of Defence kindly explain whom or what party in Parliament he alluded to in his answer as the "bigger power"?

Senator PLAYFORD.—I did not allude to a party in Parliament, but to the party above. I commenced by saying "man proposes," but I did not complete the quotation.

Senator Sir JOSIAH SYMON. — The honorable senator said a "bigger power."

Senator PLAYFORD.—I had in my mind the old maxim "Man proposes, but God disposes." That is the bigger power I meant, but I did not finish the quotation.

PACIFIC CABLE.

Senator STANFORTH SMITH asked the Minister representing the Postmaster-General, *upon notice*—

1. What would be the estimated financial gain to the States of Victoria and New South Wales respectively in terminal rates if the whole of the cable traffic of those States were sent *via* the Pacific cable?

2. Will the Government favorably consider the representations made last year that a limited number of press messages on matters of public interest should be carried free over the Pacific cable, in order to popularize the line and increase the knowledge and community of interests between the various portions of the Empire linked together by the cable?

3. Is it not a fact that, owing to traffic not being sufficient to keep the present staff fully employed, this could be done without additional expense?

Senator KEATING.—The answer to the honorable senator's questions is as follows:—

Inquiries are being made, and replies will be furnished as early as possible.

Senator STANFORTH SMITH.—Shall I give notice of a question later on?

Senator KEATING.—If the honorable senator likes to put the question down for a day next week he can.

The PRESIDENT.—The honorable senator cannot do that now.

Senator STANFORTH SMITH.—I take it, sir, that by leave of the Senate, the notice of questions can be postponed until next Wednesday?

The PRESIDENT.—I think we shall get into a bad practice if we depart from the Standing Orders. The honorable senator can give another notice for next week.

Senator STANFORTH SMITH.—I shall give a fresh notice for next Wednesday.

COLONEL RICARDO AND MR. CROUCH.

Senator HIGGS asked the Minister of Defence, *upon notice*—

1. If his attention has been drawn to an interview in the Melbourne *Argus* of the 16th September, 1905, with the State Commandant of Victoria, in which Mr. Crouch, a captain of the Citizen Forces, is constantly referred to by his military rank by his senior officer, Colonel Ricardo, and in which the statements made by Mr. Crouch in the

House of Representatives are referred to as "misleading . . . drawing wrong inferences," &c.?

2. Is this public reprimand by a senior officer of a citizen officer's parliamentary attention to matters purely affecting his constituents, in the opinion of the Minister, permissible?

3. Does the Minister approve of Colonel Ricardo's published statement that he regrets exceedingly that the matter was brought up in Parliament?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. Public comments by an officer on military matters are especially forbidden by the regulations and standing orders.

3. Most decidedly not. Full consideration is being given to this matter.

IMMIGRATION.

Senator DOBSON asked the Minister representing the Minister of External Affairs, upon notice—

Will Ministers cable the Agents-General to ascertain in their proposed conference with General Booth—

1. What class of immigrants the General proposes to send to the Commonwealth, and particularly their fitness for settling upon the land?

2. What capital, if any, they can bring with them?

3. What terms the General suggests and the immigrants will expect as to the price to be paid for the land they may purchase, and the mode of payment?

4. What financial aid these immigrants, having no capital, will require to enable them to erect buildings and fences, and procure stock, tools, and seed, &c., until their first crops are harvested, and the terms of repaying such advances?

5. What advances, if any, General Booth is prepared to make towards the passage money of each family, and what is expected of the Commonwealth in this respect?

6. Is the General prepared to send the Commonwealth the 5,000 families at the rate of from 500 to 1,000 families a year, as may be required, and is he prepared to allow one or more of the Agents-General, or their nominee, to discard any families not appearing to be desirable immigrants?

Senator PLAYFORD.—The answers to the honorable and learned senator's questions are as follow:—

With regard to questions 1 and 2, General Booth's cable states:—

1. Principally agriculturists and those engaged in allied industries.

2. They are not destitute.

3, 4, 5, 6. It appears that particulars in regard to these questions are being obtained by the Agents-General for the States concerned. In any case, it does not appear desirable for the Commonwealth to give instructions to State officers who are not under its control.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

Bill read a third time.

COPYRIGHT BILL.

In Committee (Consideration resumed from 21st September, *vide* page 2588):

Clause 23.

The copyright in a book, the performing right in a dramatic or musical work, and the lecturing right in a lecture, shall be personal property, and shall be capable of assignment and of transmission by operation of law.

Upon which Senator Sir JOSIAH SYMON had moved, by way of amendment—

That the words "in a book" be left out.

Senator KEATING (Tasmania.—Honorary Minister).—On looking through the Bill, I find that the words "the copyright in a book," "the performing right in a dramatic or musical work," and "the lecturing right in a lecture," appear not only in this clause, but in other clauses. For instance, clause 13 defines "the copyright in a book"; clause 14 defines "the performing right in a dramatic or musical work"; and clause 15 defines "the lecturing right in a lecture." It is desirable to adhere to the words used in those clauses, so that there may be no doubt or obscurity. There are other kinds of copyright—for instance, the copyright in an artistic work—which is dealt with hereafter; and clause 33 deals with the protection of newspapers. There might be questions raised as to how far the word "copyright," if used baldly and vaguely, as proposed by this amendment, might be construed in relation to the copyright in an artistic work, and the copyright in news. For the sake of insuring greater certainty, and uniformity, it is better to retain the words "in a book" in this clause.

Senator Sir JOSIAH SYMON (South Australia).—Of course, the question is simply one of making the clause effective. My honorable friend, Senator Keating's, observations do not touch the point. What is the property we are dealing with? Copyright. Are we to make copyright personal property in every instance, or are we only to make copyright in a book personal property? Our object is to make property in every kind of intellectual production copyright. Senator Keating says that in this clause we are referring only to books. It is clear that the definition must be enlarged; but apart from that, we do not want to limit the description of personal property to property in a book. There is

also copyright in musical productions, and in artistic works. Copyright, no matter to what it appertains, should be personal property. Therefore, we should so define it. The word copyright is the term which we employ to define this form of personal property, just as we might use the word land, or easement, or any other of the terms with which lawyers are more or less familiar. I quite agree with what Senator Keating has said as to the complexity of a Bill of this kind, and, of course, he cannot be expected, off-hand, to see the full effects of every amendment. But this is an amendment the advantage of which, it seems to me, is so obvious, with a view to create the kind of personal property that is dealt with, that I would ask my honorable and learned friend to give fuller consideration to the point.

Senator KEATING (Tasmania.—Honorary Minister).—In deference to the suggestions made last evening, I have given full consideration to the matter, and I would ask the Committee to assist me in adhering to the clause exactly as it stands. No doubt we do intend to provide that copyright shall be, in every instance, personal property. But the scheme of this Bill is to deal with literary, musical, and dramatic copyright in one separate division. Later on we shall consider the clauses respecting artistic copyright. In that part of the Bill we make a similar provision. If we were to provide simply in a division of "literary, musical, and dramatic copyright," that "copyright" baldly and vaguely shall be capable of assignment, licence, transmission, and so on, it would not tend to make the measure clear. Clause 34 describes what copyright in an artistic work means. But if, before we reach that clause, we provide baldly that "copyright" shall be personal property, it will be open to question whether the copyright we provide for is not the copyright we have already dealt with. Part 4 of the Bill is devoted to copyright in artistic works.

Senator MILLEN.—Has that any bearing on the point?

Senator KEATING.—Yes; because we are dealing with the subject in divisions. The particular part of the Bill with which we are now dealing is not devoted to the consideration of all the kinds of copyright contemplated by the Bill.

Senator Sir JOSIAH SYMON.—That does not matter.

Senator KEATING.—It matters a good deal.

Senator DRAKE.—We require to include everything that is dealt with in Part 3.

Senator KEATING.—I propose to meet Senator Drake's objection to the present form of the clause by providing in the definition clause that the word "book" shall cover the case of an article that is separately contributed to a magazine or periodical. But in this division we are simply dealing with "literary musical and dramatic copyright." So far, we have not touched "artistic copyright," or defined what it means. In Part 4, which deals with that division of the subject, there is a clause similar to this, providing that artistic copyright shall be personal property capable of assignment, and so on.

Senator MILLEN.—The scheme of the Bill is to give the status of personal property to copyright wherever it subsists.

Senator KEATING.—Exactly.

Senator MILLEN.—But the Bill takes three clauses to deal with what might be dealt with in one.

Senator KEATING.—That may be so. But we are treating various kinds of copyright in separate divisions. Those honorable senators who followed my remarks in moving the second reading will understand why that course has been followed. I think it much more convenient and satisfactory that we should deal with the separate aspects of copyright in the separate divisions assigned to them. Therefore, I ask the Committee to adhere to the clause, as it stands.

Senator MILLEN (New South Wales).—The Minister in charge of the Bill stated that honorable senators who followed his argument in moving the second reading will see the reason why the Bill has been drafted in its present form. I must admit at once that whilst I followed his argument I am utterly unable to appreciate the conclusion to which it seems to have led him. If the Bill means anything, it makes it as clear as possible, taking clauses 24 and 43 together, that the intention is to make copyright personal property, whether it subsists in a book, an artistic work, or a dramatic right. It seems to make the Bill unnecessarily cumbersome, and likely to lead to confusion to state in three clauses what could be stated in one. Clauses 24 and 43 both state that copyright, when secured, shall be personal property. Why not say so in one clause? Nothing that the Minister has

advanced convinces me that there is wisdom in setting out in many lines what might be stated in two.

Senator PEARCE (Western Australia).—It appears to me that if what Senator Millen and Senator Symon have argued be true, clauses 24 and 43 should be struck out, and a new and comprehensive clause substituted. But, after all, the gain would be very small. It would simply save one clause.

Senator MILLEN.—And secure simplicity.

Senator PEARCE.—I am not sure that we should gain in that respect, because, as Senator Keating has pointed out, this Bill deals with particular kinds of copyright. A person who is interested in artistic copyright is concerned only with Part 4 of the Bill. He is not concerned with copyright in a book. His rights and privileges are sent out clearly in Part 4. If the parts dealing with copyright in books and artistic works there were not declarations as to personal property in copyright, but simply a general declaration at the end of the Bill, that would be vague. It would be a loose method of drafting, and might lead to some doubt as to whether there was personal property in these particular kinds of copyright. The most that can be said on the point is that it is one of drafting. It is a mere question of which is the better way to put what is intended. It seems to me that the Bill as it stands is better in form, and will lead to less confusion than the course advocated by Senator Millen. I support the clause in view of the promise of the Minister that the definitions will be extended to meet Senator Drake's point.

Senator Sir JOSIAH SYMON (South Australia).—I should have thought that when a Bill was passing through the Senate it was desirable that whilst in the first place it should give effect as far as possible to our intentions, it should also be a credit to us in respect of lucid arrangement and draftsmanship. I agree with Senator Millen that to begin with this is very bad draftsmanship. I should like the Bill when it leaves the Senate to be a model in every way. It should, as far as we can insure that end, go down to the House of Representatives in a shape above criticism, and it should also be so perfectly clear that he who runs may read. The Minister will not, I am sure, say that if there is a declaration in this clause that copyright shall be defined as personal property, the effect will

not be to make it personal property from beginning to end of the Bill. But he says that copyright in this Bill relates to different kinds of works, and, therefore, he thinks that we should reproduce the same clause under the heading of artistic copyright in Part 4. It must be remembered that the headings in Bills are arbitrary. A heading has no relation to the construction of the measure itself, any more than has a marginal note. An Act is construed by a Court quite irrespective of headings and notes. We are dealing with the subject of copyright, and providing that a copyright shall have all the qualities of personal property, and shall be assignable. That is merely giving to copyright certain qualities which property of this character possesses, in order to put within clear limits the nature of the possession. My view is that we have in the Bill a duplication of words which might be avoided. In the very next clause it is provided that copyright in a book, the performing right in a dramatic or musical work, and the lecturing right in a lecture, shall be deemed to be distinct properties. Why should this Bill be made, perhaps, a third longer than is necessary, by this repetition in so many clauses? I should like to see the whole of these words struck out, not merely in clause 23, but in subsequent clauses, with a view to simplicity and clearness, and that brevity which no man ever more exemplified in drafting than did the late Minister of Trade and Customs, Mr. Kingston. The measures prepared by that gentleman are, in that respect, models, there not being one word too many; whereas the Bill now under consideration contains many words which are unnecessary. If clause 34 were omitted, it would still be provided that copyright in every subject-matter of copyright is personal property. This is a mere matter of arrangement, and I commend the suggestion of Senator Pearce to the Minister. It would be more artistic to have one general clause inserted before the provision dealing with infringements, in order to define the property itself as personal property with the incidents thereof, and, in my opinion, we ought to eliminate all words which are superfluous.

Senator MILLEN (New South Wales).—The Minister asks us to retain this clause, and also, presumably, the clause dealing with artistic copyright, on the ground that

it is desirable to have a separate provision of the kind under each division of the Bill. Whatever strength that argument might have had is destroyed by the Bill itself, because, if it be desirable to have a separate mandate in the Bill to the effect that copyright is personal property under the various headings, why does the Minister have separate provisions in the division of the Bill dealing with infringements? In clause 45, for instance, the whole of the copyright, whether in a book, a dramatic work, a lecture, or artistic work, is dealt with at once, and the same course is taken in clause 53.

Senator Sir JOSIAH SYMON.—Why should it not, there being only one property in copyright?

Senator MILLEN.—That is true; but, while the Minister is asking us not to group the provisions in one simple clause, the Bill itself, in the division dealing with infringements, adopts that very reasonable course. In ninety-nine Acts of Parliament out of a hundred, the practice now suggested is followed. The Constitution itself, instead of multiplying provisions which are common to several divisions, sets them out separately so far as is necessary, but where provisions apply to more than one matter, they are grouped under one heading. For instance, there are separate divisions for the Senate and the House of Representatives, where necessary, but there is a third division dealing with matters common to both Houses of Parliament. Clause 24 is common to more than the subject dealt with in that clause—it is common to copyright in any form. For that reason it appears to me that this multiplication of provisions makes the Bill unduly cumbersome, and likely to lead to complications.

Senator Sir JOSIAH SYMON (South Australia).—I should like to ask the Minister a question in regard to a matter which is very important in this connexion. Under clause 23 will the translation of a book be included?

Senator KEATING (Tasmania—Honorary Minister).—In answer to Senator Symon's inquiry, I am of opinion that the clause will not apply to a translation if it be a manuscript; but if it be published, the publication will obviously be a book.

Senator Sir JOSIAH SYMON.—That is not in the definition.

Senator KEATING.—If the honorable and learned senator were to translate a work from German into English, and publish it,

that publication would obviously be a book, and certainly come under the clause.

Senator Sir JOSIAH SYMON.—If the honorable senator will look into the matter, he will find he is mistaken, for under clause 30 there appears to be a separate kind of copyright given to a translation.

Senator KEATING.—I shall not anticipate clause 30, and the only reply I can give to the inquiry is a direct one. Senator Millen appears to have hardly appreciated the argument I used. The honorable senator suggests that it is my desire to repeat certain provisions in every division of the Bill. There are eight parts of the Bill; and Part 3 deals with "literary, musical, or dramatic copyright"; while Part 4 deals with "artistic copyright," each division being self-contained. But when we come to Part 5, which deals with the "infringement of copyright," we find one of those general divisions which apply to the whole scope of the measure, in the same way as do those general sections of the Constitution referred to by the honorable senator.

Senator MILLEN.—Does the Minister tell me that it would be impossible to put under one general provision the matters now under discussion?

Senator KEATING.—Yes; and for the very reason which the honorable senator cited in the case of the Constitution. In the Constitution certain provisions dealing with the Senate alone, and others dealing with the House of Representatives alone, are relegated to separate divisions, and while there are duplications in some instances, the provisions which apply to the whole scope of the Constitution are dealt with separately and in generic terms. In reference to Parts 3 and 4 of the Bill, I invite the Committee to consider not merely the desirableness, but the necessity to affirm distinctly and separately—

Senator Sir JOSIAH SYMON.—Then why not have a duplication in the division dealing with infringements?

Senator KEATING.—Because, as I point out, Part 5 covers the whole ground of the Bill. In Part 3 we affirm that copyright in a literary, musical, dramatic, and lecturing work shall be personal property, but nothing is said about copyright in artistic work until we reach Part 4. Honorable senators opposite ask us to provide in clause 23 that copyright, baldly and vaguely stated, shall be personal property.

Senator Sir JOSIAH SYMON.—Does the Minister say that "copyright" is vague? Is it not the property we are creating?

Senator KEATING.—We provide in clause 23 that copyright in a book shall be personal property, because books are dealt with in clause 13; and we make the same provision in regard to dramatic and musical works and lectures, because these are dealt with in clauses 14 and 15; but thus far we have not in any way considered the question of artistic copyright. When we come to the next division of the Bill, which deals with "artistic copyright," we start with a definition of what artistic copyright shall mean, and the whole of Part 4 deals with that question, providing that it shall be personal property. The suggestion of Senator Symon is an alternative; and I ask honorable senators, who have had an opportunity to consider the Bill, to adhere to the provisions as drawn, unless very good reason can be shown to the contrary. The Bill has been circulated for a considerable time; and Senator Symon has expressed a hope, which I re-echo, that when the Bill leaves this Chamber it may be in a form creditable to us.

Senator Sir JOSIAH SYMON.—The Minister is not doing much to assist to that end.

Senator KEATING.—I venture to say that the suggestion of the honorable and learned senator would not make the Bill more creditable in form. It has been suggested—I am not now dealing with the alternative proposal—that when we provide that copyright shall be personal property, we mean copyright throughout the Bill, including artistic copyright. I have my doubts as to the accuracy of that view.

Senator Sir JOSIAH SYMON.—Is there any foundation for the honorable senator's doubts?

Senator KEATING.—There is.

Senator Sir JOSIAH SYMON.—Will the honorable senator state one reason?

Senator KEATING.—One reason is supplied in the erroneous statement made by the honorable and learned senator who, to substantiate his position, informs the Committee that the divisional headings have no more to do with the Bill than have the marginal notes.

Senator Sir JOSIAH SYMON.—I said that they had nothing to do with the construction of the Bill.

Senator KEATING.—The Acts Interpretation Act, section 13, provides—

The headings of the parts, divisions, and subdivisions into which any Act is divided shall be deemed to be part of the Act.

Senator Sir JOSIAH SYMON.—That is quite right.

Senator KEATING.—The honorable and learned senator said the contrary.

Senator Sir JOSIAH SYMON.—I said nothing of the kind; what I said was that the divisional headings would not be considered by a Court in construing the Act.

Senator KEATING.—I appeal to every member of the Committee as to what the honorable and learned senator said. In the same section of the Acts Interpretation Act, sub-section 3, it is provided—

Neither the marginal notes nor the footnotes to any Act shall be deemed to be part thereof.

Senator PEARCE.—Senator Symon certainly put the divisional headings and the marginal notes on the same plane.

Senator Sir JOSIAH SYMON.—As they are, in the matter of construction.

Senator KEATING.—By the Acts Interpretation Act we have made an express departure from what is the usual law on the subject. The honorable and learned senator, in arguing that a general provision as to copyright should cover all subsequent clauses, rested his argument on the foundation that marginal notes and divisional headings were on the same plane. But, in view of the Acts Interpretation Act, I ask honorable senators to assist me in adhering to the present form of the Bill, which, after consideration, I think will make for greater certainty in the law, and certainly make, as Senator Pearce has pointed out, for greater convenience on the part of those who, in their own interests, may have to consult this measure.

Senator Sir JOSIAH SYMON (South Australia).—I am quite aware that so far as the headings to parts of a Bill are concerned, they are regarded as dividing it into parts, but the marginal notes and headings have no more weight with a Court in construing the meaning of the general sections of an Act than the section fixing the date on which it came into operation. If we adopt the amendment we shall give the property we create, which is the copyright, a clear and definite expression to which all the incidents that we wish to associate with property are attached. That might also be done by the alternative method suggested, and which, I think, is

the better of the two, of substituting a clause dealing with the matter before we deal with the question of infringement. Senator Keating has called to his aid the Constitution Act.

Senator KEATING.—I did not, except in reply to Senator Millen.

Senator Sir JOSIAH SYMON.—The honorable and learned senator said that a certain set of provisions in the Constitution Act deal with the Senate and another with the House of Representatives, but I remind him that there is also another set of provisions dealing with both.

Senator KEATING.—I said so.

Senator Sir JOSIAH SYMON.—I am glad that my honorable and learned friend said one thing that appears to commend itself. For the sake of lucidity this matter should be dealt with immediately before we deal with the question of infringement. In that way we shall define the property which is dealt with in the subsequent clause as the subject of infringement. I have no wish to press my amendment for the omission of the words "in a book" if the Minister thinks that it would be better to deal with this matter in a subsequent clause expressly dealing with all subjects of copyright, and to follow that up by a provision for proceedings on infringement.

Senator DRAKE (Queensland).—I drew attention to this matter because it appeared to me that it was very important that there should be a simple and easy means of assigning the copyright provided for under clauses 21 and 22. Those clauses deal with the most difficult cases which will arise under this Bill, in which a kind of dual copyright is involved. It is particularly important also in view of the new clause inserted at the instance of Senator Millen. I understand that the Minister admits that "article" is not covered by the definition of "book," and the honorable and learned senator proposes to amend the definition of "book" to cover "article." I would suggest that it is necessary to put in a specific definition of the term "article," because the question must arise under the clauses with which we have already dealt—What is an article contributed to a periodical? Is a letter written by any person to a newspaper and for which no payment is received, an article? I think it is. Any contribution sent to a newspaper and signed is a signed

article, and the writer would be entitled to copyright in it.

Senator MULCAHY.—In an ordinary letter "To the Editor"?

Senator DRAKE.—Yes, and if such a letter were published in some other newspaper, the writer of it might have a cause of action against the proprietor of that newspaper. I foresee that it will lead to this: That in the majority of cases, when people send articles of any kind to a newspaper, they will have to state, in definite terms, that they do not claim copyright in their productions. In ninety-nine cases out of a hundred, the writers of such articles would not desire to claim any copyright. The Minister suggests that we should pass this clause as it stands, and deal with the difficulty in the interpretation clause. If there were any species of copyright proposed to be given which it is not desired to make personal property, I could see no objection to the adoption of that course; but when we propose to make every copyright given personal property, I do not see why we should not say so in one clause. There would then be no possibility of any difficulty arising in consequence of a matter for which copyright is provided being omitted from the clause. I notice that the term used in the first of the clauses dealing with infringement of copyright is "any copyright conferred by this Act."

Senator KEATING.—That appears subsequently to the provision with regard to copyright in artistic works.

Senator DRAKE.—I do not understand why it should be insisted upon that this clause should appear in this part of the Bill. Why should it not come immediately before the clause dealing with infringement, as Senator Symon has suggested? We should then lay down, first of all, that copyright is personal property, then that it can be assigned in certain ways, and we should next provide for penalties for its infringement. The illustration of the Constitution Act is entirely in favour of the adoption of that course. Where we can deal with a matter in a comprehensive way, desiring to make no differentiation, we should do so in one clause. An amendment of this nature would entirely meet the difficulty I pointed out, whilst I am not sure that an amendment of the definition of "book" would do so. I think we should need also a definition of the word "article," as there might be great difficulty in defining exactly what an article means under this Bill.

Senator Sir JOSIAH SYMON (South Australia).—I should have been glad if Senator Keating had indicated the course he is prepared to take. I am sure the honorable and learned senator will feel, as I do, that, to a certain extent, I am criticising my own Bill. I do not wish that my honorable and learned friend should think that in yielding to any suggestion he is interfering with a work peculiarly his own. I am aware that he has given a very great deal of consideration to the measure, but I feel a paternal interest in it also.

Senator DRAKE.—So do I.

Senator Sir JOSIAH SYMON.—I have proposed the omission of the words "in a book" with a view to leaving it to Senator Keating, in conjunction with the draftsman, to frame a clause dealing with the difficulty which has been suggested, but if he is not prepared to do so, I shall ask leave to withdraw the amendment with a view to striking out the clause.

Senator KEATING.—I have asked the Committee to accept the clause, as it stands, for the reasons I have given.

Senator Sir JOSIAH SYMON.—As the honorable and learned senator is obstinate in the matter, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Senator Sir JOSIAH SYMON.—I ask the Committee now to negative the clause, with a view to having it re-inserted in another form later on.

Question—That the clause stand part of the Bill—put. The Committee divided—

Ayes	...	...	...	16
Noes	...	...	...	9
Majority	...	...	...	7

AYES.

Croft, J. W.
Dawson, A.
Givens, T.
Henderson, G.
Higgs, W. G.
Keating, J. H.
Mulcahy, E.
O'Keefe, D. J.
Pearce, G. F.

Playford, T.
Smith, M. S. C.
Stewart, J. C.
Story, W. H.
Styles, J.
Turley, H.

Teller:

de Largie, H.

NOES.

Baker, Sir R. C.
Clemons, J. S.
Drake, J. G.
Fraser, S.
Gray, J. P.

Macfarlane, J.
Symon, Sir J. H.
Walker, J. T.

Teller:

Millen, E. D.

open to the objection that it duplicates a provision of the Bill. Really, instead of having a creditable Bill, we shall have one which will be a perfect hash so far as its construction is concerned when it comes into operation.

Clause agreed to.

Clause 24 agreed to.

Clause 25—

The owner of the copyright in a book, or of the performing right in a dramatic or musical work, or of the lecturing right in a lecture, may assign his right, either wholly or partially, and either generally or limited, to any particular place or period, and may grant any interest therein by licence; but an assignment or grant shall not be valid unless it is in writing, signed by the owner of the right in respect of which it is made or granted.

Senator MILLEN (New South Wales).—It appears to me that the pernicious system of duplication is going not only from division to division, but from clause to clause. The clause contains some new matter, but at the same time it is largely a duplication of clause 23. If I can draw any conclusion from recent events here, it is that the Minister has made up his mind not to regard any suggestion even when it is offered in the most friendly spirit, but simply, so far as he can, to adhere to the Bill, irrespective of its merits or demerits. If the Committee see fit to retain a duplication after it has been pointed out, and the Minister is quite satisfied to have an imperfect measure, let the responsibility rest with them.

Senator KEATING.—That is where we differ. I think it is more perfect as it stands.

Senator MILLEN.—The Minister has a majority, who think with him.

Senator CLEMONS.—No—not think with him.

Senator MILLEN.—The Minister has a majority, who do not think, but vote, with him. I quite recognise the difference between thinking and voting, seeing that a large number of those who voted just now were not here to think.

Senator KEATING.—The same argument applies to honorable senators on the other side. How many of them came into the Chamber who had not heard a word of the debate?

Senator GIVENS.—Is Senator Millen in order, sir, in insinuating that honorable senators vote differently from the way in which they think, or in saying that we are here as voting machines, and not to think for ourselves?

Question so resolved in the affirmative.

Senator Sir JOSIAH SYMON (South Australia).—I do not intend to divide the Committee again on this clause, but it is

Senator MILLEN.—When I am called to order, I should like to have my words correctly reported to you, sir, and not to be grossly exaggerated, as they have been in this case.

The CHAIRMAN.—I did not understand Senator Millen to say that honorable senators were voting machines, and I do not consider that he was out of order in what he said.

Senator MILLEN.—Clause 23 says that certain rights shall be personal property, and shall be capable of assignment and transmission by operation of law. That, I submit, is quite sufficient, but clause 25 goes on practically to repeat that provision, and to say that those rights can be transferred by operation of law, wholly or partially.

Senator PEARCE.—Does it not deal with the method of assignment?

Senator MILLEN.—When clause 23 says a person can assign personal property, he can exercise that right either wholly or partially, and it does not appear to me to be necessary to say in another clause what the ordinary operation of the law will allow him to do. If, however, the Committee is content to take the clauses as they are drafted, without really considering whether they are necessary, and conduce to the simplicity of the measure, it is not discharging its duty in that high way in which I think it ought to.

Senator MULCAHY.—It is only a matter of saying the same thing twice.

Senator MILLEN.—Exactly, but why not say it three times?

Clause agreed to.

Clause 26—

Any second or subsequent edition of a book containing any alterations or additions shall be deemed to be a new book, but so as not to prejudice the right of any person to reproduce a former edition of the book, or any part thereof, after the expiration of the copyright in the former edition.

Senator Sir JOSIAH SYMON (South Australia).—This is a clause about which I hope Senator Givens will not merely vote, but think.

Senator GIVENS.—Not very long ago I saw the honorable and learned senator voting directly opposite to the way in which he thought.

Senator Sir JOSIAH SYMON.—That was a very bad example, and not worthy of the spasmodic cheer with which it has just been applauded by Senator Keating. This clause does not raise the question of duplicating a provision, of providing what the law already provides for, of repeating

words ten or, it may be, fifty times in the same Bill, which the Minister seems to desire to do. It is one which I think the Committee will see is vicious and absurd in every possible way. I do not know whether it comes with the stamp of that hoary old Royal Commission of thirty years ago, or of the Bill which was introduced, only to die, five years ago; but it gets no credit and no support from either one or the other. What does it provide?

Any second or subsequent edition of a book containing any alterations or additions shall be deemed to be a new book.

If Senator Keating says the clause is a good one, all I can say is that he has not given to it that consideration which I should expect of him.

Senator GIVENS.—Will the alteration of a comma be an alteration within the meaning of this clause?

Senator Sir JOSIAH SYMON.—I should like to argue the question in a court of justice. We need not carry it quite so far as my honorable friend does, but he has really spotted the defect, and made it glaring by means of his suggestion. There are two things, however, which may happen. One is that if an author makes alterations of a comparatively unimportant character, it will give his work the character of a new book. The second is that there is no definition of what an edition is. An edition may consist of ten, twenty, forty, or fifty copies, and all that an author will have to do in order to evade what we have after considerable debate laid down, and so extend his copyright, is to publish a limited edition of his book, which will be rapidly exhausted, or make a few alterations of more or less substance, whereupon he will get a fresh lease of copyright in the book, and so go on for ever.

Senator GIVENS.—Not in the original edition?

Senator Sir JOSIAH SYMON.—No. We all want the most improved and, of course, the latest edition of a book. The original edition of certain books possesses a particular value because some passages may be indecent or blasphemous, or for some other reason may have a particular attraction.

Senator GIVENS.—Sometimes, because of a glaring defect.

Senator Sir JOSIAH SYMON.—Yes. I shall mention two books which may be an exception to the rule I am pointing out. One is the celebrated translation of the

Arabian Nights, by Captain Burton, which has since been published in various expurgated editions. The original edition, because of its prurient character, attained a considerable value, and probably it may be republished if called for. In the first edition of his *History of New Zealand*, Rusden libelled a man called Bryce, who had served in the Maori War, and who, in England, brought an action against him for the libel. He was successful, and the result was that the first edition was recalled, and subsequent editions were published without the libellous paragraphs. With the exception of such cases as these, the first edition of a book is rarely, if ever, republished. Therefore, all that can be reproduced is the first edition. But what I am strongly opposed to is the empowering of an author to evade the period of copyright established by the Bill, and to secure for himself stepping-stones of different periods by making a few alterations in his book, or by publishing a limited edition. An edition depends upon the number which the author or the publisher desires to include in it.

Senator GIVENS.—This clause would give him extended copyright, not in the original edition, but in a new edition.

Senator Sir JOSIAH SYMON.—The ordinary reading public may not understand the difference between the editions of a book. We may have an unlimited series of copyrights in the same book, according to the different editions. That certainly ought not to exist if we are to have a fixed period of copyright.

Senator KEATING (Tasmania—Honorary Minister).—I do not know whether the honorable senator means that this provision is something unknown to the law, but I would point out that the effect of it is to provide that in the case of a new edition of a book copyright may be obtained in the new edition only. That is at present the law in England. Questions of great nicety have at times engaged the attention of the Courts as to what is or is not a new edition. Obviously there must be protection for new editions. For instance, a man may write a book of a highly valuable and technical character, dealing, say, with wireless telegraphy. Five years later he may write a second edition of that book containing a great deal of further information that he has secured during the interval. It is obvious that he should be able to secure for that new book copyright, which should be

co-extensive with the copyright in a book published for the first time. With regard to the present condition of the law, we know that the state of affairs to which Senator Symon has referred exists. There has been no inconvenience arising out of it; in fact those persons who are more directly interested have shown no sign of disapproval.

Senator MILLEN.—Of course not; they are the interested persons.

Senator KEATING.—The public have never said that they are dissatisfied. The onus of proving that there is some necessity for altering the law as it exists in England, and here, rests with honorable senators opposite. This clause is a statement of the common law.

Senator Sir JOSIAH SYMON.—No, it is not.

Senator KEATING.—Undoubtedly it is.

Senator Sir JOSIAH SYMON.—Where does the Minister get that from?

Senator KEATING.—Does Senator Symon say that there is no copyright in new editions?

Senator Sir JOSIAH SYMON.—No.

Senator KEATING.—Well, I am astounded! I will quote a passage from Copinger's *Law of Copyright*. At page 43 he says—

Questions of great nicety and difficulty may arise as to how far a new edition of a work is a proper subject for copyright. A new edition of a book may be a reprint of the original edition, which does not entitle the author to a new term of copyright running from the new edition.

That is a statement of the common law. In every individual instance it will be for the Courts to determine whether the book in respect of which copyright is claimed is a new edition or is simply a reprint. Copinger goes on to say:—

Or it may be so enlarged and improved as to constitute in reality a new work; for example, a scientific work 20 or 30 years old may be comparatively worthless, owing to the progress of science in the interval; but a new edition, particularly if it be the production of the original author, would be as valuable at a later period as the original edition of the book was at the time it was published. There are many courses which lie between the two extremes, and the difficulty would be to lay down any general rule as to what amount of additions, alterations, or new matter would entitle the second or new edition of a book to the privilege of copyright, or whether the copyright extends to the book as amended or improved, or is confined to the additions and improvements themselves, as distinguished from the rest of the book.

The Courts have determined in numbers of instances whether a particular book was a new edition or a reprint.

Honorable senators who care to look through the list of decisions upon the point will see that the general principles that have actuated the Court in coming to its decisions are pretty well stated by Copinger as follows:—

A few mere colorable alterations in the text, or the addition of a few unimportant notes, will not be enough to sustain copyright, as in a new work.

Senator Sir JOSIAH SYMON.—But the Minister says that any alteration would make a new edition.

Senator KEATING.—I say nothing of the kind.

As Lord Kialoch said in *Black v. Murray*, to create copyright by alterations of the text, these must be extensive and substantial, practically making a new book.

The alterations and additions that must be made in a book to secure copyright for a second edition must be of the character laid down by the learned Judge in that case.

Senator GIVENS.—But the Bill defines the character of the alterations.

Senator KEATING.—The sufficiency of the alterations must be determined by the Court. If any one contests the copyright the Court will hold that the additions or alterations must be extensive and substantial, and of such a character as to make it a new book altogether, instead of merely a reprint of an old one.

Senator CLEMONS.—Would the Court say that any alteration was an extensive and substantial one?

Senator Sir JOSIAH SYMON.—What the Court would have to say under this clause is whether there was any alteration.

Senator KEATING.—The Court would have to go further than to ascertain whether there was an alteration. An alteration sufficient to secure copyright in a second edition has been held throughout a long series of cases to mean such alterations as were substantial, and justified the securing of a new copyright.

Senator MILLEN.—Then this clause simply enacts the present law

Senator KEATING.—Yes, it is the law at present, so far as Great Britain is concerned. There have been some cases where notes have been added to a book; it has been decided that copyright cannot subsist in such a case. Similarly in regard to a book the second edition of which was issued with an index. The Court has held that copyright should only extend to the index, and not to

the book itself. The Court in every case would decide whether or not the alterations were substantial. A particular instance that occurs to my memory is, though I do not speak with certainty as to the details, the poem of Edward Fitzgerald, the translation of the *Rubáiyát* of Omar Kháyyám. That poem passed through four editions. I understand that the first edition only is at present obtainable in a cheap form. Many editions have been published of the first version, but I do not think that copyright has run out in the subsequent versions. Consequently purchasers have to pay a little more for subsequent versions than for the first. There were alterations of a substantial character, sufficient to extend copyright to the subsequent editions.

Senator Sir JOSIAH SYMON.—Has any Court decided that the later editions of the *Rubáiyát* are copyright?

Senator KEATING.—Those who would be likely to make any money out of reprinting the subsequent versions have evidently not thought it worth while to take the risk, recognising that they are still the subject of copyright. I could cite a number of cases in which the Courts have decided that they are the judges of whether or not alterations made in books are colorably so, that is, merely small, or are substantial enough to entitle a second edition to copyright.

Senator CLEMONS (Tasmania).—Senator Keating has taken a considerable amount of time to explain to us what the common law of England is in relation to new editions of books, but the point is whether this clause does not fail to carry out the views that he has expressed. He has laboured at some length the fact that in order to secure copyright in a second edition of a book the alterations and editions have to be extensive and substantial. But in this clause those important words are left out, and we are asked to enact that any alteration or addition shall be sufficient to entitle a new edition to copyright. I will give one or two instances. Take any work of legal procedure, or a text book such as *Archbold*, or *Bullen and Leake*. The slightest alteration in such a book would make a new book of it under this clause.

Senator DOBSON.—No, it would not; read the decisions.

Senator CLEMONS.—The English decisions are based upon the common law of England.

Senator DOBSON.—They would guide the Courts in interpreting this clause.

Senator CLEMONS.—Then let us do away with the clause. If the common law of England is valid and incapable of being misunderstood, there is no necessity for the clause at all. I will give another instance which honorable senators will at once understand. Take a sheet of music. In writing a song, a composer may put in or leave out what are called optional notes. Under this clause a man could, by putting on the top or bottom lines of an already published sheet of music optional notes, get an entirely new copyright. If it is intended simply to give copyright to a new edition in which substantial and extensive alterations are made, why not say so?

Senator KEATING.—I have no objection to the insertion of the word "substantial" after the word "any."

Senator CLEMONS.—I think the clause is wholly unnecessary, but if it is thought desirable to make clear to those interested in copyright what the common law is, I should have no objection to the insertion of "substantial and extensive."

Senator KEATING.—I do not think that "extensive" is as good as "substantial."

Senator CLEMONS. — But Senator Keating himself quoted with approval the words "extensive and substantial," which he says are used in the common law. The moment I express my willingness to adopt those words, he raises an objection. My view is that the whole clause had better be left out, because to insert it would render the Bill a farce.

Senator PEARCE (Western Australia).—There is considerable force in the contention that the word "any" does not carry with it the idea that the alterations must be of a substantial character, and, therefore, might leave the Court no option. At the same time, I cannot see the force of the contention that the clause should be struck out. If a man published a very valuable work, and, a few years later, on some recent discovery which had been made, he brought out a revised edition, it would be a real hardship to deprive him of copyright in that edition.

Senator Sir JOSIAH SYMON.—In such case a copyright would be given now, if the edition were equivalent to a new book.

Senator PEARCE.—The decision of the question whether the new edition was equivalent to a new book would, under the common law, rest with the Court, whereas Senator Keating desires to confer a statutory right; and, in my opinion, there is no objection to the proposal with the amendment

suggested, because it would give the Court some discretion as to whether the alterations were substantial. With a view to afterwards inserting the words "extensive or substantial," I move—

That the word "any," line 2, be left out.

Senator Sir JOSIAH SYMON (South Australia).—I shall not oppose the amendment, but I would point out that Senator Keating himself has conclusively shown that there is no necessity for the clause, which may prove embarrassing, and therefore had better be omitted. The Courts have decided, and will continue to decide, that where alterations are sufficiently substantial, and are *bonâ fide*, a new edition is to be regarded as a new book. No one can take any exception to that view, because it would be very unfair to a man, who practically remodels his work, to refuse him a copyright. Such an author makes use of the old frame-work of the ship, in order to produce what is practically a new vessel; and the law of England, at this moment, is that a new edition, which is altered substantially in that way, is to be regarded as a new book.

Senator PEARCE.—What is the objection to giving a statutory right?

Senator Sir JOSIAH SYMON.—Because by this clause we shall limit the functions of the Courts. Senator Keating told us that this clause is inserted in order that the question may not be left to the Courts, but we know that the Courts will have to decide whether the alterations are extensive or substantial enough to constitute the work a new book.

Senator PEARCE.—The clause does not tie the Courts down.

Senator Sir JOSIAH SYMON.—Every provision which affects the common law is more or less a restriction of the common law. In the authority quoted by Senator Keating the expression "colourable" alteration is used, and unless some such word be inserted the Courts may say that they have no power—that they must only look at the question from the point of view of "extensive" or "substantial."

Senator PEARCE.—The word "colourable" was not used by a Judge, but by the text-writer.

Senator Sir JOSIAH SYMON.—But *Copinger* is the great authority on which Senator Keating relies. Undoubtedly a colourable alteration, however extensive might lead to an evasion, and ought

not to entitle a man to a fresh copyright; and we may withdraw that view from the consideration of the Court if we insert limiting words. The law undoubtedly is that if the Court decides that a publication comes within the definition of a book, it is entitled to copyright; and, that being so, why insert this clause?

Senator MULCAHY.—Would that objection not apply to a great many provisions in the Bill?

Senator Sir JOSIAH SYMON.—No; copyright, as we understand it, is the creation of the Statute. The Judges, who do not give copyright, have to define what is a new book; and the Courts have decided that, in all fairness, a new edition, which has been altered to the extent I have indicated, is entitled to be considered a new book. But the question remains—What is an edition? An author may publish a limited issue of 100 copies, and, five or ten years later, if the book becomes popular, he may make some extensive or substantial alterations, and publish another limited edition. The public ought to receive something in return for the copyright which they give, and there ought to be some definition of "edition," or otherwise the public may be robbed of the consideration to which they are entitled.

Senator PEARCE. — What would the Courts under common law define as an edition?

Senator Sir JOSIAH SYMON.—The Courts have never given such a definition; but I take it that an edition means a number of copies.

Senator PEARCE.—The position would not be improved, from the honorable and learned senator's point of view, if the clause were struck out.

Senator Sir JOSIAH SYMON.—At any rate, the position would be no worse. Whether the clause be struck out or not, there ought to be a definition of "edition." The amendment is to introduce words which may or may not exhaustively cover the basis of the Court's definition as to what is a new book. If the amendment does not exhaustively cover the basis, then it must be embarrassing, and may interfere either with the rights of authors, or the rights of the public.

Amendment agreed to.

Amendment (by Senator PEARCE) proposed—

That after the word "containing," line 2, the words "extensive or substantial" be inserted.

Senator CLEMONS (Tasmania).—I am not quite sure that it is desirable to insert the words "extensive or substantial." An author could make a mass of wholly irrelevant and immaterial alterations, which might fairly be called "extensive," but which would not alter the scope or character of the book in any way. What I think we all have in contemplation are "substantial" alterations.

Senator KEATING.—That is the most important word. There is one case in which a single alteration was held to constitute a new edition.

Senator CLEMONS.—I agree that one alteration might be of more importance than whole pages of irrelevant matter; and I am afraid that the amendment, as at present worded, might have the effect of defeating the object we have in view. The amendment might be made to read "extensive and substantial."

Senator KEATING.—"Substantial" would be the better word; to have both might be dangerous.

Senator CLEMONS.—Under the amendment, if the alteration were either "extensive" or "substantial," the conditions would be complied with; but we should not be satisfied if they were only extensive. I suggest that the word "and" should be used instead of "or," though I do not feel certain that even then the amendment would be the best that could be devised.

Senator MACFARLANE (Tasmania).—If we agree to use the word "substantial" only, I should like to know whether the clause would confer the right of an author to use a title which has already been used by another author for another book. The original copyright may have expired, and then any person might publish the book. But even while the copyright in the original edition subsists, if any substantial alteration is made, another writer could apparently get copyright and retain the same name for his book. Is that intended?

Senator CLEMONS (Tasmania).—I suggest to Senator Pearce that it would be better to use the words "material or substantial," instead of the words "extensive or substantial."

Senator PEARCE.—A material alteration is a substantial alteration.

Senator Sir JOSIAH SYMON.—"Material" conveys the idea of relevance, whilst "substantial" does not.

Senator CLEMONS.—As Senator Keating indicated just now, an alteration of one

word might be a material alteration, but most people would not regard it as a substantial alteration. The use of the word material will carry with it the idea of relevance, and there will be no harm in having the alternative of "substantial."

Senator PEARCE (Western Australia).—It seems to me that the use of the word extensive is undesirable, and I ask leave to amend the amendment by substituting the word "material" for the word "extensive."

Amendment amended accordingly.

Senator KEATING (Tasmania—Honorary Minister).—Senator Macfarlane has raised the question of two persons using the same title for distinct books. The general law of copyright and this Bill do not touch that question. It was decided as far back as 1881, in the case of *Dicks v. Yates*, and the decision may be taken as final. Hinkson, in his recent work on copyright law, says that in this case—

It was held that the plaintiff had no right to sue for an infringement of copyright, and that it was clear that the public could not be misled into purchasing the defendant's tale, in the belief that it was the same as that of the plaintiff. So that there was no ground for the interference of the Court on the principles applicable to trades marks, and the action ought to be dismissed with costs.

If one man brings out a book under a certain title, and it acquires a reputation which makes a great sale for it, and another brings out another book with the same title, it is a question whether the second man is not liable to an action at common law for damages.

Senator Sir JOSIAH SYMON.—Or there might be an order to restrain.

Senator KEATING.—If the circumstances are such that the public are misled into buying the second man's book under the impression that it is the book published by the first man, the question of copyright does not arise. There is no question of copyright in the title of a book or of a newspaper; but if, by the use of the same title, an author leads the public to believe that his book is the production of another author, the author whose property is depreciated in value by the use of a similar title for a later book may have a common law action for damages, and so with a newspaper. I think that the word "substantial" would meet all the circumstances; but, as it appears to be the desire of the Committee to use the words "material or substantial," I have no objection to the amendment. Perhaps the

word "extensive" does not properly apply. The learned Judge who used it in the case to which I have referred may have had in his mind the circumstances of that particular case, in which extensive alteration might have had a good deal of influence in determining the nature of the new book. MacGillivray, in writing on the law of copyright, refers to a case in which a Judge held that a single alteration in one line of a poem was sufficient to render a book a new book.

Senator Sir JOSIAH SYMON.—If the copyright was in a poem, one alteration might be material.

Senator KEATING.—This is MacGillivray's note on the case referred to—

In *Black v. Murray*, Lord Deas was of opinion that the alteration of a single word in a poem was sufficient to give a new edition an independent copyright, inasmuch as the alteration was very important, and entirely altered the meaning of the line in which it was used. The other judges however, did not altogether agree in Lord Deas' opinion, and it would seem that his Lordship stretched the law as to new editions too far.

In the circumstances, perhaps, we might not be well advised if we used the word "extensive." Materiality and substantiality are, I think, the grounds on which a Court would act in determining whether or not a new book was a new edition or a reprint.

Senator DRAKE (Queensland).—I am afraid that in this discussion we are to some extent losing sight of the interests of the public. The amendment now proposed will be directly in the interests of the author of a book. It will enable him to get what is practically an extended copyright of his work, and the public will have to put up with the reprint of an imperfect first edition, after the copyright in the first publication has run out.

Senator PEARCE.—The alterations must be material or substantial.

Senator DRAKE.—Whatever words we put in, we shall make it easier for an author to get an extended copyright for a new edition. The Courts have held that a new edition, to be entitled to copyright, must be substantially a new work, and various words have been used, such as colourable, extensive, material, and substantial, to define what is meant. Any words we insert here will be restrictive, because only the particular terms we use will then come into operation, and everything else will be excluded from the consideration of the Court. An author

may publish a small first edition of his work, for which he will get a long term of copyright, and when it is about to run out he may produce a fresh edition with some substantial alterations in it. Publishers who would be prepared in ordinary circumstances to issue the very latest improved edition of the work, would be confined to the publication of the first edition, as only the copyright of that edition would have run out. Why should not the best edition be given to the public, under such circumstances? Without this provision, an author during the term of the copyright of his work—and it would probably be to his interests to do so—might bring out fresh editions, subject to the term of the copyright of the first edition. If this provision is agreed to, when the copyright of the first edition runs out, publishers who desire to secure profit from the sale of the work, may flood the market with copies of the inferior first edition. I think that it might, perhaps, be better to limit the right of an author to secure copyright for a second edition. What is proposed is practically an extension of the term of the original copyright.

Senator GIVENS (Queensland).—Before dealing with this amendment it would be wise to consider the effect of the whole clause. The amendment would be a distinct improvement on the clause. Difficulties will arise, if this clause is passed, that are worthy of consideration. What is to be done in the case of a book or play which is the product of joint authors? A valuable work might be produced by two or more joint authors, and immediately after the first edition of, say, 1,000 copies is exhausted, one of them might make an important alteration in his part of the work and obtain a separate copyright. What then would become of the property of the other author in the original work? The new edition, containing the alteration, might have the run of the market, and the other joint author in the original edition would have no copyright in the new edition.

Senator Sir JOSIAH SYMON.—Or there might be three copyrights in the work at the same time.

Senator PEARCE.—Why should not a man be given copyright if the alteration he makes is substantial?

Senator GIVENS.—He would in such a case not only have copyright in the new work, but in the original edition published by himself and his collaborator.

Senator KEATING.—Under clause 20, if a book is written in distinct parts by different authors, each author is given copyright in his own part of the book.

Senator GIVENS.—But clause 19 provides that where there are joint authors of a book, the copyright shall be the property of those joint authors. Suppose that two persons collaborate in writing a play—and the copyright of a play is sometimes exceedingly valuable—and that after a short period one of those persons makes a vast improvement or alteration in the play, if this clause is passed that person will be the only one given a copyright in the new version of the play, and the old one may be cast aside. We should not give any person the power to perpetrate an injustice of that kind.

Senator PEARCE.—That is the law at present.

Senator MILLEN.—That is no reason why we should not improve upon it.

Senator GIVENS.—If we must be satisfied with the law as it stands at present, we might as well do away with all Parliaments. I beg leave to doubt that it is the law at present.

Senator PEARCE.—Senator Symon and Senator Keating are agreed that it is.

Senator Sir JOSIAH SYMON. — Judges have decided in certain cases that certain alterations are sufficient to make a book a new book, but each case depends on its merits.

Senator GIVENS.—I can see that under this clause as it stands, very serious injustice might be perpetrated. Take, for instance, the case of Gilbert and Sullivan's operas. One person wrote the words and the other supplied the music of those operas. Suppose that one of them had been entitled, by making a substantial alteration, to the sole right of copyright in the new version, he would have been given the sole copyright in an opera which was in part the work of the other, and a very great injustice would have been done. I am not prepared at the present moment to suggest an amendment, but I think that the clause ought to be postponed in order to afford honorable senators an opportunity for further consideration.

Senator WALKER (New South Wales).—Suppose that after the sale of a copyright a quarrel takes place between an author and his publisher. Apparently, the author may be able to defraud the publisher by issuing a new edition of his book, with

comparatively immaterial alterations in it. All things considered, the amendment of Senator Pearce appears to be better than the provision in the clause, but there is a good deal to be said in favour of not having the clause at all.

Senator KEATING (Tasmania—Honorary Minister).—In the main this is a codifying clause. It codifies, so to speak, the common law, and for the reasons set out in the cases cited I have no objection to the insertion of the words "material or substantial" where Senator Pearce desires. The effect of the clause is to determine that when substantially a new book, although a second edition of a previous book, is published, it shall be entitled to copyright as a new book.

Senator GIVENS.—It is not substantially a new book.

Senator KEATING.—Supposing that a man brings out a second edition of a work, and that he wants to get copyright in it. The law has to determine—"Is this the same book as before, or are the alterations and additions so substantial and material as to make it for the purpose of copyright a new book?" If that question be decided in the affirmative, then the following provision in clause 18 will apply:—

The author of a book shall be the first owner of the copyright in the book.

The law will then ask—"Who is the author of this book?" Obviously the man who was merely a collaborator in the first instance, and who has made alterations or additions, could not say that he was the author of the book. He would certainly be the author of the alterations. If the authors collaborated on such terms that they were joint authors, and got a joint copyright in the book, then the copyright in the new book, or second edition, would enure for them jointly.

Senator GIVENS.—Nothing of the kind.

Senator KEATING.—That is the position. Because the second man could not say that he was the author of the book, but he could say that he was part author of the original book, and sole author of the alterations.

Senator Sir JOSIAH SYMON.—Then he will be the only one entitled to copyright in the alteration?

Senator KEATING.—If the alterations be separable.

Senator Sir JOSIAH SYMON.—That is what Senator Givens puts.

Senator MILLEN.—Supposing that he has made additions, not alterations?

Senator KEATING.—If the additions, such as an index, be separable, or if they be notes on the text, severable from the remaining parts of the book, have a literary value, and can be the subject of copyright, he, as distinct from his collaborator in the first instance, can acquire a copyright in them. Take, for instance, a poem like Milton's *Paradise Lost*. One man may publish that poem to-day with a set of notes, and acquire a copyright in the notes. Another man may publish the same poem with another set of notes, an introduction, or a commentary; and in that added matter he alone has the copyright. So in the case referred to by Senator Givens, if the added matter be of such a character that it is separable from the original matter—

Senator GIVENS.—That is a different case. I did not mention that at all.

Senator KEATING.—It arose out of the honorable senator's remarks from an interjection by Senator MilLEN. If the alterations be separable, or if the added matter be susceptible of copyright, then their author alone is entitled to copyright, but only in respect of them. But if the men have written originally on the principle that they are joint authors, who jointly hold the copyright, then I maintain that the author of an alteration cannot say that he is the author of the new book, and the copyright will enure for the collaborators. But if, on the other hand, the book be written in distinct parts by separate authors, and the name of each author be attached to the portion written by him, then under clause 20 he will acquire a separate copyright. I think there need be no fear of difficulty of the character suggested by Senator Givens.

Senator GRAY.—Will not the ordinary law that applies to property and commerce apply in this case? When two authors have written a book, it is their joint property, and I assume that no alteration of the book could be made unless under an agreement which protected the interests of both parties, as in a case of a partnership.

Senator Sir JOSIAH SYMON.—One of the authors might die.

Senator KEATING.—In a case of common authorship, the personal representative of the deceased author might stand in his shoes.

Senator GIVENS.—Would it not be better to make that clear?

Senator KEATING.—I do not think it needs to be made clear. I think we should land ourselves in a number of difficulties if we attempted to provide for cases of that character, when the rest of the Bill and the ordinary law in regard to property would settle everything.

Senator Sir JOSIAH SYMON (South Australia).—The clause will land some persons in a kind of Chinese puzzle. It would puzzle the celebrated Philadelphia lawyer. It is one thing to have decisions given by Judges in relation to the particular facts of each case; but it is another thing to lay down a hard-and-fast rule in a Statute, and ask the Judges to give effect to it in the various complex connexions which it has with other parts of the subject we are legislating about, such as those called attention to by Senator Givens. I cannot say whether he is right or not, or what the consequences will be. But the clause lays down a hard-and-fast rule of law to facilitate the operations of authors and publishers in getting an extended right to the detriment of the reader and the general community. I make that remark because of Senator Keating's observation that the clause codifies the law. It does to a certain extent codify the law, but it does so with a limitation against the community, and an extension in favour of authors and publishers. The question is not whether we are giving a copyright to a new edition, but that we are anxious to give a copyright to what is in substance and in good faith a new book. Senator Keating read, quite properly, the decisions which have been given in relation to particular cases which happened to arise, and which had to be decided according to their own circumstances. That cannot be better illustrated than by the instance he quoted just now from the Scotch case, in which Lord Deas said that the alteration was such as to constitute a new book. The other Judges disagreed with him, and said that in their opinion it had not that effect, and that it would be improper to strain the law to that extent. Therefore, when honorable senators are told, and properly told, that Judges have decided various things in different cases, they must not assume that that is laying down a rigid rule of law, which we are to embody as nearly as we can in an Act of Parliament. It merely means that in the circumstances of a particular case the Judges came to a con-

clusion which they thought was fair and just. They have held that in certain cases there may be such alterations, extensive and substantial, and not colourable, as would constitute the production of a new book, as though it had been written from cover to cover, and no part of it had previously appeared. The essence of their view in the particular case of *Black v. Murray*, was expressed by Lord Kinloch, when he said that—

To create a copyright by alterations of the text these must be extensive and substantial, practically making a new book.

What are we asked to do? With Senator Pearce's amendment, this clause will provide that a work with substantial or material alterations or additions shall be deemed a new book. The Judges say that before a man can limit the right of the reading public by getting a new copyright, he must show such alterations and additions as in the judgment of fair men would entitle the work to be regarded as a new book. This clause, if amended as proposed, will repeal that law; therefore, it is not a codification of the law. It may lead us into great difficulty, and produce a crop of litigation. Just as I warn people not to go to law, so I warn the Committee to avoid putting in the measure a clause which is likely to encourage unnecessary litigation. I trust that Senator Keating will accede to the excellent suggestion of Senator Givens, in order that a full opportunity may be given to us to see that the clause will carry out the intention of its framers. It is very difficult to embody in an Act of Parliament a rigid rule which is supposed to give effect to a variety of decisions, because each case depends on its own circumstances.

Senator PEARCE (Western Australia).—Although Senator Symon encourages Senator Givens, he does so from a different stand-point. He does not regard Senator Givens' contention as being tenable, or his statement of possibilities as being sound. Senator Symon aims, not at the postponement of the clause, but at the destruction of it. I wish to discuss for a few moments, not its legal aspect, but its practical application. Suppose that Senator Symon's contention were correct, and a new edition of a book were brought out, in which the alterations were of such a character that it was practically a new work. This clause having become law, the author

of the edition would be able to get copyright. What would happen? First of all, the older editions of the book would come into competition with the new edition. The new edition would be the monopoly of one publisher, but the old edition could be published by anybody. That competition would prevent any ill effects that might flow from the author of the alterations obtaining copyright in his work.

Senator CLEMONS.—It would be saying to the public, "If you want the best edition of this book, you must pay for it."

Senator PEARCE.—That would prove that the alterations were of such a character as practically to constitute it a new book.

Senator MILLEN.—The only point is whether the matter can be defined in a clause, or should be left to the Judges.

Senator PEARCE.—The point was originally raised by Senator Drake, who believed that harm might be inflicted on the reading public. My contention is that, whatever the legal aspect may be, the practical effect will be that only such alterations as are of such a substantial character as practically to constitute a new book will make any real difference. If the alterations are not important, the competition of new issues of the first edition of the book will render copyright in the second edition harmless.

Senator DRAKE.—Would not re-issues of the first edition be a fraud on the public?

Senator PEARCE.—No; because the public would be able to get the new edition if they chose. The very fact that a higher price might be charged for a new and improved edition would be proof that, in the opinion of the public, the book was substantially altered; and, if that were so, the author of the alterations should be able to get copyright.

Senator MULCAHY.—It is not proposed to take that right away from him.

Senator PEARCE.—That brings us back to the point whether we should put this clause in the Bill, or leave the matter to the operation of the common law.

Senator Sir JOSIAH SYMON.—The point is this: Should we lay down a hard and fast rule that alterations and additions can make an old book a new book, or should we leave it to the Judges to say whether the material alterations are such as in fairness should entitle it to be regarded as a new book.

Senator PEARCE.—I think the better plan is to pass the clause. It is better to make a statutory provision, seeing that no harm could arise, because the competition of old editions will safeguard the public. It is the interest of the public we have to regard. This clause does not deal with the point raised by Senator Givens.

Senator MULCAHY.—The honorable senator is now standing up for the property-owner.

Senator PEARCE.—Whenever the property-owner has a just case there will always be members of my party who will stand up for him. The point raised by Senator Givens is dealt with in other clauses. Senator Keating has advanced an argument which I feel sure would receive consideration from any Court; because in equity, surely, the rights of joint authors would have to be regarded. The rights of joint authors in their property are protected, and there is nothing in the clause we are dealing with to take them away. We might pass the clause, and if, subsequently, Senator Givens can think of a desirable amendment, it can be recommitted. So far he has not submitted any amendment, or shown that the clause needs amendment. His points are such as ought to have been raised when we were considering clauses 18 to 20.

Senator GIVENS (Queensland).—Senator Pearce argues that my suggestion ought to have been dealt with upon clauses 18 to 20. I differ from him. The interests of joint authors are properly safeguarded in those clauses. It is here where we are creating a new right that the interests of joint authors are not considered. As we are creating a new right by clause 26, this is the proper point at which to safeguard any new or old interests that may be endangered. Although Senator Pearce disclaimed any authority from a legal aspect, he laid down the law in a most dogmatic fashion. Clause 19 can be understood by any one who can read ordinary English. It gives the joint authors of any book or dramatic or musical work joint property. Clause 20 does the same. Clause 26, with which we are dealing, gives the author of any material or substantial alteration copyright in what is defined by this clause as a new work.

Senator KEATING.—No, it gives copyright in respect of a new edition.

Senator MILLEN.—Is there a quorum present, Mr. Chairman? [*Quorum formed.*]

Senator GIVENS.—My object in asking for the postponement of the consideration of this clause is to have some means devised to meet the case of the joint authorship of a book, which may be subsequently altered in some substantial or material way—

The CHAIRMAN.—Standing order No. 198, which deals with the committal and consideration of Bills in Committee, provides—

Any clause may be postponed, unless the same has already been amended.

The clause under consideration has been amended, and, therefore, the desire of Senator Givens can be carried out only by a reconsideration or by a recommittal.

Senator KEATING (Tasmania—Honorary Minister).—I intended, when Senator Givens had concluded his remarks, to offer no objection whatever to the recommittal of the clause, if any honorable senator should desire to give effect to the wish of Senator Givens, or to meet the criticism levelled at the clause from other quarters. What I mean is that I do not take any responsibility for submitting any alteration of the clause, because, for the reasons I have already stated, I do not think that any alteration is needed.

Senator GIVENS (Queensland).—I was under the impression that a clause could be postponed at any time before it had been finally passed; but, of course, I bow to the ruling of the Chair. My desire is to insert a new clause to provide that in the case of joint authorship, one author may not have power, by making any substantial or material alteration, to obtain copyright in a new and revised production, to the prejudice of the other author. Any alteration, no matter how substantial or material, would be based on the work of the joint authors, and, if the new work were to entirely supersede the old one, the author, who had not made the alteration, would have no property in the later book.

Senator KEATING. — My intimation applies to a new clause of the character mentioned.

Senator MILLEN (New South Wales).—I understand from the statement of Senator Keating that, whilst he intends to adhere to the clause as it is, he will not offer any objection at a later stage, if a recommittal be asked for.

Senator KEATING.—That is so.

Senator MILLEN.—I assume, also, that Senator Keating is taking it for granted that the amendment consequential on the carrying of Senator Pearce's amendment, will be adopted.

Senator KEATING.—Yes.

Amendment agreed to.

Senator MACFARLANE (Tasmania).—I was not quite satisfied with the answer given by the Minister when I pointed out the possibility of several books being published under the same title; and in order to protect the public I move—

That after the word "additions," line 2, the words "and carrying an amended title," be inserted.

Unless an amendment of this kind be adopted, different writers may publish variations of a popular work, bearing the original title.

Senator PEARCE.—The public will have the choice of editions.

Senator MACFARLANE.—If a title does not carry copyright under the circumstances, and apparently it does not, an injustice may be done to the public.

Senator KEATING (Tasmania—Honorary Minister).—This is a most serious and far-reaching amendment, which appears to be fraught with a great deal of danger. Works may have earned great repute, and be known by their title so well as to give the latter considerable value. There are, for instance, such books as Darwin's *Origin of Species*, and Seeley's *Expansion of England*; and if, in either case, on the issue of a subsequent edition, the title had to be altered, it is quite conceivable that the alteration might be of such a character as to a great extent to deprive the owner of the copyright of the benefits which he might expect. If, on the other hand, the alteration were so insignificant that the owner of the copyright might retain all the advantages, the public would be in no different position from that at present. The book, Copinger's *Law of Copyright*, from which I quoted this morning, is, I notice, the fourth edition by J. M. Easton; and it may be that other editors issued earlier editions. Senator Clemons referred to *Bullen and Leake on Precedents of Pleading* which book has run through a large number of editions, some of great value, and yet older editions are of much more value in New South Wales and Tasmania than the later editions, owing to the procedure dealt with being more in conformity with the procedure in those

States. This morning, again, I sent out for Maxwell's *Interpretation of Statutes*, but, to my disappointment, I was given the edition of 1875, which appears to have been the first, the book having since run into about fourteen editions. All these are known as standard works by their very titles, and the question of the edition does not, I think, in any way affect the public, except in so far as the desire is to be supplied with the latest edition.

Senator DOBSON.—The public ask for the latest edition.

Senator KEATING.—Naturally that is so, except in such cases as that of the *Precedents of Pleading* I have already referred to.

Senator MACFARLANE.—The editions may be by different writers.

Senator KEATING.—Many editions of law-books are by different writers. A law-book may be edited by men, long after the original author is dead. For example, I think I have a *Chitty on Contracts*, of the date 1829, and, of course, nobody would imagine that the bulky tome under that name now in use was prepared by the author of the first edition. Ancient first editions, as a rule, are of no value in the case of law-books, except historically, and usually the work of the original author represented in the latest editions is very small. I think the amendment would seriously interfere with the rights of authors, and others who are interested in books bearing names which carry a great deal of significance in the minds of that portion of the public concerned with the subjects dealt with. Under the circumstances, I must oppose the amendment.

Senator MILLEN (New South Wales).—I see some little difficulty in giving legislative effect to the commendable idea suggested by Senator Macfarlane, though the idea itself gains some force from the remarks of the Minister, who points out that a title itself may be of value. As the Bill stands, a writer, who had published a work under a certain title, and disposed of the copyright to a publisher, might claim to use the same title again for a revised edition of the work. It might be difficult to prove that it was legally a fraud, but there can be no doubt that morally he would be defrauding the publisher of a portion of the value of the property which he had sold to him. To that extent I am in sympathy with the amendment suggested by Senator Macfarlane, but

I see that some complications and difficulties are presented on the other side. I should be inclined to support the amendment but for the assurance of the Minister that if, on further consideration, it is thought desirable to recommit the clause, he will offer no objection.

Senator CLEMONS (Tasmania).—I should like to remind Senator Keating that in the definition clause we provide that "book" shall include music. I am not at all certain that if we pass this clause as it stands, or even with the amendment proposed by Senator Pearce, it would cover, for instance, the publication of a song transposed to another key.

Senator MULCAHY.—Or with a little alteration in harmony.

Senator CLEMONS.—I am concerned in connexion with this Copyright Bill for the protection of musical composers. I believe that there is no class of authors in this or in any other community who have suffered so much from what might be called piracy as have musical composers.

Senator KEATING.—The honorable and learned senator will find that, under clause 13, the right is given in the case of a musical work "to make any new adaptation, transposition, arrangement, or setting of it, or of any part of it in any notation."

Senator CLEMONS.—I have read that, but even if we put in the words "material or substantial," I am not quite sure that the poor musical composer will be given protection. Dealing with Senator Macfarlane's proposed amendment, a musical composer publishes a song with a particular title; the merit of the song is in the music, but it is possible that the public are attracted by the title, and if we permit the title to be amended we shall get into difficulties again.

Senator MACFARLANE.—There would have to be a material alteration.

Senator CLEMONS.—The title of the song might be amended, whilst the music would remain the same.

Senator MULCAHY.—That might altogether destroy the identity of the song.

Senator CLEMONS.—I am afraid that the amendment suggested by Senator Macfarlane will be dangerous to the interests of musical composers, and I therefore hesitate to support it. Whilst I am prepared to support Senator Pearce's amendment as an improvement on the clause, I think we should do still better if we struck the clause out altogether. That would not

embarrass the Minister, as he could re-commit the Bill for the insertion of a new clause, which would give effect to what he desires without including any provision to which the Committee objects. It appears to me that in this clause we are practically giving a right to an author to a perpetual copyright, or a right to a perpetual lease or renewal of a copyright. Much as I desire to safeguard the interests of authors, I suggest that the rights of the public might also be considered. For these reasons, and in no spirit of animosity towards the Bill, I am satisfied that I should vote against the clause.

Senator GIVENS (Queensland).—An author may write a book and sell his copyright in it to a firm of publishers. They may have published no more than one edition of 1,000 copies, when the author may make material or substantial alterations and additions to the book, and it appears to me that under this clause he would have the right to sell the copyright in the new book to another set of publishers.

Senator PLAYFORD.—Does not the honorable senator think that the original publishers will protect themselves by a contract with the author?

Senator GIVENS.—I understand that it is impossible to contract oneself outside the law, and that a contract made outside the law is not binding.

Senator PLAYFORD.—If the author contracted with his publishers not to issue a new edition, he would be unable to do so.

Senator GIVENS.—But this clause provides that if a material or substantial alteration is made, it is to be regarded, not as a new edition, but as a new book. The more I hear the clause debated, the more satisfied I am that it is surrounded with difficulties. It would be better, I think, for the time being to strike it out. This clause would give to an author the right to sell what would be only technically a new book to another publisher, to the prejudice of the publisher to whom he sold the copyright of his original production.

Senator DRAKE (Queensland).—The difficulty pointed out by Senator Givens no doubt exists under this clause as it is drawn. The proper remedy to meet it is, I think, to provide that the copyright of the new edition shall only be conferred on the holder of the copyright in the original edition.

Senator GIVENS.—He would be able to impose his own conditions then.

Senator DRAKE.— Senator Millen has referred to a case in which an author does not part with the copyright in his book, but whilst an edition is going through the press he makes an alteration which entitles him to an extended copyright, and he puts the publication of the new edition into the hands of a different publisher. That would be distinctly a fraud on the first publisher. I agree with the contention of Senator Macfarlane, and I shall vote for the amendment. I think it is most desirable that we should have as much distinction as possible between different editions if this is to be the law. There can be no doubt that this provision will enable authors and publishers to evade the principal provision of the law with regard to the term of copyright. It will enable them to get practically perpetual copyright for a work by bringing out different editions from time to time, and securing the full term of copyright for the new edition. It has been contended by Senator Pearce that this provision is rendered comparatively harmless by the subsequent clause, which provides for free publication of the first edition, but I think that that is a most pernicious thing, and will afford no protection whatever to the public. If there is any justification for an extended term of copyright, it must be on the ground that the new edition is an improvement on the first. Generally the object of our laws should be to bring the improved edition of a book within the reach of the public, and without infringing any rights, to as far as possible suppress the first and inferior edition. Senator Pearce contends that there will be a competition which will prevent the holder of the extended copyright getting too high a price for his work.

Senator CLEMONS.—That is the sort of competition which is sometimes called unfair.

Senator DRAKE.—It is the competition between the big and the little purse. The well-to-do man will be able to secure the later edition at the higher price, to the satisfaction of the author and the publisher, whilst the inferior edition will be sold cheaply to the mass of the people. I do not think that is a result which we need be particularly proud of. The Minister has referred to legal text-books, and there can be no doubt that in respect of them there is practically perpetual copyright, but that does no great harm, because they

are circulated amongst professional men, who know exactly what they are buying. We are here dealing with all kinds of books; and in most cases people, in buying a book, do not look to see whether what they get is the first, second, or third edition of the work. I take the case of a man who has written a medical treatise, laying down rules of treatment for a particular disease. After a long practice he finds that he has made mistakes, and desires to substitute some improved treatment. He might be sufficiently courageous and honest to say, in a new edition of his work, "I recommended such and such treatment in a former edition, but having found that that is not the best treatment, I now recommend a different treatment." On the other hand, he might not do so. He is to be given an extended copyright of the second edition of his work, going, perhaps, twenty years beyond the original copyright, and Senator Pearce contends that he will not be able to get too high a price for the amended edition of his work because the first edition, which advises a treatment that is manifestly wrong, is put on the market in competition with it. That would be a most undesirable state of affairs. There would be a "kill 'em" edition and a "cure 'em" edition, and the general public would be given an opportunity to purchase the "kill 'em" edition. I think that some provision should be made in such a case to prevent the further publication of the first edition of the book. We should, I think, provide that an extended copyright in a new book shall only be given to the holder of the copyright of the first edition, and that the first edition shall not be published after the new work comes out.

Senator KEATING (Tasmania—Honorary Minister).—I must ask the Committee to assist me in making a little more progress. I pointed out some time ago that I should have no objection to a recommitment of the clause, and in the interval honorable senators who have since addressed themselves to it will have an opportunity to endeavour to put their ideas into some shape for inclusion in the Bill. Senator Drake has suggested that we should limit the copyright in a subsequent edition of a book to the holder of the copyright in the first edition. That would be absolutely impracticable. In his argument he said, in effect, "It may be all right to reserve for legal text-books something in the nature of a per-

petual copyright, because they are only dealt with by men who are interested in the subject-matter." The same remark applies equally to a medical work, and largely to a mathematical work; in fact, it applies to nearly all branches of science and knowledge. The question of copyright is of more value in connexion with these books than in connexion with the more ephemeral literature. Let me point out how it would be impracticable to give to the first owner of the copyright or his assignee the copyrights in subsequent editions. A few moments ago I referred to a well-known legal text-book, called *Chitty on Contracts*. The edition I hold in my hand is the thirteenth, which was published in 1896, and there have been subsequent editions. In a note on the back of the title-page I read—

The first and second editions of this work were brought out in 1828 and 1834 respectively, by Mr. Joseph Chitty, of the Middle Temple (the compiler of Chitty's Statutes of Practical Utility),

I myself have a copy of the edition of 1828, about the size of this book, and honorable senators can see that it is only about a third of the size of the thirteenth edition. Other men have given their attention to the book and brought it up to its present state of perfection. The note goes on to say—and the third by Mr. Thompson Chitty, in 1841.

Why, in respect of the third edition, should the holder of the copyright in respect to the first and second editions, another man, get the copyright? The note continues—

The subsequent editions, up to the eleventh inclusive, were brought out by His Honour Judge J. A. Russell, Q.C., between 1850 and 1881.

It will be seen that the man who was adding value to the book for thirty-one years, and using his brains and energy to produce a standard text-book in conformity with the law as known at the time, was quite a different person from Mr. Chitty—

The twelfth was brought out by the present editor and Sir William Geary in 1890.

The title of the book has been retained all these years. Many students get the work; many practitioners use it; many Judges may refer to it in determining cases, and perhaps they do not know for the moment who is the editor of the book at the time, or the man in whom the copyright is vested. In the case of the thirteenth edition, the editor, Mr. J. J. Lely may be entitled to the copyright.

Senator DRAKE.—I do not think so. I expect that the booksellers have got the copyright.

Senator KEATING.—Mr. Lely may have made an arrangement with his publishers at the time. This shows the impracticability of reserving to the original holder of the copyright or to his assignee for all time the copyrights in subsequent editions. However, these are all matters which can be dealt with at the recommissional stage. If Senator Givens desires to give effect to his ideas I shall have no objection at that stage to him proposing the insertion of a provision to follow this clause.

Senator DRAKE (Queensland).—I can hardly follow Senator Keating. What he has told us about *Chitty on Contracts* gives us no insight as to who is the author of the copyright. Probably it is held by the booksellers.

Senator KEATING.—It is not in Joseph Chitty, who died years ago, or in any representative of his.

Senator DRAKE.—Very likely the copyright was taken out in his name, and assigned immediately to a firm of booksellers, and it is the owner of the copyright who has been getting the extension for the additions from time to time. Senator Givens' objection, to which the Minister's answer seems to give a good deal of weight, is that under this clause it will be possible for a man to come along and get a copyright in an edition of another man's work. If that is what the Bill means, the clause ought to be struck out at once. I had no idea that the Government contemplated that the copyright in a new edition could be granted to any one who was not the holder of the copyright in the first edition. It would mean a system of legalised piracy and nothing else.

Senator MULCAHY (Tasmania).—I am not quite satisfied as to whom Senator Macfarlane desires to protect by his amendment. Assuming that a very popular work has had a considerable run, we desire by our legislation to afford an inducement to the author to amend the work if he thinks fit, by elaboration, improvement, or correction. We wish to protect him in any further property which he may create, with regard to that work. Whom does Senator Macfarlane desire to protect by compelling an author to alter the title of his work?

Senator MACFARLANE.—I desire to enable the public to know what they buy, by providing for an amendment of the title of a book when it is materially altered.

Senator MULCAHY.—The public who have acquired a knowledge of a book are

to be protected by being deceived with regard to a book which contains alterations, substantial though they may be, and which bears a new title. Will not that tend to blindfold the public rather than to protect them?

Senator MACFARLANE.—The clause says "a new book."

Senator MULCAHY.—That point will have to be determined by the Court. It seems inevitable that the new book will be sold at a higher price than the old one.

Senator MILLEN.—That does not follow.

Senator MULCAHY.—If the copyright in the old book has expired, and a new proprietorship is established in regard to new matter, will not the old book be cheaper than the new one? There will be no copyright to pay for.

Senator MILLEN.—Not necessarily.

Senator MULCAHY.—The chances are ninety-nine to one that that will be the case. If that is what is desired I cannot see how any possible advantage can accrue to the public. Possibly Senator Millen may be able to enlighten me.

Senator MILLEN.—I have given up all hope of trying to do so.

Question—That the words "and carrying an amended title" proposed to be inserted be inserted—put. The Committee divided.

Ayes	...	...	...	9
Noes	...	...	...	18
Majority				9

AYES.

Drake, J. G.	Millen, E. D.
Gray, J. P.	Symon, Sir J. H.
Higgs, W. G.	Walker, J. T.
Macfarlane, J.	<i>Teller:</i>
Matheson, A. P.	Clemons, J. S.

NOES.

Croft, J. W.	Playford, T.
Dawson, A.	Smith, M. S. C.
de Largie, H.	Stewart, J. C.
Dobson, H.	Story, W. H.
Givens, T.	Styles, J.
Henderson, G.	Trenwith, W. A.
Keating J. H.	Turley, H.
Mulcahy, E.	<i>Teller:</i>
O'Keefe, D. J.	Guthrie, R. S.
Pearce, G. F.	

Question so resolved in the negative.

Amendment negatived.

Senator GIVENS (Queensland).—Perhaps I can suggest an amendment which may remove the objections of some honorable senators. Under the provision as it stands, any person may make a substantial and material alteration in a book, and get

a copyright therein to the prejudice of its author. The author of a book may sell for a fair value to one set of publishers the copyright therein; but afterwards, by introducing material and substantial alterations, he may create a technically new book, and his copyright therein he can sell to another set of publishers, to the prejudice of the publishers of the original edition. Then, again, there is the case of a book which is the property of joint authors. I think it would get over all these difficulties if we were to insert an amendment after the word "book"—

Senator CLEMONS.—I desire to move a prior amendment.

Senator GIVENS.—The amendment I intend to move at a later stage is to insert after the word "book" the following words:—

And the copyright in the same shall be the property of the owner of the copyright in the former edition.

If that amendment be inserted, no person will have the power to pirate the work of an author by improving and amending it, and to copyright it without his consent. Again, no person or author could get a copyright in a technically new book, to the prejudice of the holder of the original copyright. With this amendment, the property of joint authors would be protected in the case of a substantial and material alteration made by one of them.

Senator CLEMONS (Tasmania).—I have a previous amendment to propose. I move—

That the word "shall," line 2, be left out, with a view to insert in lieu thereof the words "may if the Court in any proceedings for infringement think fit."

The effect of that amendment will be that we shall fall into accord with the common law. I will not amplify the point, because we have taken some precautions already by the insertion of the words "material or substantial." But I still think that some modification is required, and this amendment will give to the Court that discretion which it should have. We shall indicate what ought to be the material points to be considered, and having given the Court that latitude, I think we shall have improved the Bill.

Senator STEWART (Queensland).—There seems to have been a great deal of hair-splitting in connexion with this clause. During the discussion I have occasionally

wondered whether I was sitting in a Legislative chamber or in a Court of Justice, where advocates were trying, from their briefs, to make out the best case for their clients. It appears to me, as a layman, that the clause is quite sufficient as it stands. Senator Pearce's amendment has been carried, but notwithstanding, if a dispute arose as to whether the additions made to the book were of a substantial character, the case would have to be referred to a Court. It would be for the Judges to say whether the book was so altered as to entitle it to an extension of copyright. Senator Clemons' amendment, so far as I can see, does not make the clause any more effective.

Senator Sir JOSIAH SYMON (South Australia).—With a view to show my honorable friend who has just resumed his seat that there is no particular hair-splitting, I will remind him of what the real position is. Nobody asserts that a new edition of a publication is, or ought to be, entitled to fresh copyright. No new edition, merely as such, is, or ought to be, entitled to a fresh period of copyright. No one asserts that a fresh issue of a publication, with additions and alterations, is simply on that account entitled to a fresh period of copyright. No Judge has ever yet decided that. What has been decided is that if there is a new issue of an old publication already enjoying copyright, and the Court is of opinion, first, that substantial and extensive alterations have been made in it, and, secondly, that those alterations are of such a character that in the judgment of the Court it is fair and just that it should be so treated, the new publication may be regarded as a new book, and be entitled to fresh copyright. Two things are necessary in order to give a right to a new period of copyright. One is that the Court shall find that there are extensive material and substantial alterations. The second is that those alterations are of such a character as to make it practically a new book. This clause relates to the first of those conditions. It says that it will be sufficient if the Court finds that substantial alterations have been made. No one can assert that a new edition is entitled to copyright as such. That would be a monstrous thing to say. But where the alterations are of such a character that they practically make the work a new book it is fair that it should be so regarded. This Bill, in the interests of authors, publishers, and the reading public, prevents the Court from granting

the concession of extended copyright, unless the alterations made are of such a character as to make it practically a new book. That is the object of the amendment.

Senator PEARCE.—The Court is instructed that a new edition shall not be regarded as a new book unless the alterations are material.

Senator Sir JOSIAH SYMON.—Under the present state of the law the Judges have to find two things before a man is entitled to a new period of copyright. One is that the alterations made are substantial and extensive, and the other is that they are of such a character as to warrant the Court in regarding the publication as new. We take away the whole discretion of the Court if we apply a rigid rule, and say that a new edition shall have copyright extended to it if it simply contains alterations. I say that the matter ought to be left to the Court. Senator Keating says that this is a codifying of the law. It is not. It is taking away the power of the Courts to decide these cases on their merits. It is narrowing the law against the public, and enlarging it in favour of the owners of copyright. That is unfair. I do not pledge myself to the terms of Senator Clemons' amendment. That is a matter for the Minister and the draftsman. But I say that in substance the amendment is right. It does what Senator Keating really desires to do, and what I desire. It leaves the Court to find two things—alteration and materiality, plus the fact that the alterations are of such a character as to make the book a new one. I say that we should not take away one leg upon which the law stands. The Court should still look to materiality and substantiality as allowing it to grant extended copyright. Otherwise the Court will say, "We cannot go into the question of whether this book is worthy of being called a new book, because the Legislature has said imperatively that it is. All that we have to say is that material alterations have been made, and we are precluded from saying any more." If that is what we want to do let us say so. But that is not in accordance with the decisions in recorded cases. The best illustration that has been given is that of the Scotch case, where the Judge treated as a material and substantial alteration entitling a poem to a fresh period of copyright what other Judges said ought not to be so regarded.

Senator DOBSON.—The honorable and learned senator has rather enlarged his view since this morning.

Senator Sir JOSIAH SYMON.—I have been thinking it over in the interval. The decisions which have been referred to are not common law. They are the results of a body of cases which have been determined on their merits. A decision in one case given according to the facts may be no guide to a decision in another case. We have to avail ourselves of principles laid down as far as we can.

Senator DOBSON.—Does not the clause as it stands provide that the alterations shall be such as entitle the new edition to be regarded as a new book?

Senator Sir JOSIAH SYMON.—No; all that is left to the Court to find is whether there are material or substantial alterations.

Senator DOBSON.—Which make it worthy of being regarded as new.

Senator Sir JOSIAH SYMON.—No. If Senator Dobson were dealing with this matter before a Court, he would contend that all the Court had to do was to ascertain whether a material or substantial alteration had been made, and, if that finding was arrived at, that the publication should be deemed a new book.

Senator DOBSON.—Whereas in the other case the Court would have a discretion. Could the Court find, under this clause, that a book was not worthy to be called a new book, although it contained a substantial alteration?

Senator Sir JOSIAH SYMON.—Senator Keating has told us of a case where a Judge found that one alteration in a poem constituted a book a new book, though the other Judges, while they admitted that the new line was important, because it changed the meaning, held that the alteration was not so substantial as to justify them in so regarding it.

Senator DOBSON. — Then Senator Clemons' amendment is necessary?

Senator KEATING (Tasmania—Honorary Minister).—I am sorry that Senator Stewart and Senator Symon were not here about an hour ago, when I indicated that if the clause were passed with the amendment proposed by Senator Pearce, I should have no objection to it being recommended if so desired. If I were to address myself to the amendment now I should ask the Committee not to accept it. But I have not the words of the amendment before me, and I must repeat in the form

of a protest what I have already put before honorable senators as a request. I must protest against honorable senators submitting amendments at the table without some notice on a Bill of this character.

Senator MILLEN.—The Minister will not give another opportunity, seeing that he resists an appeal for a postponement.

Senator KEATING.—The Bill was circulated some weeks ago, and the usual and proper course is to give notice of amendments so that every honorable senator may have an opportunity to fully consider them as well as the original clauses.

Senator GIVENS. — May we not move amendments without notice?

Senator KEATING.—I do not say that ; but the amendments which have been moved are such as could have been given notice of and circulated. Although I have not the terms of the amendment before me, I take it that the intention is to give effect to the principle that in determining whether or not a new edition shall be entitled to copyright, the Judge shall decide not only whether the alterations or additions are material or substantial, or both, but whether the result, the sum total, is in the opinion of the Court a production on which it is desirable copyright shall be granted. This proposal, in my opinion, is out of harmony with the English law.

Senator CLEMONS.—It is in entire harmony with the English law.

Senator KEATING.—The amendment has just been drawn by Senator Clemons, and I submit that there may be a pardonable difference of opinion on the point.

Senator MULCAHY. — The amendment merely expresses what the Minister himself said is already the law.

Senator KEATING.—No. In dealing with this subject *Copinger*, at page 44, says—

... it is immaterial whether the new edition is produced by condensing, expanding, correcting, re-writing, or otherwise altering the original work ; or by introducing notes, citations, or other additions. Nor is it essential that the new edition shall be an improvement on the old, the sole question is whether it is substantially different.

Senator Sir JOSIAH SYMON.—Will the Minister read what Lord Kinloch says?

Senator KEATING.—On the same page *Copinger* says—

As Lord Kinloch said, in *Black v. Murray*, to create a copyright by alterations of the text, these must be extensive and substantial, practically making a new book.

In some of the other authorities I have read, I notice that the Judges have refused altogether to consider whether the effect of the alterations or additions is to provide an improved production ; they have refused to consider any further question than whether there is a material or substantial alteration, either by addition, subtraction, or otherwise.

Senator CLEMONS.—There may be different degrees of alterations which everybody can agree are substantial.

Senator KEATING.—These are the only conditions to which the Judges refer, according to *Copinger*. As I promised, I shall not raise the slightest objection to a recommitment of the clause if Senator Givens and other honorable senators desire to submit amendments. Under the circumstances, I am justified, therefore, in asking the Committee to adhere to the clause as it stands, and to assist me in the progress of this measure.

Senator MILLEN (New South Wales). —I take strong exception to the remarks with which the Minister commenced his latest address to the Committee. The honorable senator reprimanded honorable senators for not having circulated notice of amendments in order that he might consider them. But I ask any one with the slightest knowledge of Committee work, whether it is always possible to do so? In the present case the amendment has been suggested largely as the result of discussion on a previous amendment ; and to say that we are not within our rights, or are not acting in a proper business-like way in submitting amendments which we consider necessary under these circumstances, is an utter absurdity. What the Minister's claim amounts to is that when he, in consultation with the Parliamentary Draftsman, has prepared and submitted a Bill no one is to have the audacity to lay a finger on it. It is a strange doctrine that infallibility rests in the particular draftsman who prepares the measures which the Minister submits. The very fact that the Minister has agreed to one amendment shows that the Committee are doing good work, if we may accept the Minister's authority at all on the point.

Senator PEARCE.—Are honorable senators opposite afraid of allowing the Committee to see the effect of the amendment?

Senator CLEMONS.—Senator Pearce has moved an amendment which was given to him by some one else.

Senator MILLEN.—The amendment referred to by Senator Clemons was refused by the Minister when suggested from this side, but was accepted when submitted by Senator Pearce.

Senator KEATING.—That is not correct.

Senator MILLEN.—The records of the Senate will show that it is correct. That amendment was declined when moved from this side, but after Senator Pearce had walked down, and had a chat with the Minister, it was accepted from the other side. I have no desire to refer to these matters, but when I am told that what I say is incorrect, it is time for me to protest. Everything said in support of Senator Clemons' amendment, with which I agree, is really an argument for the elimination of the clause; every amendment brings us back step by step to the common law practice as described by Senator Keating himself. We are all seeking to achieve that which would exist without the clause, and yet, because this provision appears in the Bill, there is some hesitancy to strike it out. Are we to be bound in such a way? On the other hand, if we want to alter the existing state of affairs, it is proper to keep the clause; but the very fact that we are endeavouring to amend the provision shows that we are trying to get away from it in the direction of the existing common law. While I support the present amendment, I shall endeavour to get the clause eliminated.

Senator CLEMONS (Tasmania).—I cannot help adding a few words in reply to the remarks of Senator Keating. It is a most extraordinary position to take up, that when honorable senators on both sides are anxious to improve the Bill, without the slightest suggestion of party tactics, but animated simply by only the one desire, the Minister, of all others, should have the audacity to upbraid us. It is of infinitely more importance that we should give every consideration to a Bill in Committee, which is the place to safeguard legislation, than that we should devote four or five hours to making second-reading speeches. I regard the amendment as a fair and proper corollary to the amendment which was passed at the instance of Senator Pearce, but which the Minister declined to entertain, when suggested from this side. I have had the unparalleled audacity to submit an amendment, which, because I have moved it, I feel perfectly sure will be defeated. That certainty, however, will not deter me from pressing the question to a division. It is

not sufficient, in my opinion, to say that the alterations or additions shall be material or substantial. Even if those terms are used no one will deny that there are differing degrees of materiality and substantiality; and a Judge, with counsel appearing for the parties, might be forced to admit that an alteration was material, and that as the law gave him no discretion as to whether it was material enough, he would be bound to say it was a new book—a decision he would not have arrived at if he had not been fettered by the clause. The amendment, so far from weakening the clause, strengthens it, and it only carries out the procedure which, especially in measures of this kind, is observed. It is rarely that in our legislation we bind a Court down with any rigid words. Senator Keating will bear me out that the history of legislation shows innumerable blunders committed by Parliaments in making hard and fast rules in legislation of the kind.

Senator GIVENS.—Judges have made very serious blunders.

Senator CLEMONS.—We always place the Judges above Parliament, and something is left to their discretion. It is the pride of our system that a Judge is not absolutely bound hand and foot by the mandates of the Legislature, and that we allow him the exercise of discretion. Not to do so would be to assume that we are able to draft a Bill which will secure absolute justice without the slightest chance of anything going wrong. I propose to press my amendment, merely because I think it a desirable corollary to the words we have already inserted.

Senator STANFORTH SMITH (Western Australia).—This is an exceedingly important clause, and the discussion we have had on it has been most valuable in presenting new phases of the question, and indicating difficulties which might arise. I think that the promise given by the Minister, that he will offer no objections to the recommitment of the clause, offers the best way out of the difficulty.

Senator MULCAHY. — He should know the mind of the Committee.

Senator STANFORTH SMITH. — I am not sure that it would not be advisable to agree to the amendment, but I think it would be better that an opportunity should be given to have amendments suggested on the clause when circulated, so that we might be able to compare them with the text of the clause.

Senator Sir JOSIAH SYMON. — Would it not be better to strike the clause out?

Senator STANFORTH SMITH. — That would only give the same result. If the amendments proposed are circulated we shall be able to decide on the best course to adopt, and if it is found necessary the clause may be altered on recommitment.

Senator MULCAHY (Tasmania).—I do not take it that the Minister offers unreasonable objection to the amendments, but he is naturally anxious to adhere to the Bill as it stands. I remind the honorable and learned senator that every amendment of the clause so far proposed has been in the direction of liberalizing its provisions in the interests of the general public. The tendency of the clause as it stands is to confer on the owner of the copyright something more than many honorable senators believe he is entitled to. I think it would be better to state such amendments of the clause as the majority of the Committee think advisable, and the Minister will then be able to consider whether he cannot draft a new clause to meet the wishes of the Committee.

Senator GIVENS (Queensland).—I believe it would be better to recommit the clause, and any amendments to be proposed might be left over until that is done. It will be admitted that the discussion on the clause has been illuminating, and we are now better acquainted with its probable effect, and the difficulties surrounding it, than we were before the discussion commenced. I fail to see why there should be an outcry against that discussion as though it had been a mere waste of time. It has not been a waste of time. It is within the knowledge of every honorable senator that we have frequently adjourned because we have had nothing to do. Now that we have something to do, and have ample time in which to do it, we should see that it is done properly. I have no objection to the clause passing now, on the distinct understanding that opportunity will be afforded for the fullest right of discussion and the fullest right to amend the clause on recommitment. I propose to indicate now, for the convenience of the Minister, the amendments which I desire should be made. I wish to insert after the word "book," in line 3, the words—

and the copyright of the same shall vest in the then owner of the copyright in the former edition.

Following that amendment, I should like to propose the insertion of a new clause after clause 26, preserving the right of the owner of the copyright in the original work, and preventing any depreciation of the value of that right. I wish also to preserve the rights of joint authors in a work which is the product of joint authors, and the rights of publishers to whom joint authors may have sold the copyright of an original edition.

Senator Sir JOSIAH SYMON (South Australia).—I wish to make a fresh suggestion. It has already been suggested, first, that the clause should be postponed, secondly, that it should be allowed to go as it stands, and that opportunity should be given to amend it on recommitment. That is always an uncertain and an unsatisfactory course to adopt, because the clause proposed for recommitment may come on for consideration at a time when honorable senators taking the deepest interest in the subject may not be present.

Senator MULCAHY.—They ought to be present.

Senator Sir JOSIAH SYMON. — My honorable friend is stating a counsel of perfection with which we all agree. We ought to be here every minute, but the frailty of human nature is such that it is possible some of us may not be here when we ought to be.

Senator KEATING.—In the only case of the kind which occurred before this session I held up the decision of the Committee until an opportunity was given to the honorable senator, who asked for a recommitment, to be present and express his views. I refer to an amendment proposed by Senator Pulsford in the Wireless Telegraphy Bill.

Senator Sir JOSIAH SYMON. — I did the same thing last session for the convenience of honorable senators who wished to discuss the union label provisions of the Trade Marks Bill. However, in connexion with that measure, when a second attempt was made for the purpose of reconsidering the union label clauses, I refused to be a party to the recommitment, and the motion was withdrawn. If honorable senators are not present to take advantage of an opportunity afforded for recommitment, they should take the consequences. We are now approaching the

hour at which it is usual for the Senate to adjourn on Friday afternoon, and I suggest that Senator Keating should move to report progress. That will afford us an opportunity to consider the various amendments suggested in connexion with this clause between now and next week, and it will not be necessary either to postpone the clause, or to seek its recommittal. I ask my honorable and learned friend to adopt that course, but if he does not fall in with this third suggestion, I shall address myself to the amendment suggested by Senator Givens.

Senator KEATING (Tasmania—Honorary Minister).—With regard to the third suggestion, I would point out that we have still half-an-hour before the usual time for the adjournment of the Senate, and I think we would be justified in taking advantage of that time to proceed with the Bill.

Senator CLEMONS.—The suggestion made might obviate the necessity of recommitting the Bill.

Senator KEATING.—It might, but on the other hand we might make some progress, and I remind honorable senators that in half-an-hour's discussion last evening we made as much progress as we have done during the whole of to-day.

Senator MULCAHY.—We are much more enlightened as to the effect of this clause than we were this morning.

Senator KEATING.—I think we might make still further progress. Senator Symon has indicated that he is prepared to address himself to the amendment suggested by Senator Givens. If we continue now we shall, at any rate, have the benefit of the honorable and learned senator's remarks on those amendments.

Senator Sir JOSIAH SYMON (South Australia). — This is hardly the way in which the transaction of business can be facilitated. The Minister has himself said that he has not had sufficient time to consider the amendments, and when an opportunity is offered to him to take some days for their consideration he will not accept it, but insists on wasting half-an-hour when honorable senators are desirous of getting away. We are now dealing with the amendment proposed by Senator Clemons, and if on division it is not carried. I can discuss suggestions made by Senator Givens, which it would not be in order to discuss now.

Question—That the word "shall," proposed to be left out, be left out—put. The Committee divided—

Ayes	10
Noes	13

Majority	3
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AYES.

Dobson, H.	Mulcahy, E.
Drake, J. G.	Symon, Sir J. H.
Gray, J. P.	Walker, J. T.
Higgs, W. G.	
Macfarlane, J.	<i>Teller:</i>
Millen, E. D.	Clemons, J. S.

NOES.

Croft, J. W.	Playford, T.
Dawson, A.	Stewart, J. C.
de Largie, H.	Story, W. H.
Henderson, G.	Styles, J.
Keating, J. H.	Turley, H.
O'Keefe, D. J.	<i>Teller:</i>
Pearce, G. F.	Smith, M. S. C.

PAIR.

Givens, T.	Guthrie, R. S.
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Question so resolved in the negative.

Amendment negatived.

Senator GIVENS (Queensland).—In the face of the opposition of the Minister, I suppose there is no use in my going on with the amendment I indicated.

Senator CLEMONS. — I do not wish to jump the honorable senator's claim, but if he does not move the amendment I shall, because it is a right one.

Senator GIVENS.—If the amendment were moved now and defeated, in what position should I be when the recommitment of the clause was proposed?

The CHAIRMAN.—If the Bill be re-committed, the honorable senator can move any amendment he pleases.

Senator GIVENS.—In that case, I move—

That after the word "book," line 3, the following words be inserted, "and the copyright in the same shall vest in the then owner of the copyright in the former edition."

My desire, in moving the amendment, is to safeguard the interests of the joint authors of a book, so that a new edition could not be issued by one of them to the prejudice of the other.

Senator PLAYFORD.—"The then owner" might be the publishers.

Senator GIVENS.—Quite so. There are a number of persons who need to be protected. For instance, the owner of copyright in a book needs to be protected because, under the clause as it stands, any man could come along and pirate his work by making a few substantial or material alterations.

Senator Sir JOSIAH SYMON.—A publisher might be ruined by allowing the author to get a new copyright.

Senator GIVENS.—Yes. Supposing that an author sold the copyright in a popular work to a publisher for a considerable sum, and that after an edition had been published the author were to make substantial or material alterations in his work, this clause would give him a property in a new work which would supersede the old one. He could sell the copyright in the new work to another firm of publishers, and thus practically swindle the publisher of the original edition to whom he had sold his copyright.

Senator PEARCE (Western Australia).—Is it possible for the Committee to thoroughly understand what effect the amendment would have upon the clause? It has been moved in a fragmentary style, and although we have not had time to write it down, yet we are asked to vote upon it.

Senator GIVENS.—It was read out over half-an-hour ago.

Senator PEARCE. — The previous amendments were verbal, and practically carried out the spirit of the clause. But this amendment, so far as I can understand it, does not deal with the subject-matter of the clause. It introduces the question of the ownership of copyright, and ought to be moved as a separate clause. I confess that I am in the dark as to its exact meaning. The clause deals with the copyright in a second or subsequent edition of a book, that is, a new book. The question of the ownership of copyright is dealt with in clauses 18, 19, and 20. If it leaves any doubt as to whether ownership would be disturbed by the issue of a new edition, then the question of ownership should be dealt with in a separate clause, and not in this clause. In all friendliness, I would ask Senator Givens to withdraw his amendment, and, after we have had an opportunity of comparing his proposal with other clauses, we shall be in a position to make up our minds. In what position will he place us if he presses for a division to-day? He admits, as the discussion has shown, that the question is a complicated one.

Senator MILLEN.—It is not the mover of the amendment, but the Minister who is forcing a division now.

Senator PEARCE.—The Minister has given Senator Givens a definite promise that he will agree to a recommittal of the clause.

Senator GIVENS.—We might not have so full an attendance then. We have only twenty minutes left in which to do this work.

Senator PEARCE.—As honorable senators know, this clause will be the first business taken at the next sitting. In order that an opportunity may be given to honorable senators to gather its purport, Senator Givens should withdraw his amendment and allow it to be put in print, and then we could proceed with the consideration of other clauses.

Senator MILLEN (New South Wales). If I understood the speech of Senator Pearce aright, it was an appeal to the Minister to consent to an adjournment in order that this might be the first business taken on Wednesday next.

Senator PEARCE.—I regret that my explanation was so dense.

Senator MILLEN.—What the honorable senator is trying to do now is to get in an explanation. The clear effect of his remarks, especially his reference to Wednesday, was to show that it is desirable to report progress now, in order that the matter may be taken up on Wednesday next, when it will be comparatively fresh in our minds. If, however, the clause be passed to-day, with the promise of a recommittal, some weeks may elapse before we shall be called upon to approach its consideration again, and our minds will not be as closely in touch with it then as they are to-day, after a lengthy discussion. I am satisfied that we all see the clause in an entirely different light from that in which it was presented to us when we first approached its consideration. If three or four weeks were to elapse before we again turned our attention to the provision, the effect of to-day's discussion would be largely lost. If, however, another day has to be spent in the discussion of the provision later on, the Minister must take the responsibility for that consumption of time. I would ask the Minister to consent to report progress, with a view to affording us an opportunity to recast the proposal before Wednesday next, and enabling him to see how far he can go to meet the views expressed, not from this side alone, but from various quarters.

Senator MULCAHY (Tasmania). — I hope that the Minister will not force us to a division on the amendment to-day. It is a matter for serious consideration whether

the amendment ought not to be moved as a new clause, and also whether it really goes far enough. Senator Givens has moved an exceedingly important provision, which may raise many issues. It may extend further than the proprietorship of the author of the original book. It may involve many other serious considerations. I hope, therefore, that the Minister will consent to report progress.

Senator PLAYFORD.—Not until four o'clock.

Senator MULCAHY.—I do not see any particular virtue in going on until that hour. We shall not do any more work than we have done. We have spent a great deal of time upon the consideration of this clause, and I think that honorable senators on both sides deserve credit for giving their very serious attention to its subject-matter. The discussion has not been a waste of time. On the contrary, it has done a great deal of good, although we have not passed many clauses. If business were likely to be done, I should certainly say let us proceed.

Senator STANFORTH SMITH.—Why not allow the clause to be postponed, and afterwards recommit it, so that we may go on with the next clause?

Senator PEARCE.—The Opposition want to run the business.

Senator MULCAHY.—I do not take the criticisms from the other side in that spirit. The argument of Senator Millen just now seemed to me to be a common-sense one. Let us report progress now, and resume this discussion on Wednesday, after we have had time in which to express our ideas in perhaps better language.

Senator KEATING (Tasmania—Honorary Minister).—I am sorry that my honorable friend Senator Givens could not see his way to follow the course which he first intended, and to accept my suggestion to bring this matter up at a later stage.

Senator GIVENS.—It would not have facilitated matters, because other honorable senators would have moved similar amendments.

Senator KEATING.—I informed the Committee some time back that I should be prepared to accept a recommitment of the clause in its entirety at a proper stage, and that I would not oppose the recommitment of an additional clause if Senator Givens thought it desirable to express his wishes in that form. But I can see some objection to this amendment. The intention is to provide that

copyright in a new edition shall be in the owner of the copyright of the former edition. Whether the word "former" would mean the owner immediately prior or the owner of the copyright of the first edition might be open to question.

Senator CLEMONS.—The amendment says the "then" owner.

Senator KEATING.—There might be hardship in a case like that. For instance, the editor of a particular work might acquire the copyright in it, and subsequently somebody else, by his own knowledge and research, might give an added value to that work, with the consent of the parties concerned in the copyright, and might wish to have the copyright himself. But the copyright, by the operation of law, and apart from any express arrangement between the parties, would vest in some other person who did not desire to hold it. Senator Givens has pointed out, and Senator Drake and Senator Symon have by their applause indicated that they hold a similar view, that, in his opinion, a man who is not responsible for an original work can acquire copyright in it by making some additions or alterations of a material and substantial character. But if the person who made the additions or alterations were to publish the original book for the purpose of his own work he would at once be guilty of piracy, and that would deprive him of any opportunity of getting copyright. He would not be the author of the production, but only of the emendations or alterations. Consequently he could not get copyright. Further, if he published such a work, and drew largely, as he would necessarily do, on the original work, he would be guilty of piracy.

Senator CLEMONS.—Not he.

Senator KEATING.—Well, I have to unlearn a good deal that I have studied in connexion with copyright if Senator Clemons' view is correct! He argues that it is possible for a person to take hold of another's book, and, by making alterations or amendments, acquire copyright in it. But I reply that if he were to draw upon the original work he would be guilty of piracy in the first instance, and his very action would void any possibility of acquiring copyright.

Senator CLEMONS.—It depends entirely on the alterations made.

Senator KEATING.—Even if he added ten times the amount of the original work,

and he drew upon the original work substantially, he would still infringe the copyright of the author of the original work. He would be guilty of piracy, and his very supposed rights would be founded upon wrong. When he claimed copyright in the work which he had so amended, he might be asked, "By virtue of what do you claim it?" "Because I have brought out a new book." "Section 18 of the Copyright Act says—

The author of a book shall be the first owner of the copyright.

Are you the original author of this book?" "No, I am only the author of the alterations made in it." If he published such a work he would be guilty of piracy in the very act, and would be subject to all the penalties, civil and otherwise, for so doing.

Senator GIVENS.—That is not the point on which I relied. My point was as to joint authors having their rights protected.

Senator CLEMONS.—Does the Minister consider that it is safe to retain the words "any person"?

Senator KEATING.—Decidedly.

Senator CLEMONS.—I do not.

Senator KEATING.—The right to produce an original work is vested in the owner of the copyright by clause 13. An original work can only be reproduced by the person who has the copyright in it, or some person authorized by him. Copyright may be assigned absolutely or partially to some other person in some particular locality for some particular period. That is the reason why the words "any person" are inserted. I will give an instance. In the case of some large works of world-wide value, the owners of copyright in Great Britain or America assign, say, to persons in Canada, for a limited term, the right to republish. There is a case in which the Court at Toronto, in 1903, decided, in the case of *Black v. The Imperial Publishing Company*, in connexion with the *Encyclopædia Britannica*, that the person who had the right to publish was not the holder of the copyright, but simply a licensee. The words "any person" are included because some other person than the owner of the copyright may have a right to publish—limited as to time or place. Different positions might arise in different situations with regard to holders of copyright. For these reasons I would urge Senator Givens to take advantage of the opportunity which I promised to give to him.

Senator CLEMONS (Tasmania).—Seeing that we have now arrived at the usual time for adjournment, I would urge Senator Keating not to proceed further with the Bill to-day. I certainly hope that no attempt will be made to take this matter to a division. I do not use any threat, but I certainly hope that no division will be taken.

Senator KEATING.—I think it would be disastrous to honorable senators opposite.

Senator CLEMONS.—I make this as a purely friendly request.

Senator KEATING (Tasmania—Honorary Minister).—Senator Givens has promised to give consideration, with me, to his amendment, between now and Wednesday, and I hope to be able to prepare something in harmony with the rest of the Bill if it is thought desirable to make an alteration. Personally, I think that if anything is to be done, the idea of a separate clause is the better one.

Progress reported.

PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Return of all persons temporarily employed in the Public Service during 1904-5.

Senate adjourned at 3.58 p.m.

House of Representatives.

Friday, 22 September, 1905.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

LETTER CARRIERS' WAGES.

Mr. HUME COOK.—It is stated in this morning's newspapers that a letter-carrier was yesterday sentenced by Mr. Justice Hodges for stealing letters intrusted to him, and the evidence divulged the fact that he was in receipt of only £1 per week. The Judge, commenting on this state of affairs, said that such an amount was insufficient for a man to live on. I was astounded to read that a letter-carrier in the Commonwealth service was being paid such wages, and I wish to know from the Postmaster-General if the statement made was true.

Mr. AUSTIN CHAPMAN.—I have not read the newspaper account referred to, but

I shall be very glad to look into the matter. The Commonwealth has no desire to give its employes less than a fair living rate of wage.

TELEGRAPH SERVICE.

Mr. ROBINSON.—I wish to ask the Postmaster-General, without notice, whether his attention has been directed to the following paragraph in the *Hamilton Spectator*?

MOTOR V: TELEGRAPH.—A striking instance of a motor bicycle outstripping a telegram was afforded here on Monday. A gentleman left Casterton for Hamilton on a motor at 10.30 that morning, leaving behind him a telegram for despatch to this office. That message was lodged a few minutes after his departure, but it did not reach the party to whom it was addressed till 12.35 p.m., or half an hour after the sender had arrived in Hamilton on his bicycle. In justice to the Telegraph Department, it should be added that the distance covered by the cyclist, 40 miles, was accomplished in 1 hour 40 minutes, which, considering the heavy state of the roads, was remarkably good travelling.

Can the Postmaster-General explain why the telegram arrived so soon after the cyclist?

Mr. AUSTIN CHAPMAN.—Will the honorable and learned member give notice of his question?

COMMONWEALTH AND STATE RELATIONS.

Mr. KELLY.—I wish to draw the attention of the Prime Minister to the following telegram in to-day's *Argus*:—

QUESTION IN THE NEW SOUTH WALES PARLIAMENT.

SYDNEY.—Thursday.—In the Legislative Assembly to-night, Mr. Anderson, member for Balmain, asked the Premier the following question:—

"In view of the statement made by the Commonwealth Prime Minister, that it is unfortunately true that Australia is losing her population through the defective state of the laws, and seeing that the State laws were passed by ex-State members, who are now members of the Federal Parliament, will the Premier submit a motion to this House, so that we will be able to discuss it, and give an expression of opinion as to the effect the Commonwealth laws have had as a means towards the depopulation of Australia?"

Mr. Carruthers replied that in order to provide a safety-valve for the feelings of State members in regard to Federal legislation, he would have to call a special session of Parliament, and he viewed with apprehension the prospects of a debate on this subject, knowing as he did the strong feelings of members of the House and of the people of New South Wales with regard to the effects of Federal legislation.

In view of that statement, is the honorable and learned gentleman still of opinion that the reflections which he recently made in this Chamber on the laws of the States are likely to conduce to proper relations between the States and the Commonwealth? Is it not a fact, as alleged by Mr. Anderson, that members of this House are mainly responsible for the land laws of the States?

Mr. DEAKIN.—Mr. Anderson's one statement is ridiculous. New South Wales, which possesses a greater representation in this House than any other State, sends here only twenty-six members of differing views, and at no time in the history of her Parliament could that number have constituted a majority. I have to express my indebtedness to the honorable member for his many attempts to foster a kindly feeling between the Parliaments of the States and the Commonwealth. I have not seen the telegram in the newspaper from which he has read, though I have looked through the newspaper itself. If it is to be the practice to read here every morning for the benefit of inconsiderable persons like myself, and in the interests of particular newspapers and particular irritations, the spicy paragraphs which appear from time to time, a Commonwealth Political Press Cutting Agency, to supply all honorable members with this information will be found convenient. It would save the House these queries and me the trouble of criticism.

Mr. LONSDALE.—The Prime Minister stated the other day that it was because of the faulty land laws of Victoria that a large number of people have left this State. Can he explain why those land laws are faulty, since he has been one of the great powers in the Victorian Parliament?

Mr. DEAKIN.—If my political biography is of interest to the honorable member, let me tell him that I have at every opportunity voted for the liberalization of the land laws of Victoria, and was the first to move for the introduction of the unimproved land value tax. I have spoken times without number against unsatisfactory conditions in the land laws of the State, and have attempted their alteration by every means in my power. That I have not been more successful than the honorable member was in his State should show him how inconsiderable a person I was in Victoria.

TASMANIAN DEFENCE EXPENDITURE.

Mr. STORRER.—I wish to ask the Minister representing the Minister of Defence a question without notice. It is stated in the Tasmanian press that the sum expended on defence in that State in 1900 was £17,000, whereas last week I was informed that it was £27,000. Will the honorable gentleman cause inquiries to be made, so that we can get at the truth in this matter?

Mr. EWING.—If the honorable member will supply me with the newspaper statement to which he refers, I shall be glad to obtain correct information from the Minister of Defence. Every statement made on behalf of this Ministry will be found to be true.

COMMERCE BILL (No. 2).

In Committee (Consideration resumed from 21st September, *vide* page 2647):

Clause 10—

(1.) The Governor-General may by proclamation prohibit the exportation of any goods specified in the proclamation, unless there is applied to them a trade description of such character, relating to such matters, and applied in such manner, as is prescribed by the proclamation or by the regulations.

(2.) All such goods to which the prescribed trade description is not applied, which are exported or entered for export or put on board any ship or boat for export or brought to any wharf or place for export, shall be forfeited to the King.

(3.) Subject to the regulations the Comptroller-General, or on appeal from him the Minister, may permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner or exporter, upon security being given to the satisfaction of the Comptroller-General that the goods shall not be exported in contravention of the proclamation.

Amendment (by Sir WILLIAM LYNE) proposed—

That the words "Governor-General may by proclamation," line 1, be left out, with the view to insert in lieu thereof the words "regulations may."

Mr. LONSDALE (New England).—I wish to know if exporters will be given fair notice of the intended change in our law? There should be the fullest publicity in these matters. The mere laying of regulations on the table is of little use, because practically no one looks at them, and, if published only in the *Government Gazette*, they will be buried away from sight. Every man is supposed to know what the law is, but new legislation should be brought prominently under the attention

of the public. If this is not done in the present case, honest exporters may find themselves in difficulty through lack of knowledge of the requirements of our laws. I do not object to the substitution of regulations for proclamations, but I desire to know how exporters and importers are to be informed as to what is required of them.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—Apart from the publication of the regulations in the *Commonwealth Gazette*, there will be no means of giving publicity, except by advertising in the leading daily newspapers. I am afraid that that would involve too much expense. The regulations will be printed in pamphlet form, and notices will be published in all the leading newspapers with regard to them. I will take care to send copies of the regulations to the principal bodies interested, and if too much cost is not involved I shall be quite prepared to advertise them in the newspapers.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) agreed to—

That after the word "any," line 2, the word "specified" be inserted, and that the words "specified in the proclamation," lines 2 and 3, be left out.

Amendment (by Mr. JOSEPH COOK) proposed—

That the word "true" be inserted before the word "trade," line 4.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—If the amendment be agreed to, the wording of this clause will be different from that adopted in clause 7, and I must oppose it. I have already promised to bring the words "of such character" under the notice of the draftsman with a view to the adoption, if possible, of other words which will be free from the objections raised by some honorable members. I am prepared to make a similar promise with regard to this clause.

Mr. JOSEPH COOK (Parramatta).—I shall press my amendment, mainly on account of the remarks made by the Attorney-General last night, to the effect that the Minister must have reserved power beyond the mere authority to require a true indication of the character of the goods. He pointed out that a trade description might be true, and yet not as prescribed. If an importer or an exporter mark his goods with a true trade description, what more should we require?

According to the Attorney-General, however, the trade description must be as prescribed, and of such character as the regulations require. For instance, the manager of a butter factory might be compelled to mark his produce as coming from a particular factory, or a particular district, or through a particular agency, and the regulations might prove harassing to the last degree. Moreover, if a word were omitted, or a word were added, to a trade description, it might be held that the law had been contravened, and that the goods were liable to forfeiture. All we need concern ourselves about is that goods shall be in accordance with the description attached to them. That was declared to be the real object of the measure, and if a true trade description is applied to goods, there should be no necessity for the Minister to prescribe the very words that shall be used in such description. The Minister might prescribe that butter should be marked as coming from the North Coast, or the South Coast of New South Wales, or elsewhere, or he might insist that even the name of the particular dairy in which it originated be indicated. The provision in the clause, as it stands, appears to be quite unnecessary, and therefore I shall press the amendment.

Mr. LONSDALE (New England).—If we allow the Bill to pass in its present form, our exporters and importers will be seriously harassed. The States Governments are doing all that is required, and the powers proposed to be conferred under this Bill are not necessary in the interests of our export or our import trade. Wherever possible we should avoid legislation by regulation, and abstain from conferring large powers upon Ministers and officials. We have fallen into the habit of passing skeleton Bills, and leaving almost everything to be provided for by regulation. The honorable member for Franklin recently mentioned the case of apples being exported from Tasmania before they were thoroughly matured in order to catch the London market at a time when high prices were ruling. I should like to know what the Minister would do in such a case. Would he insist upon marking the apples as unripe? I do not think that he would be called upon to do anything of the kind. The question whether such apples are fit or unfit for use should rest entirely upon the decision of the consumer, and if he chooses to purchase them well and good. Every producer and manufacturer should

put his own brand on the goods he sends to market, and should stand upon his own reputation. If he sends articles of good quality to market his reputation will insure him good prices, whereas if he forwards articles of bad quality he will have to put up with low prices. We know that goods are sold on the strength of the reputation of the brands applied to them. Why should consumers be denied the opportunity to purchase goods of low quality, when they cannot afford to pay the prices asked for the superior article? We know that so-called shoddy goods are manufactured, not necessarily with the object of deceiving the public, but in order to supply a low-priced article to meet the requirements of persons of small means. So long as every producer places his own brand on his goods and stands by it, we can do no more for the consumers of our produce beyond the Commonwealth. I should not object to grant the Minister extensive reserve powers if the right were conceded to persons charged with contravening the law to appeal to a Court of Justice. I endeavoured to induce an honorable and learned member to draft a clause which would make provision in that direction, but he represented that the provisions of the Bill were so complex that it would be difficult to meet the case. This Parliament, which regards itself as occupying a position of superiority to the States Legislatures, should be the last to strip citizens of their right to be tried by judicial authorities when they are charged with evading the law. It may be urged that if one exporter sends out goods of bad quality he will injure the reputation of our products. There may be a few cases of that kind, but I do not think that they will have any appreciable influence upon our markets. If, on the other hand, an importer brings goods into the country under a wrong description, he alone will be the sufferer. Mr. Davidson, a large buyer in London, who was examined before the Butter Commission the other day, distinctly stated that Australian butter was not purchased upon the strength of a Government brand, but upon its quality. Will any man of common sense purchase butter at an auction sale in England without first having a sample box opened? That would, indeed, be a foolish proceeding. The same remark is applicable to apples. They are not purchased in the London market in sealed

cases. It is absolutely foolish to talk about men buying goods with their eyes closed. They have to use their own judgment in matters of this sort. All that we should do under this Bill is to compel a man to put his own name and that of his factory upon his goods. If we do that, every article—within a very short time—will receive its proper price. I do trust that the Minister will make the Bill very much less drastic.

Mr. LEE (Cowper).—I think that the Minister might very well accept the amendment. There is no person who is better qualified to give a true trade description of goods than is their owner. I do not believe that we should leave it to the Minister to declare by regulation what shall constitute a true trade description. The owner of any goods should be held responsible for placing such a description upon them. To my mind, we are asked to trust the Minister and the Department altogether too much. I am entirely opposed to the imposition of undue restrictions upon exporters. The onus should be upon the exporter himself to give a true trade description of his goods. My experience has been that the judgment of practical men is infinitely preferable to that of so-called experts. The exporters of apples or of butter will take every care to see that their brands are not injured by any trade description which they may put upon them. A man would not, for example, place his best brand upon goods of inferior quality.

Mr. HUGHES.—He will put a different brand on, and, if he can dispose of the butter as being of the best quality, he will do so.

Mr. LEE.—The honorable and learned member for West Sydney knows very little about the matter.

Mr. HUGHES.—But I can read of the condition of affairs which was disclosed by the Butter Commission.

Mr. LEE.—I am speaking of the men who are engaged in the trade, and who are exporting their own goods. At the present time, two-thirds of the butter exported from New South Wales is being shipped by the farmers themselves. They have had to cut their own pathway to success, and in doing so, they have been severely torn by thorns and brambles. Despite the disabilities under which they laboured, they have achieved their object. I trust that the Minister will agree to the amendment.

Mr. KENNEDY (Moir).—It is rather amusing to hear the honorable member for Cowper insisting that the words "a true trade description" should be embodied in the Bill. He has altogether overlooked the fact that the words "trade description" are already defined in the measure, as will be seen by reference to clause 3. Honorable members opposite were parties to the acceptance of that definition.

Mr. BATCHELOR.—We do not require the words "of such character."

Mr. KENNEDY.—A trade description must give the information required by the Minister.

Mr. JOSEPH COOK.—We object to the Minister being allowed to determine the precise form of any trade description.

Mr. KENNEDY.—Honorable members opposite wish to embody in the Bill a provision which may have the effect of obscuring the origin of certain goods. We know what the words "of such character" imply. We do not want a repetition of the condition of affairs which was disclosed by the Butter Commission.

Mr. MCWILLIAMS.—Some of the worst butter that was sent to London had the Government brand upon it.

Mr. KENNEDY.—The factory brand had been removed by the shippers at their own sweet will—

Mr. KELLY.—Will not the phrase "true trade description" overcome the difficulty?

Mr. KENNEDY.—I prefer to rely upon the definition which is contained in clause 3. Honorable members should not assume that the sole object of the Bill is to harass the honest trader. It rather constitutes an attempt to bring the dishonest trader into line with the honest one.

Mr. KELLY.—This clause deals exclusively with exporters.

Mr. KENNEDY.—The provision will not harass the honest exporter in the slightest degree.

Mr. KELLY.—What is the objection to the insertion of the word "true"?

Mr. KENNEDY.—To my mind, a trade description is all that is required. If we attempt to supersede the definition of "trade description," which is contained in clause 3, we shall inevitably create confusion. That is my objection to the amendment.

Mr. JOSEPH COOK (Parramatta).—The honorable member for Moira appears

to be under a curious misapprehension as to the object which we have in view. There is nothing in the amendment that would interfere with the right of the Minister to prescribe a trade description in any way he thought fit, so far as its substantial accuracy was concerned. The definition of "trade description" in the interpretation clause, is wide and vague, and under it the Minister may prescribe that goods shall be so branded as to show the country of origin and the country of destination, their nature, measure, quality, gauge, and every other particular. The point is, however, that under the clause, as it stands, a man might accurately describe his goods in all these respects, but if the description contained a word different from the verbiage dictated by the Minister, his goods would be liable to forfeiture. If that be permitted, we shall make the Minister a despot of a kind who ought not to be tolerated. I do not wish it to be the law of the land that if a man happens to place a description on his goods which is not exactly in accordance with the words dictated by the Minister in relation to a matter about which there is really no dispute, he may be liable to have those goods held up and forfeited. The Attorney-General argued last night that it was not sufficient that a trade description should be true. He urged that it should be given in the exact words prescribed by the Minister. That would be an injustice to honest traders who have nothing to gain by hiding the truth. It would leave them liable to the risk of having their goods confiscated simply because some one who had been told to brand them omitted from the description a word that it ought to have contained. I think the Minister should instantly accept the amendment.

Mr. BATCHELOR (Boothby).—I am opposed to the clause altogether, and am therefore prepared to support any amendment that will limit it, or at least make its terms definite. It seems to me that the words "of such a character" are not only indefinite, but unnecessary. I approve of the word "true" being inserted in their stead, so that a true trade description will be all that is required. If the clause be passed as it stands, it will give the Minister power to provide for any description that he pleases.

Mr. McWILLIAMS (Franklin).—I am astonished at the attitude of many honorable members in regard to this amendment. The ostensible object of the Bill is to

provide that our imports and exports shall be true to name, but when an amendment is proposed that will more effectually carry out that object, we find honorable members declaring that what is needed is not a true description but a description to be prescribed by the Minister of Trade and Customs for the time being. During the last twelve months, we have had three different Ministers in charge of the Department of Trade and Customs, and each of those honorable gentlemen might have issued different regulations. Our object should be to make this measure as clear and as definite as possible; but we are now proposing to pass what is really a skeleton Bill, which will place very wide power in the hands of the Minister. I protest against the Minister being given power to say what shall be a true description. The clause, as it stands, does not provide that goods imported or exported shall be true to the labels they bear.

Mr. KENNEDY.—The Bill gives a definition of "trade description," and the regulations cannot go beyond that definition.

Mr. McWILLIAMS.—The proposal to eliminate the words "of such a character" must be considered in connexion with the proposition to insert the word "true" in their stead. What we desire to do is to provide that a trade description shall be a true one. If a man exports or imports goods bearing what is an absolutely true description, nothing more should be required of him. The Attorney-General said last night that the Minister must have some reserve power over and above that provided in the Act itself. I do not think that it would be wise to give the Minister such a power, and I shall support the amendment, so that all regulations framed under the Bill will require that goods imported or exported shall bear a truthful description.

Mr. KELLY (Wentworth).—The honorable member for Moira, whose opposition to the amendment is, I am sure, based on a misconception, should be one of the first to support a proposal to insure a fair deal to the producers of Australia.

Mr. KENNEDY.—That is what I have been looking for.

Mr. KELLY.—The honorable member will not insure a fair deal to the producers if he allows the clause to pass in its present form.

Mr. KENNEDY.—I am not going to support any proposal that would really nullify the object of the Bill.

Mr. KELLY.—The honorable member has laid stress on the definition of "trade description" given in clause 3, but I would point out to him that under this clause a landing waiter would have a right to say whether the description placed on any goods was not merely true, but "of the character" prescribed in the regulations. He would have the right to say, not only whether it was substantially correct, but also whether the statement of the technical details was in the order and sequence required under the regulations. Let me give my honorable friend an illustration of what I mean. Butter, for instance, would certainly require to bear the factory brand, and a description showing whether it was factory, creamery, or dairy butter. Then perhaps the place of origin, and the State from which the butter had come, would also be required. But unless the clause be amended in the way proposed, a landing waiter will be able to say, simply because any one of these essential items of information has not been given in the order prescribed by regulation, that the butter shall be seized, and in the end it might be forfeited. Surely that is not a position in which the honorable member would like to see the producers of his constituency placed. If the departmental regulations said that the particulars of a trade description were to be set forth in the following order: Brand of factory, description of butter, place of origin, and State of origin, and the producer placed on his packages a description in which the particulars ran: State of origin, place of origin, brand of factory, description of butter, thus transposing the order, a landing waiter could refuse to allow the goods to pass.

Mr. KENNEDY.—The officers of the Department are men of common sense.

Mr. KELLY.—Not all of them. If the intelligence of the Department were so extremely high as to enable us to trust to the judicial intelligence of every officer drawing £2 or £3 per week, it would not be necessary to propose the amendment, because the administration of the Act would be as we wish to insure it. In view of the inconvenience which may be caused to his constituents if the clause remains unaltered, the honorable member should be only too anxious to assist those who are supporting the amendment. We ask for a "true" trade description; and surely insistence upon a true trade descrip-

tion will prevent roguery. But the honorable member objects. He says that the clause as it stands will not affect any honest exporter. That being his position, I cannot understand how he can contend that the insertion of the word "true" would affect any honest exporter. The Minister tells us that the words which we propose to omit should remain in the clause because they are in the clauses which deal with imports. That is an extraordinary remark for the representative of a producing constituency to make. Although the contention of the minority, that the Bill should seek to protect only our consumers, has been overborne, and we are being asked to deal with exports as well as imports, I should like to know if the health of the people of the countries to which we export should be of more consideration to us than the welfare of our producing classes.

Mr. KENNEDY.—We have our reputation to study.

Mr. KELLY.—Is it not often stated that the manufacturers of Great Britain are losing ground because they consider their own tastes in the methods of their manufacture rather than the tastes of those for whom they are making? Are they not blamed because they make their goods, not for their markets, but according to the methods which they think best, without consulting the wishes of those for whom they are intended? And yet the Government is now asking us to commit the same fault. We must consider the markets to which we send our produce.

Mr. HUGHES.—In the matter of the size and get-up of packages, and so forth.

Mr. HARPER.—Under the Customs Act the size of packages may be prescribed.

Mr. KELLY.—The Minister asks for still further powers. Packages may be refused for export unless they bear a trade description setting forth particulars in a certain sequence.

Mr. HARPER.—The clause deals only with the description.

Mr. KELLY.—The whole controversy centres in the words "of such character." We wish to provide simply that the trade description shall be a "true" one, and leave it to the Minister to decide whether it is "true." Surely that would give him power to prevent fraud, and to maintain the quality level of our exports.

Mr. JOSEPH COOK.—The question is: Should the Minister have power to forfeit goods merely because the words of a trade description are misplaced?

Sir WILLIAM LYNE.—I had a consultation with the Comptroller-General on the subject this morning, and he has written the following memorandum:—

In cases where an Act provides for forfeiture the Department takes the view that forfeiture is not complete unless as the result of action in a Court or in cases where no claim has been made. In any action in Court the defendant has his defence, and it is his own fault if he makes no claim for the goods when seized.

In all cases of forfeiture there is a case at law, and the forfeiture is not held by the Department to be complete until the Court has decided that the action of the Department was right.

Mr. KELLY.—That explanation gives us the strongest reason for insisting on the amendment. Is a box of fruit to be permitted to miss a steamer because a landing waiter or other Customs official objects to the sequence of the wording of the description upon it?

Sir WILLIAM LYNE.—Forfeiture is not intended to apply to such cases.

Mr. KELLY.—Seizure involves forfeiture.

Sir WILLIAM LYNE.—Forfeiture proceedings must commence with seizure.

Mr. KELLY.—We wish to remove this dangerous provision, as it may interfere with our growing exportation of perishable commodities. Although the Comptroller-General may not consider the forfeiture complete until the Court has held that the Department were right, if the goods are held back pending inquiry, injury is done to the person who wishes to export them. We have been informed by honorable members who have special knowledge on the subject that sometimes fruit is hanging on the trees within twenty-four hours of its departure in the mail steamers in which it is shipped.

Mr. HARPER.—Will the clause apply to fruit? We do not brand fruit.

Mr. KELLY.—We do not brand jam, but we brand the packages in which it is put up, and it is the same in regard to fruit. All perishable products are to be branded. If that is not to be done, why has there been all this talk about grading? In view of the fact that we are trying to protect the export trade of Australia, I ask the Minister to allow this reasonable amendment to pass.

Mr. HUGHES (West Sydney).—I do not know whether the clause will have the effect of enabling the Department to pre-

vent the export of produce in certain packages or boxes, but I do not think that an attempt should be made at absolute uniformity in this matter. It may be most desirable that the butter sent to England shall be packed in a certain way, and that sent to other markets in another way. I was very much struck on reading the report of a British Consul on the Continent of Europe by the statement that the English manufacturer has failed utterly to take the advantages which belong to him, and has lost his market by declining to pack his goods in the manner considered to be most suitable by those who wish to purchase such goods. I expect that before long we shall become large exporters of fruits, dried and otherwise, and the question of capturing markets will depend upon the most delicate details, such as the particular mode of packing adopted, the labels affixed to the goods: whether, for instance, prunes are packed in thin syrup or thick syrup, or without syrup at all, and so on. It is neither necessary nor desirable that the Department should interfere with the packing of the goods. All that they can say is that they are advised by their agents in other countries that such and such methods of preparation and packing are most likely to find favour in the markets. The exporter must be assumed to be thoroughly advised from all sources as to the best methods of preparing his goods. If he is not so advised, he will have to pay a very heavy penalty in the shape of losses on his shipments. Therefore it should be sufficient for the Customs authorities to satisfy themselves that the goods bear a full, true, and particular description. For instance, an exporter of jam ought to include in the description on the label a statement that the contents weigh 16 ozs. gross, or net, as the case may be. He ought not to deceive the consumer as to the actual weight of the contents, but at the same time he should be free to pack his goods in such a way as to cater for the public taste. He should be permitted to affix to his goods any label he pleases, so long as he does not misrepresent their character by making false statements, or telling only a part of the truth. We should be careful to avoid imposing conditions which would have the effect of harassing our exporters. We are already an exporting country, and within a few years almost the whole of our profitable trade will be carried on with people

outside. We cannot hope to find a remunerative home market for one-fiftieth part of what we can produce, and we must look to the world's markets. If an exporter described butter as first-class, or second-class, as the case might be, and stated that it contained preservatives in the form of 20 many grains of salicylic or boric acid, I take it that he would comply with all reasonable requirements.

Mr. KELLY.—The point is that, under the regulations, the exporter might be required by a landing waiter to give the particulars in their proper sequence, according to the prescribed description.

Mr. HARPER (Mernda).—At first I was inclined to think that the amendment would effect an improvement in the clause; but upon looking into the matter more closely I do not think it is desirable to alter the clause in the direction proposed. If the honorable member for Wentworth had had any practical experience, he would know that a question such as he has referred to would not be decided by a landing waiter. Such an officer, if he thought that certain articles should be stopped, would refer the question to head-quarters, where the whole matter would be speedily dealt with. I can quite conceive of a trade description which would be technically true, and at the same time misleading. I have known of many cases in which only part of the truth has been told, or statements have been made in such a form as to be misleading. The intention is to enable the authorities to insist that the trade descriptions shall not only be true, but definite and clear. Where the Department is satisfied that mistakes have been made through inadvertence, they will allow the descriptions to be altered; but if they think that fraud has been attempted, they will visit punishment upon the guilty parties. As a rule, the departmental officers deal reasonably with those as to whose *bona fides* they are satisfied. I do not think that the provision in the clause will prejudicially affect exports such as fruit. If a case of oranges, for instance, were marked as containing 120 fruits, whereas it contained only 100 fruits, the departmental officers might insist upon the mark being altered in accordance with the truth, or being obliterated altogether. I do not think the clause will affect primary products to the same extent as manufactured articles. I am doubtful as to the necessity of the Bill, and I commend the efforts of

honorable members to prevent unrestricted power being conferred upon either the Minister or his officers. I do not think, however, that the amendment would improve the clause.

Mr. JOSEPH COOK (Parramatta).—I am disinclined to press the amendment if the Minister sets his face against it. But I would direct the attention of the honorable member for Mernda to the fact that he has dealt with the amendment only from the point of view of the Department; whereas I am approaching the subject from the stand-point of the exporter. As the honorable member has said, a trade description might be technically true, and yet misleading. But such cases are already provided for in clause 3, which enacts that a false trade description may mean a trade description which, by reason of anything contained therein or omitted therefrom, is likely to mislead. Therefore the Minister would have reserved to him all the necessary power. All I am contending for is that in cases where a man may happen to omit from a trade description a word which does not detract from the truth of that description, his goods shall not be liable to seizure by the Minister.

Mr. BATCHELOR (Boothby).—I intend to support the amendment. It has been contended by experts in Victoria that wine grown in certain parts of South Australia has been "salted," when as a matter of fact its saline properties are derived from the soil. No sensible man would deliberately salt his wines.

Sir WILLIAM LYNE.—I know a man who did that.

Mr. MALONEY.—They do worse than that. Some of them add methylated spirits to their wine.

Mr. BATCHELOR.—I am speaking of the product of the pure juice of the grape. Experts in Victoria have declared that the wine in question has been "salted." I mention this matter because the Minister is seeking to acquire power to compel exporters to furnish a trade description of the materials or ingredients of which their goods are composed. Under this provision, if the wine to which I have referred were exported, its owners would require to include in its trade description a declaration of its salt ingredients, and that declaration would injuriously affect its sale in the London market. The adoption of the amendment of the honorable member for Parramatta would overcome that difficulty.

Sir WILLIAM LYNE.—If the wine contained salt its trade description would not be true if it did not state that fact.

Mr. BATCHELOR.—Not only would its trade description be true in the absence of such a disclosure, but the wine would be perfectly wholesome.

Mr. HUTCHISON.—It is not necessary to include in a trade description any natural constituent.

Mr. BATCHELOR.—But analysts differ as to whether the salt contained in the wine to which I refer is a natural constituent. It is very difficult to determine whether it has been derived from the soil or whether it has been added to the wine. The circumstance emphasizes the danger of intrusting to men who cannot possibly be fitted to adjudicate upon all the varieties of exports which will come under their notice the power of prohibiting the export of certain goods. If we provide that a true trade description of all exports shall be given, that ought to be sufficient.

Mr. KNOX (Kooyong).—In this discussion we are really traversing the same ground that was covered last night in debating the provision relating to imports. If these particular words were objectionable in a clause dealing with imports, which affect our own people, surely they are doubly objectionable in a provision relating to exports. I admit that it is very desirable that we should raise the standard of our exports as much as possible, so as to encourage their consumption. It seems to me, however, that we shall unnecessarily interfere with the development of that trade if we apply to it the arbitrary restrictions which are imposed by this clause. I shall support any amendment which will have the effect of making it less objectionable than it is.

Question—That the word “true” proposed to be inserted be inserted—put. The Committee divided.

Ayes	...	...	14
Noes	...	...	26
			—
Majority	...	...	12

AYES.

Batchelor, E. L.
Cook, J.
Edwards, G. B.
Gibb, J.
Kelly, W. H.
Knox, W.
Lee, H. W.
Liddell, F.

Lonsdale, E.
McLean, A.
McWilliams, W. J.
O'Malley, King

Tellers:

McDonald, C.
Wilks, W. H.

NOES.

Bamford, F. W.
Chanter, J. M.
Chapman, A.
Deakin, A.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Groom, L. E.
Harper, R.
Hughes, W. M.
Hutchison, J.
Kennedy, T.
Lyne, Sir W. J.
Maloney, W. R. N.

Mauger, S.
Phillips, P.
Poynton, A.
Ronald, J. B.
Storror, D.
Thomas, J.
Thomson, D. A.
Watkins, D.
Webster, W.
Wilkinson, J.

Tellers:

Cook, J. N. H. H.
Tudor, F.

PAIRS.

Glynn, P. McM.
Edwards, R.
Thomson, D.
Wilson, J. G.
Conroy, A. H. B.

Spence, W. G.
Culpin, M.
Bonython, Sir J. L.
Watson, J. C.
Page, J.

Question so resolved in the negative.
Amendment negatived.

Mr. LONSDALE (New England).—I move—

That after the word “matters,” line 5, the words “not being inconsistent with the definition section of this Act,” be inserted.

The object of my amendment is to surround this provision with a safeguard, so that the Minister will be unable, in framing regulations, to go beyond the definitions for which we have provided in the Bill.

Sir WILLIAM LYNE.—I have no intention of seeking to go outside them.

Mr. LONSDALE.—Then the honorable gentleman ought to accept the amendment. He assures us that he has no intention of endeavouring to go beyond the definitions we have prescribed, but he wishes to have the power to do so. No one can say that my proposal is an unfair one. It recognises that Parliament, and not the Minister, is the controlling authority, and if the honorable gentleman does not wish to go outside the scope of the Bill itself in framing the regulations—

Sir WILLIAM LYNE.—I could not do so if I wished.

Mr. LONSDALE.—The Attorney-General said last night that this provision was distinctly intended to give the Minister a reserve power. Parliament has no right to give any Minister such a power, and I trust that the Committee will agree to my amendment.

Amendment negatived.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the words “by the proclamation or by the regulations,” lines 6 and 7, be left out.

Mr. JOSEPH COOK (Parramatta).—I move—

That after the word "King," line 12, the words "unless the owner or importer satisfies the Comptroller-General, or on appeal from him, the Minister, that he did not knowingly so misrepresent the goods," be inserted.

I do not propose to argue the question. It is of the utmost importance that when a trader proves that he has not knowingly misrepresented or misdescribed his goods and is willing to make all amends that the Government require, it should not be in the power of the Minister to forfeit his goods. That is the whole case in a nutshell.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I have already read a statement by the Comptroller-General bearing directly upon this point. It is to the effect that goods would not be deemed to have been actually confiscated under the provisions of this clause until their forfeiture had been determined by the Court. They might be in process of forfeiture, but they would not be deemed to have been forfeited until the matter had been decided by the Court.

Mr. LONSDALE.—Let us insert a provision to that effect in the Bill.

Sir WILLIAM LYNE. — I could not deal with the matter in that way. I am simply referring to the practice of the Department.

Mr. McCAY.—Is the honorable gentleman referring to the opinion of the Comptroller-General on a question of law or as to a departmental practice?

Sir WILLIAM LYNE.—I am referring to a statement made by him mainly in regard to what is the departmental practice. I know that he personally holds that the law requires the course that I have indicated to be followed.

Mr. McCAY.—Does the Attorney-General agree with that view?

Sir WILLIAM LYNE.—I have had a conversation with the Attorney-General with reference to this subject, and know that there is a difference of opinion as to the law relating to it. We have used the word "knowingly" in clause 11.

Mr. LONSDALE.—What did the Attorney-General say?

Sir WILLIAM LYNE.—That he was not quite certain on the point.

Mr. McCAY.—And yet the honorable gentleman asks us to accept the assurances of the Comptroller-General that it is the law. It is ridiculous.

Sir WILLIAM LYNE.—It is not ridiculous. The Comptroller-General referred to the custom of the Department, and he states that goods are not actually confiscated until certain processes have been observed.

Mr. KELLY.—That is the practice under the Customs Act, which is different from this measure.

Sir WILLIAM LYNE.—It is more definite on certain points. The Comptroller-General, however, spoke of what would be done under this Bill. It was contended last night that when goods came within the provisions of sub-clause 2 of clause 7, they would be absolutely forfeited unless the clause were amended as proposed. The reply to this was that under sub-clause 3 they could be delivered to the owner, and from a conversation which I had this morning with the Comptroller-General and the Attorney-General, it would appear that there is no doubt that if goods were held up under sub-clause 2, the Comptroller-General could allow those goods to be brought in on their description being amended.

Mr. McCAY.—That was admitted last night.

Sir WILLIAM LYNE.—No; it was said that the clause would have to be amended to enable that to be done.

Mr. McCAY.—The object was to make delivery in such circumstances a right instead of a privilege.

Sir WILLIAM LYNE.—In sub-clause 3 of clause 10, we have a similar power vested in the Comptroller-General, or, on appeal from him, the Minister, and I therefore think the amendment is unnecessary.

Mr. McCAY (Corinella). — The view of the legal position taken by the Comptroller-General may produce a remarkable state of affairs in regard to our exports. It must be remembered that we are dealing now with Australian makers and producers. The Minister tells us that goods seized under sub-clause 2 will not be forfeited until they are declared by the Court to have been forfeited.

Sir WILLIAM LYNE.—I said that the forfeiture will not be complete until then.

Mr. McCAY.—But the Department may seize the goods, and hold them until the owner brings a lawsuit.

Sir WILLIAM LYNE.—They are not forfeited when seized.

Mr. McCAY.—A consignment of 1,000 cases of apples may be seized, because the owner, through some accident or oversight, has not had placed on them the exact brand required by the Department. According to the Comptroller-General of Customs, they will not be declared forfeited until the Court has declared that they shall be forfeited; but I would like to know what will be the condition of the fruit when the matter is settled, even if the owner issues his writ on the day of seizure?

Sir WILLIAM LYNE.—The honorable and learned member is stating an impossible case.

Mr. McCAY.—I am not. Let us suppose that the Department may prescribe that no apples which do not come up to a certain standard shall be exported. That is a reasonable supposition, and the object of such a prescription would be an excellent one. Apples may be brought to a wharf for export, and the officials in charge may say that they are not up to the prescribed standard, or are not branded with the proper description.

Mr. STORRER.—Let us divide.

Mr. McCAY.—Whatever the rights or wrongs of these proposals may be, the Minister and his friends have a majority behind them, and so they say, "What is the good of contending for the right view when the decision is predetermined?" Even though the view which I am expressing may be quite wrong, it is one which is entitled to be put, and which should be considered by the Committee, instead of being voted against mechanically. All that the honorable member for Parramatta proposes, adopting the words which I moved last night in regard to importers, is that the exporter who satisfies the Comptroller-General or the Minister that the non-application or inaccurate application of a trade description has been the result of an accident, or, at any rate, was not an attempt to defraud or to break the law, shall have his goods returned to him. As the clause stands, goods which have been seized will not be released unless the Minister or Comptroller-General chooses to release them.

Mr. HUTCHISON.—Would either choose otherwise?

Mr. McCAY.—The establishment of the fact that there has been no intent to defraud should give the owner the right to receive back his goods. Their return should

not be left entirely to the discretion of the Department. But the Minister refuses to give that right to the man who proves that his violation of the law has been accidental. The reasons for that refusal are beyond my comprehension.

Mr. BAMFORD.—Does the honorable and learned member think that a standard for apples will be prescribed?

Mr. McCAY.—Yes. The Bill applies to the export of foods, medicines, and manures. Are we going to export medicines? We may before long export manures, because of certain recent developments in the trade; and we are already exporters of foodstuffs. Those of us who have taken an interest in the export of fruit know that harm may be done by the export of fruit of poor quality, and the Bill will be a dead letter unless it is applied to all our staple exports of foodstuffs. I am appealing to the Minister, not in the interests of the importing class, but in the interests of the producers, as a protectionist to a protectionist. If a man proves to the satisfaction of the Minister that his violation of the law is accidental and a mere error, he should have the right to get back his goods.

Sir WILLIAM LYNE.—Suppose the Minister is not satisfied.

Mr. McCAY.—If the Minister refused to accept the statement of facts laid before him he could, under the amendment, be charged with maladministration, and the merits of the case would then be thrashed out. Under the clause as it stands, however, he could allege a thousand reasons for refusing to return the goods, none of which could be challenged. If the exporter places before the Minister in justification of, or excuse for, what has occurred, statements which any reasonable man would believe, and the Minister or his officials refuse to deliver up goods which have been seized, it should be possible to make them responsible for their action. But under the Bill as it stands the return of goods which have been seized will be entirely a matter for the discretion of the Minister. We are entitled to ask for this protection of the producers, no matter how implicitly the present Minister may be trusted by both importers and exporters. Are the producers to be unable to challenge departmental action, when they have proved beyond reasonable doubt that they are entitled to the return of their goods? If the Minister will not accept the amendment,

the producers of Australia will know that he is determined that, even where a man proves his innocence to the satisfaction of the Minister or the Comptroller-General, the Department shall have uncontrolled and unlimited discretion to refuse to return the goods. Such a provision is a monstrous one.

Mr. McLEAN (Gippsland).—I hope that the Minister will reconsider this matter. I am quite in favour of conferring upon the Minister power to prohibit the exportation of products if they fall below certain standards, and I would not vote for any amendment that would have the effect of curtailing the Minister's authority in that direction. At the same time, we should not impose any unnecessary disabilities upon our producers. The amendment does not seek to limit the Minister's power to prohibit exports that do not reach the prescribed standard, but it fixes the responsibility for any decision that may be arrived at upon him. If the original wording of the clause be adhered to, it will permit of the white-washing of those who may be guilty of lax administration, and I do not think we should lend ourselves to anything of that kind. I am sure that the Minister does not wish to avail himself of any such power, and I trust that he will see his way to accept the amendment.

Mr. HUTCHISON (Hindmarsh).—The amendment will not alter the effect of the clause, because it will still rest with the Comptroller-General or the Minister to decide whether or not the goods shall be confiscated.

Mr. McCAY.—The amendment will make the Minister slower to be careless.

Mr. HUTCHISON. — We would not tolerate any Minister or any Comptroller-General who confiscated goods without just cause. It is not to be supposed that the Customs authorities would confiscate goods without satisfying themselves beyond all doubt that fraud had been attempted.

Mr. KNOX (Kooyong).—In view of the difficulties experienced in the early stages of the administration of the Customs Act, we should be very careful to insure that all matters involving the forfeiture of goods, or the infliction of heavy penalties, shall receive the prompt attention of the Minister. Under the Bill as it stands all kinds of obstacles will be placed in the way of our producers. Not only will merchants be obstructed, but those who are working on the farm, in the

orchard, or in the dairy factory will find themselves hampered at every turn. I do not suggest that the officials of the Customs Department will deliberately inflict injury upon our producing interests, but our experience in the past is sufficient to justify us in insisting that the fullest safeguards shall be provided against harsh treatment being meted out to those who may innocently contravene the law. We have no desire whatever to facilitate the operations of dishonest traders or producers, but we should protect by every means in our power the interests of those who make honest mistakes. Those who are supporting the Government in this matter are deliberately acting in a manner inimical to the best interests of the producers and manufacturers of Australia.

Sir WILLIAM LYNE.—Nonsense. That is absolutely unfair.

Mr. JOSEPH COOK. — It is absolutely true.

Mr. KNOX.—If we go on piling up regulation after regulation which will impose unnecessary burdens upon and seriously obstruct our trade, we shall inflict great injury upon those classes of the community who deserve most consideration. We want to get rid of the dishonest trader, and at the same time to interfere as little as possible with legitimate trade and commerce. It was pointed out by the honorable and learned member for West Sydney that our export trade is steadily expanding, but an effort is being made by means of this Bill to impose all kinds of undesirable restrictions upon it. Apparently, honorable members opposite regard every man as a rogue, but I have not such a poor opinion of the people of Australia. I believe that we have in the Commonwealth an overwhelming majority of honest people, whom we should encourage and protect by every means in our power. The object of the amendment is to conserve the interests of the honest producer and manufacturer, but the Minister seems to desire that the Bill should be framed in such a way as to expose our primary producers to the gravest injustice.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I am very sorry that the honorable member has expressed himself in terms which were quite uncalled for with regard to honorable members who are supporting the Government. If the honorable member looks after the interests

of the producer as well as do the honorable members to whom he has referred he will perform very good work. He seems to think that we are endeavouring to hamper our export trade by imposing all sorts of unnecessary restrictions, but I would direct his attention to an article which was recently published in the *Review of Reviews*, according to which the majority of producers in New Zealand are submitting to restrictive measures, such as those provided for in the Bill, with a view to placing their export trade upon a sound and satisfactory footing. An article recently published in the *Sydney Morning Herald* reads as follows:—

As State supervision and the grading of dairy products extends, the unqualified success which marks its progress is causing its opponents more anxiety.

Mr. JOSEPH COOK.—I rise to a point of order. We are not discussing the question of grading or branding of produce for export, and we have nothing whatever to do with what has taken place in New Zealand. Therefore I submit that the Minister is out of order.

The CHAIRMAN.—I understood the Minister to be replying to the general remarks of the honorable member for Kooyong. As the Minister was specially attacked, I do not consider that he is overstepping the bounds of order.

Sir WILLIAM LYNE.—The quotation which I was making when I was interrupted reads—

As State supervision and the grading of dairy products extends, the unqualified success which marks its progress is causing its opponents more anxiety. The improvement in Queensland butter which followed the introduction of Mr. Denham's measure of legislation, is now making serious demands upon the ingenuity and imagination of the anti-graders.

What is the nature of that legislation? It contains this provision—

It shall not be lawful to export beyond the Commonwealth any dairy produce, the produce of a State, until the same has been inspected, graded, and marked, under this Act, and no butter shall be shipped at a higher temperature than 40 degrees. Dairy produce, requiring to be inspected and graded, shall be graded according to quality, and shall be marked by the inspector, according to the classes into which it has been graded, in accordance with the prescribed mark.

That is the legislation which has been operative in Queensland during the past four months, and the quotation I have made is taken from an article which was published in the *Sydney Morning Herald* on

18th September, of the present year, dealing with the result of the compulsory grading and marking.

Mr. ROBINSON. — Do the Government favour compulsory grading?

Sir WILLIAM LYNE.—I am replying to the remarks made by the honorable member for Kooyong in regard to the attitude taken up by Ministers and their supporters towards the compulsory provisions of this Bill. I claim that the legislation which is operative in Queensland is practically identical with the Government proposals in this measure. I hold in my hand a copy of the *Review of Reviews* for the present month, which contains an article upon the New Zealand grading system. In that country the Government have adopted even more stringent measures than we propose to take with regard to the grading and general treatment of produce which is intended for export. The article states—

From this searching investigation, and complete form of instruction, New Zealand butter has risen in value beyond the most sanguine expectations. You will understand that when I tell you that the supervision has been able to raise the standard of our exports to such an extent that 97 per cent. of the butter is first grade.

Mr. KELLY.—Who says that?

Sir WILLIAM LYNE.—The author of the article is Mr. John Holmes. He continues—

Indeed, I might go further, and tell you that the confidence which this grading has secured is established by the fact that produce merchants in London, Manchester, Liverpool, Glasgow, Bristol, and other places in the United Kingdom, regularly purchase for cash the whole six months' output (a season's shipment) at fixed price, f.o.b., shipping port in New Zealand. No evidence could be stronger of the efficacy of the grading.

The CHAIRMAN.—I scarcely think that the matter which the Minister is discussing is before the Chair.

Sir WILLIAM LYNE.—I have made the above quotations with a view to rebutting the statements of the honorable member for Kooyong with respect to the probable effect of imposing restrictions upon the exports of Australia. I could cite a great many more authorities, showing that the action taken, not only by New Zealand and Queensland, but also by Victoria and South Australia, has had the effect of insuring the landing of their produce in the markets of the world in a better condition than has characterized the products of other States where the supervision exercised is less stringent.

Mr. LEE.—Does the Minister make that statement seriously?

Sir WILLIAM LYNE.—For a considerable time the price commanded by New Zealand produce has been higher than that realized by New South Wales exports. However, I shall not pursue that aspect of the subject any further. I have simply made these remarks with a view to rebutting the statements of the honorable member for Kooyong. It has been declared that the object of the amendment, which is a very similar one to that which was proposed in clause 7, is to prevent the Department from acting in a way which might prove injurious to the exporter. But does anybody suppose that the Department would in any way restrict the export of the produce of Australia? It is simply absurd to imagine that either the officers of the Department or the Minister would lend themselves to anything of the kind. In spite of all that has been said in regard to my administration, I say that there is nobody who is prepared to do more to assist in developing the export of the natural and manufactured products of Australia than I am. An attempt has been made by some honorable members to place a fanciful interpretation upon the words of this clause. The Customs Department will meet the exporters in every possible way. The clause is designed to protect the producers generally from the injurious consequences of acts committed by persons who do not care whether they destroy our commerce or not. As was stated by the honorable and learned member for Corinella, the object of the amendment is to prevent the Department from seizing any goods for export, if the Minister or his officers—either one or both—are satisfied that the owner of the goods has unwittingly allowed a false trade description to be placed upon them. Does anybody suppose that the Minister or the Department—if they were convinced that there was no intention to deceive—would attempt to detain perishable goods?

Mr. KELLY.—Then why does not the Minister agree to the amendment?

Sir WILLIAM LYNE.—It is the duty of the Minister in charge of any Bill to see that it is not manipulated in such a way as to render it unworkable.

Mr. ROBINSON.—How would the amendment make the measure unworkable?

Sir WILLIAM LYNE.—It might not make it absolutely unworkable.

Mr. ROBINSON.—It would minimize the chances of oppression.

Sir WILLIAM LYNE.—No oppression is likely to be resorted to. At the same time, the Minister has a right to say whether the law has been complied with. So long as it is complied with, there is not the slightest danger of any restrictions of an arbitrary character being imposed upon our export trade. Only a year or two ago I had to deal with the marking of certain packages or tins which were imported into Australia by one or two tobacco firms. Those firms complied with the provisions of the Customs Act, but they did so in such a way that it was necessary to use a microscope in order to discover the letters upon the tins. If the Department had not possessed power to compel them to mark those tins in a proper way, they would have complied with the law; but the public would not have been protected.

Mr. HUTCHISON.—That shows the necessity for the Bill.

Sir WILLIAM LYNE.—One of these firms was a large one, and its members were very angry with me because I compelled them to alter their labels upon the tins so that the public could see them. All that the Department desire is that our exports shall be of a standard quality, so that no injury may accrue to the trade. I am just as strong as is the honorable member for Gippsland in my desire to do nothing to hamper the business of the exporters. If the Committee will agree to the clause in its present form, and I subsequently find that, without injuring its effectiveness, we can alter its wording in such a way as to dissipate the dread which is in the minds of some honorable members, I shall be pleased to recommit it. It has been said that the Bill puts great power into the hands of the Customs officials. But I would ask honorable members to bear in mind that, if effect were given to all the powers conferred by the Licensing Act, it would be impossible for anybody to conduct an hotel. In the same way, nobody imagines that if the provisions of the Customs Act were carried out in their entirety the commerce of the country would not be terribly hampered. When honorable members cast aspersions on my administration of the Customs Department, I may tell them that I have received from the commercial community of Australia, and from the Chambers of Commerce, the most

flattering references to my administration.

Mr. KNOX.—Hear, Hear.

Mr. LONSDALE.—The Minister can also obtain the reverse testimony.

Sir WILLIAM LYNE.—In connexion with the regulations which will be framed under this Bill, and which will require to be submitted to Parliament for its approval, I merely desire to say that the Customs officials will not have an opportunity of dealing harshly with the exporters—even if they were so inclined.

Mr. McLEAN (Gippsland).—I venture to say that the Minister has wholly misconceived the object that I have in view in supporting the amendment. I am as strongly convinced as he is of the necessity to fix proper standards for exports. In that respect I may differ from many of my honorable friends of the Opposition; but had I not been thoroughly convinced of the necessity to fix standards of purity and excellence for exports, I should not have given instructions for the drafting of this Bill. I believe that I am really more convinced than is the Minister himself of the need to take action in this regard, because in certain respects he has already weakened the measure in a way that I should not have done had I remained in office. My intention was that the Bill should provide the nucleus of a Department of Agriculture; but my honorable friend has transformed it into something of the nature of a Fraudulent Trade Marks Bill. I would point out to him that if the amendment be carried, he will still be the supreme judge of whether the goods in question comply with the regulations. I am speaking from personal experience of the working of the Department.

Sir WILLIAM LYNE.—And I pay the greatest respect to the honorable member's opinions.

Mr. McLEAN.—My honorable friend knows that, although the Comptroller-General is named in the clause, the administration of the measure will have to be intrusted to officers at the various ports from which exports are made. While I was Acting Minister of External Affairs, a case came under my notice, in which the Commonwealth had been brought into disrepute in the eyes of the world, owing to an error of judgment on the part of an officer stationed at a distant port. I refer to the case of the blind man, McIntosh. The matter never came under my notice

until the harm had been done, and the consequence was that, owing to this slight error of judgment—an error into which an officer might naturally fall—great harm was done to the reputation of the Commonwealth. In the same way, trouble might arise under this clause. A producer might send his products to a port for export, and an officer of the Department, either from mistaken zeal or because the goods did not strictly comply with the requirements of the law, might proceed to forfeit them, leaving the exporter no opportunity to put his case before the Minister. Such an incident would be quite possible under the clause as it stands. The amendment, however, proposes that the Minister shall give the owner of products which are threatened with confiscation the right to put his case before the Department. The Department is still to be the supreme judge. If the Minister considered there had been an evasion of the law, he would naturally support the action of the officer; but in that event he would act with full knowledge of the case, and would accept the responsibility for his action. If the clause were allowed to remain as it stands, an officer at a distant port might forfeit, say, perishable goods without bringing the case under the notice of the Minister, and it might subsequently be found that a serious mistake had been made, with the result that an individual had perhaps been ruined. The Minister would then come down to Parliament, and say, "I never knew anything about the forfeiture," and Parliament would whitewash him. That should not be possible. I desire to protect the producer, as far as he can be protected, consistently with strict compliance with the law, as the Minister wishes it to be administered. I simply wish to give the producer a right to state his case in such a way that it must come before the Minister, so that the latter will have a full knowledge of the circumstances, and accept the responsibility of any action he may take with regard to it. If he considered there was an evasion of the law, he could proceed to confiscate the goods, while if, on the other hand, he was satisfied that an error had been innocently committed he would save the party concerned from the loss of his goods. The amendment is a reasonable one, which will insure proper inquiry before drastic action is taken. My honorable friend should not object to such a safeguard in the interests of the producer, seeing that his power and that

of his Department will not be weakened. His opposition to the amendment suggests that he is afraid of the responsibility which it would impose upon him; but I think he is too strong a man to be influenced by such considerations. He must remember that it is a very serious matter that a producer should run the risk of having his goods confiscated without being heard, and perhaps in the absence of a valid reason for their confiscation. I confess that, although the equities may be the same, I feel much more strongly with regard to this amendment than I did in reference to that proposed in the clause relating to imports. It may be that I am more familiar with the position of our exporters; but I know how they will regard such a clause as this. It is the imposition of unnecessary restrictions that frightens the producers, and causes many of them to be opposed to supervision of any kind. I am strongly in favour of Government supervision over exports and the fixing of standards, for I know that the system has raised the reputation of the products of the United States of America in the markets of the world to such an extent as to more than justify the application of a very stringent law. Such laws, indeed, have been more than justified, wherever they have been brought into operation; but let us, in mercy's name, refrain from encumbering a Bill providing for Government supervision with oppressive provisions that are not essential to its proper administration.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I know that the honorable member for Gippsland is in full sympathy with the producers, and I should like to meet him as far as I possibly can. At the present moment I do not feel disposed to accept the amendment; but in view of the honorable member's statement, and because, like him, I am anxious that the producers shall not be unduly alarmed at the provisions of the Bill, I shall have the matter thoroughly investigated, and shall probably submit an amendment calculated to remove all fears in this regard, if such an amendment can be drafted. I shall be quite prepared to recommit this part of the clause, so that after I have inquired whether it can be modified to meet the views of honorable members, they will have another opportunity to vote upon it, provided that we cannot come to an agreement.

Mr. KNOX (Kooyong).—Judging from some remarks made this afternoon by the

Minister, the honorable gentleman is under the impression that certain observations which I made this morning with reference to the administration of his Department had a personal application.

Sir WILLIAM LYNE.—I did not think so.

Mr. KNOX.—I wish to assure the honorable gentleman that I did not intend in any way to reflect upon him. He was quite justified in saying that the Chambers of Commerce recognise that his first accession to office as Minister of Trade and Customs was followed by a moderate, rational, and business-like administration of the Department. I do not make that statement with any desire to cast reflections on his predecessor; but I do say that the mercantile community recognise that he has administered the Department on equitable lines. They also recognise that he showed a desire to meet the wishes of the deputation from the Chambers of Commerce, which recently waited upon him. I wished to make it thoroughly clear that the remarks which I made this morning had no personal application.

Sir WILLIAM LYNE.—I accept the honorable member's assurance; as a matter of fact, I was not referring to him.

Mr. CROUCH (Corio).—I think that the Minister should agree to postpone the clause.

The CHAIRMAN.—As the clause has been amended, it cannot be postponed.

Mr. CROUCH.—I understand that the honorable member for Kooyong will in any event ask that it be recommitted.

Sir WILLIAM LYNE.—I have already said that if I can secure the framing of an amendment that will allay the fears of the producers, I shall be glad to submit it to the Committee. In any case, if requested, I shall recommit this portion of the clause, in order that we may deal with this particular question.

Mr. CROUCH.—I desire an amendment of this kind to be made, as much in the interests of the Department as in those of the producers themselves. It seems to me that the only circumstances in which the Minister will be able to avoid forfeiting goods coming within the provisions of this clause are those set out in sub-clause 3; but if the word "shall" were substituted for the word "may," the position would be altogether different. There is a great difference between the amendment now before the Chair and that which it was proposed last night to make in clause 7.

Mr. JOSEPH COOK (Parramatta).—I am satisfied with the assurance given by the Minister. I wish him to understand that there are no such provisions as these in any Acts of the States. Fines and other penalties are provided for, but there is no such drastic provision as is contained here. I am sure that when the Minister looks into the matter he will come to the same opinion that we hold.

Amendment, by leave, withdrawn.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the word "proclamation," line 20, be left out, with a view to insert in lieu thereof the word "regulations."

Mr. KNOX (Kooyong).—As the Minister proposes to redraft the clause, I would direct his attention to the inconsistency between the mode of procedure here provided for in regard to exports, and that provided for in regard to imports.

Sir WILLIAM LYNE.—I will look into the matter. I think that there is a reason for the difference.

Clause, as amended, agreed to.

Clause 11 (Penalty for applying false trade description to exports).

Mr. KELLY (Wentworth).—The penalty provided for in the clause is to be imposed, not only for knowingly applying any false trade description, but also for knowingly exporting, or entering for export, or putting on any ship for export, goods to which a false trade description is applied. Does the word "knowingly" in paragraph b apply to each of these actions or only to knowingly exporting goods to which a false trade description is applied?

Sir WILLIAM LYNE.—To each of these actions.

Clause agreed to.

Clause 12 (Exportation of falsely marked goods).

Mr. ROBINSON (Wannon).—I hope that the Minister will consider the promise he made in regard to clause 10 in connexion with this clause also.

Clause agreed to.

Clause 13—

Any goods intended for export, which have been inspected in pursuance of this Act, may in manner prescribed be marked with any word, figure, or mark, for the purpose of indicating the quality, class, or grade of the goods.

Mr. ROBINSON (Wannon).—I hope that there will be some debate, and a division, on this clause. On the second reading the Government were asked as to whether it was intended by the Bill to provide

for the Commonwealth grading of exports. One Minister denied that the Bill would have any such effect, and others said that it would have that effect, while the Attorney-General said both that it would and would not have that effect. This clause provides beyond all manner of doubt that goods intended for export may, in manner prescribed, be graded. The Vice-President of the Executive Council, in speaking of this matter, is reported to have said—page 1035 of *Hansard*—

Is there anything in the Bill which can be construed by a sane man as a provision for the compulsory grading of butter. . . . No sane man out of Parliament would think that such a thing is possible.

It is plain, however, that the clause gives the Government power to grade. The constituents whom I represent get their livelihood wholly from the soil. They do not believe in the grading of produce, and they expect me to voice their feeling on the subject. I did so in the State Parliament, and I intend to do so here. I shall divide the Committee against the clause. It does not seem to me that the branding of exports with the Commonwealth brand will enable a higher price to be obtained for our produce, and the system of grading may cause a good deal of trouble.

Mr. LEE (Cowper).—I understood the Minister to say that there was to be no Commonwealth grading, but the clause provides for grading, and the Minister some time ago read a number of articles and letters to prove that the grading of our exports is the proper thing to provide for. In Victoria, I believe, grading is done by officials of the State, though I do not know that it is compulsory; but in Queensland State grading is compulsory, and the Minister read an extract from a letter published in a newspaper, in which the writer tried to show that beneficial results are obtained from it. In South Australia, too, there is State grading, and the people seem to be satisfied with the system. In New South Wales, however, there is no Government interference. There is a system in vogue there which is far before any system of Government interference, co-operative companies taking the work of distribution into their hands, appointing their own salesmen, and sending their butter to the markets of the world themselves. On the 4th August last, at the most representative conference of butter factory delegates yet held, the

following resolution was unanimously carried, and signed by the delegates for submission by deputation to the Premier of the State:—

That, while this representative gathering of delegates from thirty-one co-operative butter factories approves of any legislation for safeguarding the health of the people, it considers that the compulsory grading of butter by Government officials is unnecessary, and an undue interference with an important industry.

Those delegates represent factories which produce over 10,000 tons of butter a year, the approximate value of which at 9½d. per lb. exceeds £900,000.

Mr. TUDOR.—They have not compulsory grading in Victoria.

Mr. LEE.—The Minister tried to prove that the superior quality of New Zealand butter is owing to the Government grading there, and that 90 per cent. of that butter is now first-class because of that grading; but at Earl's Court, London, as the result of a test, butter from a New South Wales factory beat the New Zealand and Victorian butter which was exhibited. In order that grading may be efficient, every churning should be graded. That is what is done in New Zealand. But how would it be possible for a Commonwealth official to grade 4,000 or 5,000 boxes of butter which had been brought to a wharf for export? The provisions of the measure would be unworkable, unless the Department took the guarantee of the factories or the shipping companies that the butter was of good quality. My experience is that many of the Government experts are incompetent to properly grade. A dairy expert who says that it is sufficient to send cream to a factory twice a week proves that he is incompetent. So opposed are the people of New South Wales to grading that the State Government has not dared to bring in a Dairy Bill to provide for grading, and the Commonwealth would be acting unfairly if it, by this back-door method, interfered with the business methods of that State against the wishes of its people. Those engaged in the dairying industry there have built it up without Government coddling or assistance. The State has not voted them even sixpence. Why, then, should the Commonwealth now try to take the control of the industry out of their hands? Is this proposal made to provide billets for officials? Several of the States have already made arrangements for grading.

Mr. TUDOR.—Which States?

Mr. LEE.—South Australia and Queensland, and there is a Bill before the Victorian Parliament to provide for grading.

Mr. TUDOR.—No.

Mr. LEE.—Such a Bill is to be introduced. In providing for grading, the Minister is entering upon a task which he will be unable to carry into effect, and is acting unjustly towards those who are carrying on their industry in their own way.

Mr. McCAY (Corinella).—The clause is somewhat difficult to understand. It says that—

Goods intended for export, which have been inspected in pursuance of this Act, may in manner prescribed be marked.

I wish to know by whom the goods are to be marked. Is the owner to be permitted to attach his own mark in accordance with the regulations, or is it intended that the Department shall place a Government grading mark upon the goods? If it is intended that the owners shall grade their own goods, without any Government indorsement, the clause will become inoperative. If, on the other hand, the Government are to be entitled to place their grading mark on the goods, a system of grading pure and simple will be introduced.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—The intention is to arrive at some understanding with exporters as to the trade description to be adopted, but the Government will have the right to say what that mark shall be.

Mr. McLEAN.—Is it intended to grade the goods in different classes, or merely to fix a standard?

Sir WILLIAM LYNE.—It is intended to attach to the goods a trade description. I have always held that the system we propose to adopt will, to a certain extent, involve grading. Possibly the Bill confers power to grade the goods into different classes, but it is not proposed to carry out that system at present. The intention is to adhere to the trade descriptions that may be agreed upon after consultation with the persons interested.

Mr. McCAY (Corinella).—I contend that the provision as it stands conveys no such meaning as the Minister has indicated. I understand that the intention is to attach trade descriptions which will indicate not only the kind of goods but the class to which they belong. For instance, butter would be branded as butter class 1 or class 2, as the case might be. I have always agreed with the view that a minimum

standard should be fixed, and that goods falling below that standard should not be exported. As the clause stands, goods of any quality may be exported, provided they are properly marked. I am quite prepared to empower the Minister to fix a minimum standard, but once that standard is complied with, sellers should be allowed to determine how far they would go above that standard. If exports are graded, buyers will never pay more than a certain price for a particular grade, no matter how high the quality, but if goods fall below the grade they will pay less for them. Therefore the seller will never gain, but may be subjected to serious loss. The clause as it stands does not convey what the Minister desires. It means something which neither the Minister nor the country want. I would urge the Minister to abandon the clause, and substitute a provision for fixing a minimum standard. No one can determine what the clause means until the High Court has given its decision, and that tribunal will know only because it will be the last to speak. Will the Minister accept an amendment providing for a minimum standard?

Sir WILLIAM LYNE.—No.

Mr. McCAY.—If the Minister desires to pass the clause as it stands, honorable members are entitled to know what it means. At present it is so vague that it is impossible to ascertain what is intended by it, how it will be interpreted, how the officers of the Department will construe it, or what will be done. In one aspect of the clause it would be possible to do anything, in the way of grading goods. The Government might establish ten or twenty grades of butter. The Minister must know from his experiences of grading how expert opinions vary. There is no difficulty, however, in determining whether an article is, or is not, good enough for export. The Minister has, on the whole, been very reasonable, and I ask him not to spoil a good record by taking up an attitude of obstinacy in this matter. Will he undertake to recommend the clause for the consideration of amendments?

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I would point out to the honorable and learned member for Corinella that grading is in operation at the present moment in Victoria. According to the statement I read the other day, a number of products are being systemati-

cally graded. In regard to mutton and lamb it is stated—

Mutton and lamb : prime, good, and plain. In each of these qualities there are the following distinctions of weight :—

"A"	...	28 to 35 lbs.
"B"	...	36 to 42 lbs.
"H"	...	Over 42 lbs.
"L"	...	Under 28 lbs.

Then again in the case of rabbits the grading is carried out as follows :—

Rabbits are branded in Black, signifying "best," and in Red, signifying "seconds," and words "second grade."

Each quality is divided according to weight, into—

"Large"	...	Over 2½ lbs.
"Young"	...	2 to 2½ lbs.
"Small"	...	1½ to 2 lbs.

But in "seconds," instead of "large," &c., they are numbered size 1, 2, or 3.

Mr. ROBINSON.—Is not that voluntary grading?

Sir WILLIAM LYNE.—I do not see that that makes any difference. It only shows that the producers are voluntarily submitting to the grading of their goods. I cannot see the force of the arguments of the honorable and learned member for Corinella. The clause reads as follows :—

Any goods intended for export, which have been inspected in pursuance to this Act, may in manner prescribed be marked—

Mr. McCAY.—By whom?

Sir WILLIAM LYNE.—By the Government, of course, after consultation with the producers.

Mr. LEE.—Some producers may be hundreds of miles away.

Sir WILLIAM LYNE. — Honorable members are raising the silliest of objections. The clause proceeds—

with any word, figure, or mark, for the purpose of indicating the quality, class, or grade of the goods.

Any one of three things may be done, or both the quality and class of the same goods may be indicated. In regard to some classes of goods the quality only would be indicated, in others the weight only would be given, and under the clause we should have power to vary the marks as circumstances might suggest. It appears to me that the clause is as definite as it is possible to make it.

Mr. CROUCH.—Would the Minister consent to provide that the marks should be applied with the concurrence of the producers?

Sir WILLIAM LYNE.—No; I could not consent to the insertion of any words that would give the producers control over the Government.

Mr. McCAY.—The Government is to control the producer?

Sir WILLIAM LYNE.—The Government is to control the marks placed upon the goods.

Mr. McCAY.—Could the producer refuse to have his goods marked?

Sir WILLIAM LYNE.—No.

Mr. LEE.—Then the grading would be compulsory.

Sir WILLIAM LYNE.—I did not say anything to the contrary. I would remind honorable members that the Government are assuming a grave responsibility in this matter. If the Government brand were affixed to inferior, deleterious, or impure goods, the Government would be held blameworthy, and therefore they must exercise some control apart from any dictation on the part of the producers. The regulations will be framed in the fairest possible manner, and will be submitted to Parliament for its approval. Therefore, I do not think that the producers will be exposed to any danger. I would ask why it is that six months' supplies are ordered in New Zealand by London buyers? It is because the quality of the goods exported is guaranteed by the Government brand. If the Government did not take the responsibility in connexion with the marking of the goods, the purchasers would not be so ready to order supplies for long periods ahead.

Mr. LEE.—I can make contracts covering twelve months for the supply of butter bearing New South Wales brands, which are not supplemented by any Government mark.

Sir WILLIAM LYNE.—The honorable member may be a superior person. With regard to the request for recommitment, I do not intend to recommit every clause. I have met those who have made suggestions in the fairest possible way, and I shall presently meet the deputy leader of the Opposition by agreeing to the insertion of a new clause. But, seeing that there can be no misconception as to the meaning of this provision, I do not think I should be asked to consent to its recommitment. Its intention is as clear as possible, and there is an absolute necessity to have such a provision in the Bill.

Mr. JOSEPH COOK (Parramatta).—The Minister of Trade and Customs is perfectly right. The meaning of this clause is absolutely plain. It is clear that it goes a great deal further than any State Acts attempt to go. It is a great pity that the Minister did not read to the Committee the report which his departmental officers have placed in his hands. Instead of doing so, he merely read a few sentences in reference to the matter of grading. I have here the full report of his officers. In regard to South Australia, that document states that, when asked for by the shipper, grading takes place, and certain things are done. In Victoria an Act was passed in 1898, called the Exporters' Produce Act. Compulsory inspection under this Act takes place in the case of butter and cheese intended for export, but there is no provision for compulsory grading. There is an inspection for the purpose of ascertaining that the food which is intended for export is of good quality. The Minister has quoted figures with a view to showing what are the weights of certain kinds of lamb. I am informed that lamb of the lighter weights is very much superior to lamb of the heavier weight. Consequently it does not follow that the grading of lamb in this way indicates the quality of the produce. The Minister, however, proposes to stamp the quality of the produce upon the packages in which it is shipped. The report goes on to say that grading is not undertaken in Victoria except at the request of the shippers. It is not compulsory.

Sir WILLIAM LYNE.—I never said that it was.

Mr. JOSEPH COOK.—But the Minister is seeking power in this Bill to make it compulsory.

Sir WILLIAM LYNE.—I am perfectly well aware of that.

Mr. JOSEPH COOK.—Then the Minister should not say that he is merely seeking to acquire the same powers which are already operative in some of the States.

Mr. KENNEDY.—As the result of the operation of the Victorian law, a grading is effected.

Mr. JOSEPH COOK.—But the Minister proposes to grade goods in respect of size, quality, &c. That involves something more than a mere marking of goods. He proposes to establish standards, and to have those standards marked upon the goods

themselves. With regard to Queensland, the report states—

Nothing in this Act shall oblige any person to cause any dairy produce to be graded, but if required to be inspected and graded, it shall be subject to this Act.

It will thus be seen that in all these cases the grading of goods is a voluntary act on the part of the exporters.

Sir WILLIAM LYNE.—In New Zealand it is compulsory.

Mr. JOSEPH COOK.—I congratulate the Minister upon having discovered that it is compulsory in that colony. In all the States of the Commonwealth it is optional. It is unwise to arm ourselves with these drastic powers, and I am perfectly certain that our action will be bitterly resented by the States. In Victoria, Queensland, and South Australia, matters are progressing satisfactorily enough; why, then, should we impose upon the States additional legislation of a much more stringent character? If the Minister can show that these further and drastic powers are necessary, honorable members upon this side of the Chamber might be prepared to meet him. But the weight of testimony is that the grading which already takes place in the States is quite sufficient and quite satisfactory.

Mr. McLEAN (Gippsland).—I sympathize very much with the position of the Minister. He was not responsible for the drafting of the Bill, and he has had it placed in his hands without any knowledge of the original intention of its authors. I think that this clause goes much further than there is any real necessity to go. It appears to me that what the Commonwealth should do is to establish a standard below which the export of produce should not be permitted, or, if permitted, we should clearly indicate that the produce is not exported as fit for human consumption. Having fixed that standard, we should be going out of our way if we attempted to establish the different grades of commodities which were fit for human consumption, and the export of which was permitted. Any such attempt would throw upon the Commonwealth Government the responsibility of fixing the exact value of every commodity exported. That would be going a great deal further than there is any real necessity for, and much further than we have power to go. Besides, it would in many respects result in discrediting the judgment of the Commonwealth inspectors, because, as the honorable member for Moira

is aware, some of these commodities would deteriorate after they had been marked. If they were branded first, second, third, or fourth grade, and some of them subsequently fell to a still lower grade, that fact would be discovered, and the judgment of the Commonwealth classifiers would consequently be brought into disrepute. All that it is necessary for us to do is to establish a standard of excellence with which all food-stuffs must comply, and to provide that if anything is exported below that standard, it must bear a discrediting mark upon it.

Mr. CROUCH.—Was there any provision of that sort in the Bill which was prepared at the instance of the honorable member?

Mr. McLEAN.—I gave rough instructions to have a Bill drafted. When that measure came into my hands, it did not comply with my intentions by a very long way. Accordingly, I intended to thoroughly revise it before submitting it to my colleagues for approval, but I was denied the opportunity of so doing. As a result, it was put into the hands of the present Minister in a very crude form. He did not know my intentions in the matter, and consequently I sympathize with his position. I am anxious to assist him to make the Bill effective for the purposes for which it was intended. I desire to insure that no Australian products shall be sent abroad which are likely to bring discredit upon our export trade, and to lower the value of our products in the outside markets. I wish to maintain a reasonably high standard for all the produce that we export. But having fixed that standard, and having forbidden the export of any product which falls below it, except under certain conditions, I think that we ought not to be asked to go further.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—The honorable member has disclaimed that he at any time revised the Bill from which a good many of these clauses have been taken. He declares that he gave instructions to his officers to prepare that measure. For the information of honorable members, I shall again read one of the clauses which the original Bill contained. It is as follows:—

Any goods intended for export which have been inspected in pursuance of this Act may in manner prescribed be marked with any word, figure, or mark for the purpose of indicating the quality or grade of the goods.

Mr. FISHER.—That in no way affects the honorable member.

Sir WILLIAM LYNE.—But the honorable member for Gippsland instructed his officers to prepare that Bill. I do not for a moment impugn his statement that he had no opportunity of revising it. The New Zealand Act contains the following provision:—

No product shall be shipped or placed on board any ship for exportation to any place beyond New Zealand unless it bears the prescribed stamp or mark, or the certificate in writing as to quality or condition, signed by the officer duly authorized in that behalf under this Act.

Mr. WILKS.—They grade at the factories there.

Sir WILLIAM LYNE.—It may be that the Department will take the opportunity to have the grading carried out at the factories. I have quoted this section to show that the grading and marking provisions of the law which have accomplished so much good in the case of New Zealand products are of a compulsory character. I will not promise at the present time to recommit the clause under consideration, but when I move to recommit the two clauses to which I am already pledged, it will be within the power of any honorable member to take action in that direction. That will give honorable members an opportunity to test an amendment in the clause.

Mr. JOSEPH COOK.—The honorable gentleman might say, in the event of the amendment being carried, "I will surrender the Bill."

Sir WILLIAM LYNE.—I shall say nothing of the kind, but shall be prepared to accept the decision of the House. I do not promise to agree to an alteration of the clause, but I shall be prepared in any reasonable way to accept the decision of the House, and subsequently the decision of the Committee, in reference to it. I do not think I should be asked to do more than that.

Mr. KENNEDY (Moira).—I quite agree that the wording of the clause may give rise to some alarm on the part of the producers and exporters of goods. I therefore suggest that it would be desirable to amend it so that it would read—

Any goods intended for export, which have been inspected in pursuance of this Act, shall have a trade description attached, as may be prescribed.

Sir WILLIAM LYNE.—That is what is provided in the clause as it stands.

Mr. KENNEDY.—It is practically the wording of the New Zealand Act. It is the verbiage of the clause that suggests that

the Government propose to attempt to grade these goods for export. I do not think, however, that the Department could, of its own volition, attempt to grade goods in the literal sense of the word.

Mr. McLEAN.—Is the honorable member in favour of the Commonwealth grading exports into different classes?

Mr. KENNEDY.—No. I favour grading only so far as the inspection of exports must necessarily lead to their classification.

Mr. McCAY.—This clause means either what is feared or nothing.

Mr. KENNEDY.—That is why I wish our intention to be clearly stated. It has been said that grading is carried on under the Victorian Act. As a matter of fact, however, we have no compulsory grading. The grading that takes place is the result of the inspection, and is simply a classification of the goods. Take, for instance, the classification of lambs for export.

Mr. McLEAN.—That classification refers only to the weight and the age of the lambs.

Mr. KENNEDY.—But we cannot get away from the fact that it leads to grading, although it is grading that is not compulsory.

Mr. McLEAN.—It is not a grading as to quality.

Mr. KENNEDY.—That is the point. The objection to the wording of the clause is that it might lead to the belief that Government grading was intended. All that we need to provide is that goods of Australian origin intended for export shall bear a true trade description.

Mr. McCAY.—Clause 10 already provides for that.

Mr. KENNEDY.—But it is not stated with sufficient clearness.

Sir WILLIAM LYNE.—I am quite prepared to consider the honorable member's suggestion. At present it seems to me that his proposed amendment differs very slightly from the clause itself. The only point is that it might allay the fears that have arisen.

Mr. KENNEDY.—That is my object. I make the suggestion in all earnestness, because I think it is to be regretted that we should differ on non-essentials. It is fair to assume that we are doing our best to make the Bill a workable one, and I think that all we need to provide in this clause is that exports shall bear a trade description conveying an intimation of what they really ^{intended} purport to be.

I hold, however, that inspection is absolutely necessary. In the early days of the frozen meat industry of Victoria our reputation was seriously affected by the action of those who, in an effort to make money, shipped inferior meat to London. Under the present system of inspection, however, we are once more building up a reputation for our meat, butter, and other food products, and it would be a pity if we allowed anything to be done that would damage that reputation. The object of the Bill is to prevent inferior goods of Australian origin being sent into the markets of the world, but we ought not to draw fine lines of distinction as to quality. I trust that the Minister will carefully consider the clause, and see whether an amendment cannot be made that will meet the wishes of the Committee.

Mr. BATCHELOR (Boothby).—I would point out to the honorable member for Moira that, whilst it is true that the reputation of Australian commodities on the markets of the world has probably been injured by the export of inferior goods, there is nothing in the Bill that would put an end to such practices. All that it provides is that our exports shall bear labels showing what their classification is. Once they leave our shores, however, the labels may be removed. We have no guarantee that when they are placed on the markets of England they will bear the brands that they had at the port of shipment. It must, therefore, be recognised that the proposed system of inspection will not promote the interests of the producers in the smallest degree.

Mr. KING O'MALLEY.—Then how is the position to be met?

Mr. BATCHELOR.—It cannot be met, except by the action of the Legislatures of the countries to which our exports are consigned. The developments that have taken place during the consideration of the Bill have certainly surprised me. We were told at the outset that it did not provide for Government grading; but now we find that this clause could have been inserted for no other purpose. After the goods have been inspected they are to have marks or labels placed upon them, indicating that they belong to certain grades. After the explanation made by the honorable member for Gippsland, one can understand how this ill-digested measure came to be introduced. I am not casting any blame on the Minister. Probably he imagined when he took office

that the draft Bill had been well considered, but his views regarding its scope and intention have very materially changed since its introduction. I must confess that my own opinions with regard to it have also undergone a considerable change. The more we consider it the more must we be convinced that it is not likely to serve a useful purpose. It cannot be too strongly impressed upon honorable members that the excellent provisions with respect to grading that have been adopted in the States are purely voluntary. Any one who exports through the agency of the Export Department of South Australia must submit to certain conditions as to grading; but an exporter is not compelled to avail himself of the services of that Department. The fact that many consignments are sent direct to London without passing through the Government Depot keeps the Government graders up to the mark, because they know that the goods passing through their hands will have to compete with those sent through other agencies. Under this Bill, however, it is proposed that all our exports shall be graded, and there will be no competition to stimulate the Government graders to perform their work efficiently. I am convinced that the conditions at present prevailing in, at least, some of the States, are infinitely better than any likely to be brought about by the passing of this Bill.

Mr. KNOX (Kooyong).—It is necessary that the Minister should consider this question from the point of view of the tremendous responsibility which the Government are proposing to take upon themselves. The deputation from the Chambers of Commerce which recently waited upon the honorable gentleman pointed out the objections to Government grading, and the Minister then replied that he was not in favour of such a system.

Sir WILLIAM LYNE.—I did not.

Mr. KNOX.—The honorable gentleman said that the desire was to have goods so marked as to show whether they were inferior or superior; but the reply to this statement was that no one would think of exporting goods bearing the words "inferior." I do not wish to debate the question at length; but it is so serious that we should not allow the clause to pass without a promise from the Minister that we shall have a further opportunity to discuss it.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—It was arranged yesterday that we should finish the Bill

to-day, if possible, and the afternoon is now so far advanced that I am anxious to shorten discussion. I have no desire to provide for grading such as honorable members think may be provided for by the clause as it now stands, and, after the debate which has taken place, I shall see whether it will not be possible to frame a provision which will not terrorise the producers. That provision I will submit to the Committee. In regard to the regulations, I may say, to restore the confidence of some honorable members, that if I have anything to do with the framing of them, I shall see that they in no way oppress or hamper the producers. It may be that, later on, when the public fear of departmental tyranny has been allayed, it will be necessary to strengthen the regulations, and that can be done if required.

Mr. JOSEPH COOK.—The Minister proposes to apply the pressure gradually.

Sir WILLIAM LYNE.—No regulation will be in any way oppressive to the honest producer and exporter.

Mr. KING O'MALLEY (Darwin). — This is an age of classification, grading, and specialization, and I am amazed that honorable members should be in arms against the proposal of the Government to interfere to prevent injury being done to the reputation of Commonwealth products in the markets of the world. A few years ago the Americans had possession of the butter and cheese trade of Liverpool, but in their efforts to become millionaires they exported inferior produce, and, as a consequence, lost the market. The United States Government thought at the time that it had no power to interfere. Honorable members are always quoting Canada; but that country has only recently brought into force a regulation on the subject. The United States have now done the same, and no commodity leaves that country without being bonded, graded, and stamped. It seems to me that the representatives of pluto-robbery in this Committee are prepared to sell the country.

Clause agreed to.

Clause 14 (Regulations).

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I move—

That the following words be added, "If both Houses of the Parliament pass a resolution, of which notice has been given within fifteen sitting days after such regulations have been laid before those Houses respectively, disallowing any regulation, that regulation shall thereupon cease to have effect."

The Acts Interpretation Act allows either House of Parliament to pass a resolution annulling regulations, so that, without this amendment, the Senate would be able to annul regulations of which the House of Representatives might approve. The amendment makes resolutions of both Houses necessary for the nullification of any regulation.

Mr. McCAY (Corinella).—Why are these regulations to be more favoured than the regulations proclaimed in pursuance of other Acts which may be disallowed by the resolution of either House? In spite of what the Minister has said about their beneficent character, we do not know that the regulations will be so excellent as to meet with the approval of both the Houses. Hitherto no regulations except those under the Public Service Act have been questioned by Parliament. If the amendment is agreed to, regulations made by Executive act will have the force of law, even when one House of Parliament disapproves of them. This is a proposition to legislate by regulations, because that can be done with less trouble than is entailed by legislation by Act of Parliament.

Sir WILLIAM LYNE.—Would the honorable and learned member like the other House to take action to nullify what the House of Representatives approved of?

Mr. McCAY.—The Bill cannot become law unless the Senate, as well as the House of Representatives, approves of it.

Sir WILLIAM LYNE.—I am speaking of the regulations.

Mr. McCAY.—No Government should be specially favoured in the way proposed. I thought at first that the Minister intended to propose that no regulation made under the Act should take effect until it had received the approval of both Houses of Parliament. This measure will be worked mainly by regulation. The Bill is, to a large extent, only an instrument to give authority for putting regulations into operation. That being so, no special facility for the making of legislation by regulation should be provided. I hope that the Minister will not press the amendment, but will leave the regulations to the operation of the Act, which prescribes how regulations shall be treated. Parliament passed the provision in the Acts Interpretation Act, which the amendment seeks to alter, because it thought that that was the proper way to treat regulations. I know of no

justification for treating these regulations differently from others.

Mr. FISHER (Wide Bay).—I hold the same view as does the honorable and learned member for Corinella. I cannot understand why the Minister should ask for a special privilege in regard to these regulations. The Minister cannot get power to make regulations without the concurrence of both Houses of Parliament. How, then, can he logically ask that regulations shall be allowed to have force, even when they are disapproved of by one House of Parliament? If the regulations are not approved of by both Houses, and are objected to by the representatives of the people in either House, they should be disallowed. Under the proposal of the Minister, if either House passed a resolution objecting to a regulation, while the other did not, the regulation would still have force. I hope that he will not press the amendment.

Mr. LONSDALE (New England).—I have all along objected to legislation by regulation; but the amendment gives the Minister still further power in this direction. He could not obtain force for any provision in the Bill if it had the approval of one House only. Why, then, should regulations have force before both Houses have approved of them? We should protect the rights of the people by refusing to give the Minister the power he asks for. The Act which deals with the disallowing of regulations should not be interfered with in the manner proposed.

Mr. KNOX (Kooyong).—The proposal now before us is of the most amazing character. The Minister apparently aims at defeating the whole of the efforts that have been made by honorable members to modify the provisions of the Bill, because he contemplates taking power to bring into force by Executive act regulations which cannot be disallowed except by resolution of both Houses of Parliament. So far as I am aware, there is no precedent for any such proposal. It is unfortunate that we are not able to fully debate this matter.

Sir WILLIAM LYNE.—I think the honorable member has debated it long enough.

Mr. KNOX.—I am speaking on behalf of a large number of persons who will be very seriously affected by the provisions of the Bill, and I object to the Minister dictating to me as to what I shall do. If the Minister's proposal is to be persisted in, I shall be compelled to bring under the

notice of honorable members a series of statements with which I have been supplied, bearing upon the detrimental results that may be brought about by the application of undesirable regulations. Take, for instance, the case of tea. The most complex questions might arise in connexion with the introduction of that article of commerce into the Commonwealth. The Minister's proposal is so amazing that I can scarcely realize that he is serious in bringing it forward. Honorable members are aware that some time ago I indicated that I intended to move that the following words be added to clause 14:—

Provided that such regulations shall not come into operation until the same shall have been confirmed by resolution of both the Senate and the House of Representatives.

Possibly the Minister is not aware of the great difficulties—

Sir WILLIAM LYNE.—I am perfectly aware of the attempts which are being made to destroy the Bill.

Mr. KNOX.—The Minister is not justified in making a statement of that kind. So far as I am aware, the desire of honorable members upon this side of the Chamber has been to make the Bill a workable measure. I think the Minister might reasonably consent to report progress.

Sir WILLIAM LYNE.—I shall sit it out, because it was agreed last night that we should finish the Bill to-day.

Mr. JOSEPH COOK.—It was not agreed that we should consent to pass any new clause which the Minister might submit.

Mr. KNOX.—I enter my strongest protest against the proposal of the Minister, which appears to me to be unwarranted by any reasonable requirement.

Mr. SYDNEY SMITH (Macquarie).—There is nothing unreasonable in the request that progress should be reported. It is true that an arrangement was made last night that we should, if possible, complete the consideration of this measure to-day, but the Minister has sprung a number of surprises upon us, and the position has thus been entirely changed. The Minister's proposal is altogether a new one. In the Excise Act, and other Acts, provision is made that the regulations brought into operation under them shall cease to have effect if one of the Houses of Parliament passes a resolution disallowing them. Under the Minister's proposal, the disagreement of one House with certain regulations would not have the slightest effect. This

is an important measure which will seriously affect the whole of our producing industries, and yet the Minister proposes to take power to make regulations which may be enforced apart from the approval of Parliament. I trust that the honorable gentleman will consent to recommit the clause.

Mr. CROUCH (Corio).—I desire that this Bill shall be disposed of this afternoon, and therefore I shall not speak at any length. I merely wish to say that while the Minister has put this proposal forward as a concession to honorable members, it would really involve a contraction of our privileges. Therefore I shall vote against it.

Mr. McLEAN (Gippsland).—I do not wish to place any obstruction in the way of the Bill, because I believe that the Minister desires to do what is fair; but I consider that the proposal now before us has not been properly considered. It aims a blow at the fundamental principle of representative government. Under his proposal, the Minister might submit a regulation, and this House might unanimously condemn it, and yet, if the Senate failed to indorse that condemnation, the regulation would continue in force. Can it be contended that such a condition of affairs would be in accord with the principles of responsible government? The proposal appears to me to be so monstrously absurd that I cannot conceive of its having been seriously put forward. I should like to know whether the Minister has consulted the Prime Minister, or any of his colleagues.

Sir WILLIAM LYNE. — The Attorney-General drafted the clause.

Mr. McLEAN.—Is it the deliberate view of the Cabinet, that they can legislate by regulation against the express wish of either Chamber? I have never before heard of anything of the kind. I trust that the Minister will not press his proposal.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I am surprised to hear the remarks of the honorable member for Gippsland; he has turned matters topsy-turvy. Every law has to be passed by the two Houses of Parliament, and has also to be repealed by both Houses. No law can be repealed by one House. What I desired to do was to prevent the repeal of a law by one House of Parliament.

Mr. McLEAN.—But these regulations would not have been previously submitted to either House of Parliament.

The CHAIRMAN.—Order! I would ask honorable members to observe the Standing Orders. I have several times called for order, and no notice of my request has been taken by honorable members. I shall certainly be compelled to strictly enforce the Standing Orders in the event of any further interruptions.

Sir WILLIAM LYNE.—If the Bill be passed, it will confer power to make regulations, and the moment such regulations are passed they would have the effect of law until such time as they were disallowed by a resolution of one House of Parliament. That is provided for in the Acts Interpretation Act; but it occurred to my mind that regulations made under a measure of this kind and brought into force should remain operative until such time as they were disallowed by resolution of both Houses of Parliament.

Mr. McLEAN.—Although Parliament had never approved of the regulations?

Sir WILLIAM LYNE.—When the honorable member for Gippsland declared that I had had nothing to do with the drafting of the Bill, he stated what was not correct.

Mr. McLEAN.—The Minister certainly did not know the object for which the Bill was framed, because I have read his speech in moving its second reading.

Sir WILLIAM LYNE.—I did not know what was in the honorable member's mind, but I did know the contents of the Bill which he left in his office. The measure did not represent what he declares was in his mind at that time. Seeing, however, that the general feeling of the Committee is that we should not alter the Acts Interpretation Act, I shall not press the amendment any further.

Mr. FISHER (Wide Bay).—No doubt the Minister has been worried a great deal to-day, but I would point out to him that we are bound to take up a strong attitude upon a matter of this kind. He claims that a regulation should not be annulled, even by a vote of this House. In that case the only result which could follow the adoption of a motion in opposition to the act of any Government would be the resignation of that Government. The Minister apparently thinks that it would be unjust to him if a majority of the House declared that any regulation did not accord with its wish.

Sir WILLIAM LYNE.—I have agreed not to proceed with the proposal. Do not let us prolong the debate.

Mr. FISHER.—At the same time, the honorable gentleman has charged us with being unreasonable. I am glad that in his calmer moments he has seen fit to take a proper view of the matter.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 15 agreed to.

Motion (by Sir WILLIAM LYNE) proposed—

That the following new clause be inserted :—

“13A. Sections seven and ten of this Act shall not apply to any goods other than—

- (a) articles used for food or drink by man, or used in the manufacture or preparation of articles used for food or drink by man; or
- (b) medicines or medicinal preparations for internal or external use; or
- (c) manure.”

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—As there is likely to be a very long debate upon this new clause, I propose, now that it has been read a second time, to postpone, with the concurrence of the Committee, its further consideration until Tuesday next. I propose to take a similar course in regard to other new clauses honorable members desire to submit.

Mr. JOSEPH COOK (Parramatta).—Last night the Minister agreed to my proposals with regard to the revelation of trade secrets, and I shall now simply content myself with moving—

That the following new clause be inserted :—

“13B. The regulations under sections 7 and 10 of this Act shall not prescribe a trade description, which discloses trade secrets of manufacture or preparation unless, in the opinion of the Governor-General, the disclosure is necessary for the protection of the health or welfare of the public.”

Proposed new clause read a second time.

Mr. TUDOR (Yarra).—On behalf of the honorable member for Hindmarsh, I move—

That the following new clause be inserted :—

“9A. All imported goods to which a trade description is by this Act or the regulations required to be applied, and which are found in Australia, in any package or covering in which they were imported, and without the prescribed trade description, shall, until the contrary is proved, be deemed to have been imported in contravention of this Act, or of the regulations, as the case may be.”

By this provision the honorable member for Hindmarsh desires to partly accomplish the object which would have been achieved by the amendment which he submitted the other evening.

Proposed new clause read a second time.

Motion (by Mr. KING O'MALLEY) proposed—

That the following new clause be inserted :—

“1. Any manufactured or prepared article of food—

- (a) to which there is not applied a printed mark indicating its usual name; or
- (b) to which there is added any other substance not necessary to its preparation (including colouring matter or preservatives) unless there is applied to it a printed mark indicating the substance so added; or
- (c) from which there is abstracted any material part or ingredient the abstraction of which is not necessary or usual in preparing the article or affects injuriously its quality substance or nature—unless there is applied to it a printed mark indicating the part or ingredient so abstracted; or
- (d) in which (in the case of an article usually sweetened with sugar) there is contained any sweetening substance in addition to or in lieu of sugar—unless there is applied to it a printed mark indicating the sweetening substance so contained,

is prohibited to be imported into Australia.

2. In this section—

- (a) ‘Food’ includes any article used for food or drink by man other than drugs or water;
- (b) ‘Indicating’ means plainly and legibly indicating;
- (c) in the case of goods made up into packages for sale by retail, ‘applied’ means applied to every such package in the same manner and with the same permanency as other printed marks or indications of the goods.

3. All goods imported in contravention of this section shall be forfeited to the King.

4. Subject to the regulations, the Comptroller-General or on appeal from him, the Minister may permit any goods which are liable to be or which have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the prescribed mark will be applied to the goods or that they will be forthwith exported.”

Proposed new clause read a second time.

The CHAIRMAN.—The Minister on Tuesday next will, I understand, move that certain clauses be recommitted, and that the new clauses which have been read a second time be also taken into consideration.

Mr. McCAY (Corinella).—I would point out that certain new clauses have been read a second time, and that the question of whether they shall be added to the Bill

has not yet been dealt with. The Minister proposes to report the Bill, although there are certain clauses in it which have not yet been dealt with.

The CHAIRMAN.—They are not in the Bill.

Mr. McCAY.—Then they do not belong to the measure, as reported.

The CHAIRMAN.—No. The Minister will move on Tuesday next that certain clauses which do belong to the Bill be re-committed, and that certain new clauses also be considered.

Mr. McCAY.—What is to be gained by the adoption of that procedure? Why should not progress be reported in the ordinary way?

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I will tell the honorable member why I do not desire to report progress. I wish to have the Bill reported to the House, in order that a fresh print of it may be obtained, embodying the amendments which have already been made.

Mr. McCAY.—It can be printed without being first reported to the House.

Sir WILLIAM LYNE.—I trust that the honorable and learned member will allow me to have my own way in this matter.

Mr. McDONALD (Kennedy).—I think that we are now adopting a rather peculiar method of doing business, and I should like to know where it is to end. It is proposed that new clauses shall be added to the Bill after it has been reported to the House. I wish to know whether they will be dealt with upon the report stage or in Committee?

Sir WILLIAM LYNE.—In Committee.

Mr. McDONALD.—I am not quite clear how that can be done. I should like to hear some explanation as to how we can get the proposed new clauses back into Committee for further consideration. If we recommit the measure, we shall do so only to enable us to reconsider certain clauses. That does not necessarily mean that instructions will be given to the Committee to deal with the new clauses proposed to-day. In order that we may consider any new provisions, the whole Bill will require to come under revision. The method which it is now proposed to adopt is a most extraordinary one, and is a decided departure from the usual parliamentary practice.

The CHAIRMAN.—If honorable members will allow me, I should like to state

the position. The Minister has agreed to recommit certain clauses. Upon Tuesday next he will move that those clauses be re-committed for the purpose of being re-considered. In addition, he has promised to do what has frequently been done previously, namely, ask that certain new clauses be considered.

Mr. FISHER.—Upon the report stage?

The CHAIRMAN.—Yes. The Minister will move that the Bill be re-committed on Tuesday next.

Mr. McDONALD (Kennedy).—The position, then, must be that the Minister will seek the permission of the House to recommit the whole measure. I understand from your ruling, Mr. Chairman, that honorable members will then have an opportunity to discuss any clause in the Bill.

The CHAIRMAN.—I have before me a precedent arising out of the consideration of the Conciliation and Arbitration Bill, which I think will satisfy the honorable member. On the 10th August, 1904—

The Order of the Day having been read for the consideration of the Report from the Committee of the whole House on this Bill—Mr. Watson moved, That the Bill be now re-committed to a Committee of the whole House for the reconsideration of clauses 4, 37, 38, 39, 46, 48, 52, 67, 68, 90, Schedule B, and the consideration of proposed new clauses 52A and 95A.

The same proceeding will be followed in this case.

Mr. McCAY (Corinella).—I wish to know whether the Minister is going to follow such a dangerous precedent, and also where the proposed new clauses will appear.

The CHAIRMAN.—They will be printed and circulated.

Mr. CROUCH (Corio).—If the new clauses be agreed to, they may seriously affect other clauses already in the Bill. Surely we should have an opportunity to make consequential amendments?

The CHAIRMAN.—Consequential amendments are always made, but it will not be competent for the Committee to consider clauses that have not been referred to it for consideration.

Mr. FISHER (Wide Bay).—Am I to understand that, if the proposition made by the Minister be carried out, the Bill will be reported, and the honorable gentleman will then give notice of his intention to move that it be re-committed?

The CHAIRMAN.—The report will be presented to-day, and Mr. Speaker will then put the question that the consideration of the report be an order of the day for Tuesday next. When the report comes up for consideration the Minister will move the recommitment of certain clauses and the consideration of new clauses.

Mr. KELLY (Wentworth).—Is not the Minister prepared to explain whether we shall be able to make consequential amendments—amendments other than the ordinary consequential drafting amendments to which you have referred, Mr. Chairman—which the Committee may think necessary on the passing of the new clauses? If we shall not be able to do so, I think that the Minister should not persist in his proposal. It will not save time; and I can see no reason for it unless it is to enable him to inform the press this afternoon that the Bill has been reported to the House.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—In the event of the passing of a new clause, involving the amendment of other clauses, a certain method would have to be followed. If the new clauses were carried the Bill would be reported, and I should then ask that it be recommitted, in order that the amendments necessary in other clauses might be made.

Mr. KELLY (Wentworth).—I should like to know whether the Minister would be prepared to agree to the recommitment of only those clauses which he himself thought ought to be recommitted, or whether he would consent to the recommitment of any others in respect of which such a request might be preferred?

Mr. JOSEPH COOK (Parramatta).—So far as I am able to see, we shall lose nothing by consenting to the proposal of the Minister. If necessary, we shall be able to secure the recommitment of other clauses.

Mr. SYDNEY SMITH.—The Opposition may not be strong enough.

Mr. JOSEPH COOK.—If we are not strong enough to secure their recommitment we are not strong enough to do anything at the present time. I think that the Minister is pursuing an unnecessarily clumsy method, but since it will not destroy any privilege that we have I do not think that we should offer any objection.

Mr. SYDNEY SMITH (Macquarie).—By consenting to the course proposed by the Minister, honorable members may deprive themselves of a right which they

should be careful to conserve. A new clause having an important bearing on other provisions in the Bill may be agreed to, but if the Minister's proposal is adopted, he will be able to say, "We will not allow a recommitment of those provisions."

Sir WILLIAM LYNE.—Does the honorable member think that I would do such a thing?

Mr. SYDNEY SMITH.—I have known the honorable member to take up that position. Several proposals submitted to-day by the Opposition were at first opposed by the Minister, but eventually he saw the wisdom of the course suggested by us, and gracefully gave way. I think it would be better for the Minister to agree to progress being reported, so that on Tuesday next we shall be in the same position as we are to-day to deal with proposed new clauses.

Bill reported with amendments.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

Bill returned from Senate with amendments.

Motion (by Mr. DEAKIN) agreed to—

That the Senate's message be considered forthwith.

In Committee (Consideration of Senate's message):

Mr. DEAKIN (Ballarat—Minister of External Affairs).—As a matter of fact, only one amendment has been made by the Senate, and it gives effect—unnecessarily, as I think—to the agreement arrived at by this House that the sum of £2,000 should not be spent as proposed on the re-armament of the *Cerberus*.

Mr. McCAY.—Has the Senate omitted the figures as well as the words?

Mr. DEAKIN.—It has.

Mr. McCAY.—That will leave the Department with £2,000 less to spend.

Mr. DEAKIN.—Quite so; but my honorable colleague, the Minister of Defence, perhaps being under the impression that it would not reduce the future vote by an equal amount of £2,000, consented to the amendment. I move—

That the Senate's amendments—"Clause 2, line 11, leave out 'eighteen,' insert 'sixteen,'" and "Division No. 6, sub-division No. 1, leave out item No. 11, 'Mounting 8-inch breech-loading guns on *Cerberus*, £2,000,' and make consequential alterations in totals"—be agreed to.

Mr. MAUGER.—What is the meaning of the amendment?

Mr. DEAKIN.—The proposal to re-arm the *Cerberus* was abandoned by this House, and the Senate has given effect to that abandonment by reducing the proposed vote by £2,000.

Mr. CROUCH (Corio).—Does the amendment mean that the permanent crew of the *Cerberus* is to be disbanded?

Mr. DEAKIN.—It simply means that the new guns are not to be placed in the *Cerberus*.

Mr. CROUCH.—Is the *Cerberus* to go?

Mr. DEAKIN.—No.

Mr. CROUCH.—Is a new vessel to be obtained?

Mr. DEAKIN.—Proposals will be submitted in due time.

Mr. CROUCH.—The question is an important one. We have been endeavouring in Victoria for many years to build up a permanent naval force. I do not favour the proposal to create an Australian Navy at the present time, for the reason that it would involve greater expenditure than we can afford; but I hold that we should endeavour to assist the Imperial Navy by means, not of a subsidy, but of permanent local forces. It appears that the policy pursued for many years by the Victorian Government, in regard to the Naval Forces, is to be changed, and the first intimation we have had of this is the statement that the *Cerberus* is not to be re-armed. When the Naval Agreement Bill was before the House, Sir Edmund Barton, then Prime Minister, said that the *Cerberus* and its officers and men would be retained; but when I asked the Prime Minister a few moments ago whether a new vessel was to be obtained, he stated that proposals would be submitted in due time. That seems to indicate a very important change of policy.

Mr. DEAKIN.—There is no change of policy. The matter was mentioned when the Estimates were before us.

Mr. CROUCH.—Notwithstanding the statement made by Sir Edmund Barton that the *Cerberus* would be kept in commission, we are now told that she is not to be retained.

Mr. DEAKIN.—That she is not going to be re-armed.

Mr. CROUCH.—Is she to be retained?

Mr. DEAKIN.—We are not going to give her away. This amendment does not mean a reduction in the Permanent Naval Forces.

Mr. CROUCH.—I accept as final the statement of the Prime Minister that, so

far as he is concerned, there is to be no change of policy in regard to the *Cerberus*.

Mr. DEAKIN.—There is to be a change as regards her armament.

Question resolved in the affirmative.

Reported that the Committee had agreed to the Senate's amendments; report adopted.

REPRESENTATION BILL.

Motion (by Mr. GROOM) agreed to—

That the Bill be recommitted for the reconsideration of clauses 3, 4, and 10.

In Committee (Recommittal):

Clause 3—

(1). The day on which any census of the people of the Commonwealth is taken shall be an Enumeration Day within the meaning of this Act. . . .

(b) Thereafter an Enumeration Day shall be appointed at the expiration of every fifth year after the taking of the then last preceding census.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I move—

That paragraph b be left out, with a view to insert in lieu thereof the following paragraph:—

“(b) After the first census taken after the commencement of this Act, an Enumeration Day shall be appointed at the expiration of every fifth year after the then last preceding Enumeration Day.”

The honorable and learned member for Angas expressed a doubt as to whether the provision in the clause would carry out the intention that there shall be an enumeration day and a census day every alternate fifth year, and the Parliamentary Draftsman has drafted this amendment to set that doubt at rest.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4—

(2). Until the census is taken pursuant to any law of the Commonwealth, the census taken after the commencement of this Act pursuant to the law of any State shall, as regards that State, be the census for the purposes of this Act. . . .

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The words “after the commencement of this Act” were not in the draft Bill, but were inserted on the advice of the Parliamentary Draftsman. As the honorable and learned member for Corinella questioned whether they would have the effect intended, the Parliamentary Draftsman has suggested the following amendments, which, I think, will get over the difficulty. I move—

That the words “after the commencement of this Act,” lines 2 and 3, be left out, and that the word “Act,” line 5, be left out, with a view to insert in lieu thereof the word “section.”

The practical effect of these amendments will be that on the enumeration day appointed, immediately after the commencement of this Act, the preceding census taken in 1901 will be regarded.

Mr. WILKS (Dalley).—It is becoming customary with this Ministry to try to rush legislation through on Friday afternoons, when honorable members are leaving for other States. The only explanation that we are given for these amendments is that the Parliamentary Draftsman has made suggestions which put various matters beyond doubt. I think that it is beyond doubt that if we allow measures to be rushed through in this way we shall be neglecting our duties to the country. I am not prepared to accept the dictum of the Parliamentary Draftsman.

Mr. KELLY (Wentworth).—I also deprecate the rushing through of business in this manner. The Bill deals with matters of intense moment to the whole of Australia, and particularly to the State of New South Wales.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 10—

When in pursuance of a certificate under this Act an alteration takes place in the number of members of the House of Representatives to be chosen in any State, the alteration shall not take effect—

(a) at any election held before the State has been redistributed into electoral divisions pursuant to the certificate; nor

(b) at any election to fill a vacancy in a House of Representatives elected before such redistribution,

but shall take effect at the first general election after such redistribution.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The honorable member for North Sydney moved an amendment to this clause, the principle of which I have accepted, submitting the wording to the Parliamentary Draftsman, so that it might be put into proper form. The honorable member for North Sydney has seen the amendments which I propose to move, and believes that they will carry out his intention. I move—

That the words "take effect," lines 4 and 5, be left out, with a view to insert in lieu thereof the word "affect"; that the word "at," lines 6 and 9, be left out; and that the words "take effect at the first," line 12, be left out, with a view to insert in lieu thereof the words "affect any."

Amendments agreed to.

Clause, as amended, agreed to.

Bill reported with further amendments; reports adopted.

PAPERS.

MINISTERS laid upon the table the following papers:—

Return showing the number of persons temporarily employed in the Commonwealth Public Service in the year 1904-5.

Copy of the report upon immigration of the Acting Agent-General for New South Wales.

ADJOURNMENT.

ORDER OF BUSINESS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. JOSEPH COOK (Parramatta).—I should like to know what is likely to be the course of public business next week, and when we are likely to have an opportunity to arrive at a definite decision in regard to the mail contract?

Mr. DEAKIN (Ballarat—Minister of External Affairs).—It is proposed to introduce on Tuesday next a two months' Supply Bill, which will carry us over until after next month. The consideration of the Commerce Bill will then be resumed, and that will be followed by the consideration of the Census and Representation Bills. After they have been dealt with, I hope to proceed with the Orient Company's contract, though, before we do that, the Government must decide on the policy to be pursued in reference to the second contract made by the company with the Queensland Government. I do not think it will be possible for the House to deal with that matter until the week after next.

Question resolved in the affirmative.

House adjourned at 4.40 p.m.

House of Representatives.

Tuesday, 26 September, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PUBLIC SERVICE INCREMENTS.

Mr. POYNTON.—I wish to know from the Treasurer when it is intended to pay the increments due to certain public servants under the classification scheme?

Sir JOHN FORREST.—The classification has not yet been finally approved of.

When its approval has taken place, and the necessary votes have been granted by Parliament, the amounts will be paid.

Mr. POYNTON.—What is the cause of the delay?

Mr. GROOM.—The Government waited until the debate in the Senate on the classification scheme was concluded—which happened on Thursday last—and then immediately, in accordance with our promise to Parliament, referred the whole matter to the Commissioner for his report. The scheme is now with the Commissioner.

Mr. TUDOR.—What is the Commissioner to report on; is it the remarks made by honorable members and their suggestions for the amendment of the classification?

Mr. GROOM.—He has been asked to make a full report to the Cabinet upon the questions raised with respect to the principles of the classification, and the position of the officers referred to, and to consider the recommendations and suggestions of honorable members of both Houses.

SUNDAY WORK: PARTIALLY PAID FORCES.

Mr. WATKINS.—I wish to know from the Minister representing the Minister of Defence, whether the reply to a question I asked some time ago as to the payment of the partially paid forces for Sunday work referred to the last encampment. If so, has the money due been paid?

Mr. EWING.—I shall endeavour to obtain the information, and will let the honorable member know to-morrow.

MANUFACTURE OF IRON.

Mr. CARPENTER.—Has the Prime Minister any official knowledge of the agreement entered into between the Government of New South Wales and Mr. Sandford with reference to the manufacture of iron in that State? Will that agreement, or contract, in any way modify the views of the Commonwealth Government in regard to the Manufactures Encouragement Bill?

Mr. DEAKIN.—The contract in question has not yet been laid before the New South Wales Parliament, nor have its terms been made public. It will be necessary for me to see it before I can answer the honorable member's second question.

IMMIGRATION RESTRICTION ACT.

Mr. CROUCH.—I would like to ask the Prime Minister whether the discharge of two Chinese in Sydney under a writ of *habeas corpus* last week was due to a defect in the law, or to an error of administration on the part of the officers of the Department? Can the Prime Minister make a statement on the subject?

Mr. DEAKIN.—Immediately on reading of the occurrence, I telegraphed for a report, and have been informed that, although posted, it missed the mail, so that I am not yet acquainted with the facts of the case.

PAPERS.

MINISTERS laid upon the table the following papers:—

Agreement between the Queensland Government and the Orient Steam Navigation Company Limited, for the company's mail ships to extend their voyages from Sydney to Brisbane.

Additions to Regulations under the Post and Telegraph Act 1901, as to prepaid replies to telegrams within the Commonwealth, Statutory Rules 1905, No. 51; and regulation No. 4a, as to Value Payable Post, Statutory Rules 1905, No. 52.

FRENCH AND ITALIAN POST CHARGES.

Mr. THOMAS asked the Postmaster-General, *upon notice*—

1. What is the amount per lb. of letters and per lb. of newspapers paid by the Commonwealth Government to the Italian and French Governments for the carriage of letters and newspapers from Naples to Calais?

2. How much does it amount to per letter and per newspaper?

Mr. AUSTIN CHAPMAN.—The answers to the honorable member's questions are as follow:—

1. To Italy, by special or ordinary train: Letters and postcards, 7½d. per lb.; other articles, 11-12d. per lb. To France, by special train: Letters and postcards, 8 7-11d. per lb., other articles, 11-12d. per lb.; by ordinary train, letters and postcards, 7½d. per lb., other articles, 11-12d. per lb.

2. Per letter, about ¼d. each; per newspaper, about ½d. each.

TELEGRAPH SERVICE.

Mr. LEE (for Mr. ROBINSON) asked the Postmaster-General, *upon notice*—

1. Whether his attention has been directed to the following paragraph in the *Hamilton Spectator*:—

"MOTOR V. TELEGRAPH.—A striking instance of a motor bicycle outstripping a telegram was afforded here on Monday. A

gentleman left Casterton for Hamilton on a motor at 10.30 that morning, leaving behind him a telegram for despatch to this office. That message was lodged a few minutes after his departure, but it did not reach the party to whom it was addressed till 12.35 p.m., or half-an-hour after the sender had arrived in Hamilton on his bicycle. In justice to the Telegraph Department, it should be added that the distance covered by the cyclist, forty miles, was accomplished in 1 hour 40 minutes, which, considering the heavy state of the roads, was remarkably good travelling.

2. Does he consider that a period of two hours should be occupied in sending a telegram a distance of forty miles?

3. If so, will he consider the advisability of supplementing the rural telegraph service with a service of motor cycles?

Mr. AUSTIN CHAPMAN.—Inquiries are being made into this matter.

MAIL COACH DRIVERS.

Mr. THOMAS asked the Postmaster-General, *upon notice*—

Has the Postal Department yet received the report, promised some months since, *re* the practicability and cost of including in all inland mail contracts a maximum number of hours for coach-drivers?

Mr. AUSTIN CHAPMAN. — The answer to the honorable member's question is as follows:—

Reports have been received showing that, in the majority of the cases in which long hours were worked by mail post drivers, those hours have now been reduced. The question of providing in contracts for a maximum number of hours, during which the men employed on coaches carrying mails under contract with the Postmaster-General's Department shall drive is receiving consideration, but there are difficulties in applying one rule in this respect throughout the Commonwealth.

SUPPLY BILL (No 3).

OCEAN MAIL CONTRACT: POSITION OF THE
MINISTRY: LABOUR PARTY AND SO-
CIALISM: PREFERENTIAL TRADE:
STATES DEBTS: IMMIGRATION RE-
STRICTION ACT: FEDERAL CAPITAL
SITE: COMMONWEALTH STEAMERS:
FREMANTLE DEFENCES: POST AND
TELEGRAPHS.

In Committee of Supply:

Sir JOHN FORREST (Swan—Treasurer).—I move—

That a sum not exceeding £660,185 be granted to His Majesty for or towards defraying the services of the year ending 30th June, 1906.

The House has already had before it this session two monthly Supply Bills, and the money voted will all have been expended by the end of September; but as the Estimates

for the year have now been laid before honorable members, and the Bill which I am about to introduce makes provision only for the ordinary routine services of the Commonwealth, it is proposed to ask Parliament in this case to grant two months' further supply. As honorable members are aware, new works, additions, and buildings have been provided for by the passing of the Appropriation Works and Buildings Bill. ● The only item in this Bill which is in any way out of the ordinary is that which provides for the payment of the half-year's subsidy for the Ocean Mail Contract, so soon as that contract has been ratified by Parliament. The money necessary for the payment of the subsidy until 30th June, is at present in London awaiting the ratification of the contract. Although the service under the contract with the Orient Company is being carried out, the company has not received any subsidy, as it is provided in the contract that no payment shall be made until the contract has been ratified. It is necessary that the Treasurer should have funds to transmit to London as cheaply as possible, namely, by drafts payable at sixty days after sight, and, if the proposed vote of £60,000 is agreed to, steps will be taken to have the money ready in London to meet the payments as they become due up to the end of the year. Beyond this, there is really nothing new in the Bill.

Mr. REID (East Sydney).—I suppose that in this Chamber we still recognise that the proposal of the Government to take supply, whether for one month or two months, furnishes a legitimate occasion for a review of the political situation, because such a request to the House involves, as a rule, a state of affairs which I regret to say does not exist on the present occasion. The relations between the House and the Government, especially on questions of supply, have, as a general rule, involved confidence in the Government on the part of a majority of members. Now, unfortunately, with more or less truth, since the Federal Parliament began, there has never been a Ministry with an absolutely constitutional majority behind it, in governing the affairs of the Commonwealth. Neither the first nor the second Federal Ministry had any such majority, and when the second Federal Ministry returned from the country, it was in an even less strong position than it occupied in the first Parliament.

It was reduced to a pitiable condition, from which the then Prime Minister took the earliest opportunity to escape. The succeeding Ministry was in an even weaker position, because we witnessed the extraordinary spectacle of a Ministry sitting on the Treasury bench with the support of one-third of the House, while the other two-thirds sat on the Opposition benches. That Ministry gave way to another Administration, which was the first under the Commonwealth to possess an absolute majority.

HONORABLE MEMBERS.—Oh, no !

Mr. REID.—It had an absolute majority, because honorable members cannot ignore the fact that a majority of two is a majority—as compared with the state of things which existed before, the Ministry had an overwhelming majority. At any rate, it was a majority, although I admit that it was on the narrowest possible lines. All that can be said is that the state of affairs which existed whilst the Ministry was in office was infinitely better than any that had obtained before, and infinitely better also than that which now prevails. One of the results of possessing such a narrow majority was that the gentlemen in office naturally felt sensitive, because they recognised that it became them, so long as they held the reins of power, to maintain an attitude of absolute independence. Therefore, when their majority became doubtful, they did not wait to be ejected from office, but invited Parliament to terminate an unhealthy state of affairs by appealing to the only power that could apply the remedy, namely, the electors. That policy was naturally—I was not surprised at it—distasteful to the majority of honorable members of this House. There will always be a majority against the dissolution of Parliament if the majority has to decide the question; and so it was in this particular case. If honorable members who sat on the Opposition benches had coalesced with the present Government, it would have been another matter altogether. If the Labour Party and the re-united Deakin party had come together upon the basis of a political alliance, they would have been perfectly justified—if they could have forgotten all that they had ever said—in carrying on the business of the country. But the objection to the present state of affairs is that it runs right across the main principle of parliamentary government. The main attribute of parliamentary government

is that the power of the country should be in the hands of a Ministry supported by a majority of the members of the House, who, if a dissolution occurred at any moment, would face the country side by side with those to whom they had given the power to govern the country. That is the whole basis of parliamentary government. The use of parliamentary powers under any other conditions is altogether foreign to the history of British Parliaments. If a crisis occurred to-morrow in any British Parliament, the Government would go to the country with those who had supported them; but in this case, we are face to face with the extraordinary position that there is no possible prospect of the gentlemen who sit on the Treasury benches going to the country in alliance with those who keep them in power. On the contrary, that would be impossible. There was some hope that, when the Inter-State Socialist Conference met a few months ago, some arrangements would have been made under which the gentlemen in this House who are keeping the present Government in power, would be able to put their alliance or connexion with the present Government on some tangible political footing. But the authorities above my honorable friends of the Labour Party—the parliament of those who have the power to return them, or, rather, to nominate them—deliberately repudiated any political alliance with the present Deakin Administration. They deliberately reserved to themselves the right to stand against the Deakin Government in the event of a general election. Therefore, the basis of parliamentary responsibility, the responsibility of the men who are prepared to go before the electors to justify what they are doing in this House in support of a Government, does not exist in the present case. In fact it is no secret that whilst the gentlemen below the gangway are supporting the Ministry, the Labour authorities in Victoria are organizing an opposition to the present Prime Minister. If an election be held to-morrow or at the time when we cannot prevent it from taking place—and that is generally the period at which elections are held—there is nothing more probable than that those honorable members who are now supporting the Government would be found ranged before the people of the country against Ministers and their immediate supporters. That is a most unhealthy and unsound state of things.

How can we have parliamentary responsibility if public affairs are to be governed under an arrangement by which the Government are kept in power by gentlemen who reserve to themselves the right of doing all they can to drive Ministers out of office, in the event of an appeal to the country? So I say that there is no proper basis of Parliamentary confidence, so far as the position of the present Government is concerned. My honorable friends below the gangway, having tasted the sweets of office for a short time, and having shouldered the responsibilities of opposition for a brief period, have had an experience which has disenchanted them. As a result, they are prepared to resume their former position—a position not of responsibility, but in which they are enabled to drive the Government in directions that it would not otherwise travel, with the full intention—after they have got all that they can out of it—of casting it to the winds. When the next appeal to the electors takes place, I hope that it will be a fair and square fight between honorable members occupying seats below the gangway and the Opposition. In that great contest the Government and their direct supporters will become mere accidents. They will be scattered to the winds between the power of these two opposing forces. Persons inside this House may endeavour to create all sorts of artificial situations, but when these issues come before the people, I think the latter will decide—and I hope finally—between the power which is possessed by my honorable friends below the gangway, and the cause which is advocated by members on the Opposition benches. Any chance of the eighteen or nineteen members who comprise the Government, and their direct supporters in a House of 75, and with 28 and 29 members belonging to the other two parties—surviving an election in a position of power seems to me to be absolutely hopeless.

Mr. TUDOR. — Then why does not the right honorable gentleman put the Government out of office?

Mr. REID.—Whilst that is the duty of the Opposition, we have to recollect that so long as members of the Labour Party can make use of the Government, and so long as the latter are willing to be driven—willing to submit to the humiliation of being driven day after day, and month after month—the Opposition are positively
verless.

Mr. WATSON.—In New South Wales they said that of the right honorable member for five years.

Mr. REID.—If they said it for five years, surely I may be permitted to say it once. But the Ministry in New South Wales, to which the honorable member refers, had the support of the Labour Party, because the latter were in agreement with it upon one great line of reform. The Ministry had the support of the Labour Party, not as a party which drove them, but as one which followed them. There is a great difference between the two cases—between the position of a Government which receives the support of gentlemen who believe in some great principle for which it is fighting, and that of the present Government, the support of which rests upon no principle whatever. The Prime Minister did endeavour to provide a principle upon which the Labour Party, himself, and his friends, could work together. Whilst he was supposed to be a friend and ally of the late Government, the honorable and learned gentleman openly made an offer to the Labour Party. There was a method underlying all his actions. The Inter-State Labour Conference was about to meet—a gathering of gentlemen who settle the policy which certain members of this House have to follow.

Mr. WATSON.—We were there.

Mr. REID.—The honorable member was there as one delegate amongst many, and he possessed no greater power than did any other representative.

Mr. WATSON.—There was a majority of parliamentarians present.

Mr. REID.—I am only anxious to get a word in occasionally. I trust that I am not exceeding my right in discussing public affairs. I know that it is becoming a subject of offence for any honorable member to avail himself of his parliamentary right to discuss public matters. No doubt, if I would submit to be tutored by my honorable friends as to the precise way in which I should address myself to public questions, I should receive a very generous hearing. But I claim the right to express my own views in my own way.

Mr. CARPENTER.—The right honorable member is not present very often.

Mr. REID.—When I was in office I was never absent from the House for a single day. When I occupied the position of Prime Minister I threw all my private business to the winds, and that, I think, is an

example which others might fairly emulate. I should like the honorable member for Fremantle to recollect—and I make no boastful reference to the subject—that, such as my attendance is, it probably costs me a great deal more than the honorable member will ever earn if he lives to be 100 years old.

Mr. CARPENTER.—Then it is a question of what the right honorable member earns?

Mr. REID.—When I am present I should like honorable members to be reminded of the fact that I have a right to address myself to a public question without a tumult in the House. Surely the drivers upon the box are all right. They do not need to grow restless. Surely they can listen to a public discussion. They occupy the easy and dignified position.

Mr. WEBSTER.—We are not in the "steerage" now.

Mr. REID.—Wherever the honorable member may be, I think that he will be very much the same—easily identified. However, I should like to take advantage of my presence to-day to point out the difference between the support which a party give to a Government upon some great national question, such as that which won for me the support of the Labour Party in New South Wales, and the present situation. The Prime Minister—as I have already said—broke the compact that existed with me when he extended an invitation to the Labour Party to accept the principle of protection, in which case he and his friends were prepared to go over to, and support, them. He endeavoured—paying slight attention, I think, to the position that he occupied in relation to my colleagues and myself—to establish a connexion of principle—because, no doubt, protection has been his leading principle throughout his career—between the Labour Party and himself and his friends, because he stated that if that party would only make protection the leading plank of their programme, he and his friends would become their ardent supporters. That appeal was, perhaps, made at the wrong time. The honorable gentleman destroyed the arrangements which then existed, but at the same time there was a definite basis of public principle upon which such an alliance might possibly be made. But what was the answer of the Socialist Parliament when it met shortly afterwards? As we all know, enormous efforts were used to engineer, through the Inter-State Labour Conference,

the adoption of the principle of protection. But, as one of the delegates—I believe he was a protectionist, although I am not sure that he was—said very frankly to his Labour friends at the conference, "Why! we are much better off as we are. We can put up So-and-so as a free-trader in a free-trade electorate, and So-and-so as a protectionist in a protectionist constituency, and we are not going to give up this opportunity to run both causes at the same time. In an electorate where there are a majority of free-traders, we fight for free-trade, and, if possible, we return a free-trader; but, in a protectionist electorate, we can put up a protectionist candidate." In the latter case they fight for their man as a protectionist candidate, they vote for him as one, and they return him, if they can, as a protectionist.

Mr. CARPENTER.—No; Labour is first.

Mr. REID.—To honorable gentlemen who boast of their rigid adherence to great principles, the situation is one which may well cause the observer to feel amused.

Mr. WATSON.—Some of the party do not regard either free-trade or protection as a great principle.

Mr. REID.—I have never had much political association with the honorable member; but when the connexion between the Labour Party and myself in New South Wales Parliament terminated, the leader of that party spoke to me in terms very different from those which are employed by the honorable member. There was no attempt to sneer, nor was any ungenerous reference made to me. On the contrary, the leader of the Labour Party in the State Parliament testified in the most generous way to the honorable course I had always pursued in all important relations with that party.

Mr. WATSON.—Hear, hear; but the right honorable member has since fallen away. It is he who is sneering.

Mr. REID.—My honorable friends are, of course, so sensitive that once one begins to differ from them, one is accused of sneering at them. As a matter of fact, I am not. There is an absolute difference of opinion between us, and I have been endeavouring to show the grounds upon which I disagree with the course they are taking at the present time. If honorable members of the Labour Party were sitting in the Ministerial corner with any intention, when going before the people of Australia, to take the responsibility of the Government policy on their shoulders, I should not have a word to

say about their position. But my point is that whilst they avail themselves of the powers of this Parliament to push their views to an extreme by using honorable members who do not believe in their principles—who, if they were free, would vote dead against them—they fully intend when they face the people to disavow those honorable members. They are making use of them with the full intention, when that time comes, to stand against them—in many cases, to put up candidates against them.

Mr. RONALD.—The wish is father to the thought.

Mr. REID.—I think that the honorable member is to-day the most precarious straw on the political current. I do not believe that he has by any means made his calling and election sure. I do not think that even his advocacy of Home Rule will bring about his return at the next election.

Mr. WEBSTER.—Why raise the sectarian cry?

Mr. REID.—That is a new idea. Here we have a sapient member describing no reference to Home Rule as a sectarian cry.

Mr. WEBSTER.—The right honorable gentleman is always ready to live by that cry.

Mr. REID.—The honorable member should choose his epithets a little more wisely. But, as I have said, there is no connexion between the Labour Party and the Government that would justify any pretence to a proper condition of parliamentary affairs; because the moment the responsibility of the Government for what is being done in this Parliament is put before the people, the Labour Party, instead of going on the public platforms of Australia to support the Ministry of whom they are making use, and to take a share of that responsibility, will adopt an absolutely different course. The Prime Minister, a short time ago, had only one ambition, and that was to take the sense of the Parliament on the engrossing, vital subject of preferential trade. That was the subject on which he soared to his highest flights of eloquence when before the people of Australia. He drew most enticing pictures of the enormous stretches of harvest fields which would, as if by magic, spread over the surface of Australia, the yield from which would find a safe and profitable market in the mother country. The honorable and learned member asked for an opportunity last session to take the opinion of the House with regard to the question,

and I gave him a chance to discuss it. I admit that it was at a time of the session when the matter could not be fairly fought out, but, as the honorable and learned gentleman said, I offered him an opportunity early this session to again bring it forward, in order that the discussion might be completed, and a record taken of the opinion of the House. The honorable and learned gentleman has now been in office some two or three months, but has made no reference to the question. Was there a word about preferential trade in the Treasurer's Budget statement? I have not yet found an opportunity to read the *Hansard* report of it, but I do not think there was. Was there a word in the Budget speech about this great policy, which was to be of such enormous advantage to Australia, and which was also to be of some service in bringing the bonds of empire more tightly and profitably together?

Mr. CROUCH.—A number of figures relating to the question were quoted by the Treasurer.

Mr. REID.—“Preferential trade and fiscal peace” was the motto on the banner of the Prime Minister's party at the last election. Now, however, we have a Government that is equally divided—one half supporting preferential trade, and the other half in favour of fiscal strife. What is the policy of the Attorney-General, the Minister of Home Affairs, and the Minister of Trade and Customs? Their policy, when they were sitting in the Opposition corner, was based upon a cry of distress, which naturally awoke the sympathies of those who did not know them. They had one surpassing anxiety, and that was to relieve certain Melbourne industries from the distress which the Tariff had inflicted upon them. This was notably their desire in regard to the iron industries. Their policy was one not of fiscal peace, nor even of preferential trade, because, according to them, the only way to relieve the distress in the great iron industries of Melbourne was to increase the duties on iron imports from the mother country. What a mockery it would be—if there be any truth in this cry—to talk of preferential trade while professing, at the same time, to increase the duties on iron imports from the mother country. If the causes of the distress in these great trades in Melbourne are really traceable to the Tariff—to low duties, and not, as I believe, to a number of other circumstances with

which the Tariff has nothing to do — do not honorable members who face the question fairly know that in order to relieve that distress, the Tariff must be raised against our fellow-countrymen in Great Britain? If we opened the ports of Australia to the iron exports of the mother country, what a mockery it would be to tell the iron workers of this city that we were going to help them. They can be helped only by shutting out one of the biggest iron exporting countries.

Mr. RONALD.—Can we not discriminate between imports from the mother country and those from foreign countries?

Mr. REID.—I am pointing out to the honorable member that if the duties are not increased against the great British iron exporters, tariff revision will bring no relief. Does he think that, if the duties are left as they are against the mother country, there can be any substantial relief to the iron foundries of Melbourne, by taxing Germany and the United States out of the Australian market? Although Australia is a great country, still it is a small market compared with many of the large markets of the world, and does the honorable member think that if these duties remain as high as they now are against the mother country, with her enormous iron export and machinery trade, any substantial relief can be afforded to Melbourne ironworkers by putting up the duties 100 per cent. against German and American goods?

Mr. RONALD.—I think that there will be some compensation to Australia from preferential trade to make up for that.

The CHAIRMAN.—Order. I hardly think that the right honorable member can discuss preferential trade on the motion before the Committee.

Mr. REID.—Surely, sir, the policy of the Government is open to discussion, on a motion relating to a Supply Bill?

The CHAIRMAN.—There is no evidence before the Committee that preferential trade is part of the policy of the Government. While the right honorable member was giving a historical review, I did not interfere; but I think he will see that on a motion, preliminary to the introduction of a Supply Bill, it would hardly be in order to debate a matter which is not before either the Committee or the House.

Mr. REID.—I bow, sir, to your ruling at once, as it is my duty to do; but I should like to point out to you that the

conduct of the Government must always be open to criticism when they come down and ask for supply.

The CHAIRMAN. — Yes; and if the right honorable member had contented himself with complaining that the Government had not, for example, brought down a certain measure, he would have been in order. He cannot, however, discuss the details of the question to which he was referring.

Mr. REID.—I was addressing myself to the very point you mention, sir, until I was interrupted. I was pointing out that the Government had been in office for some time, and that the Budget speech did not contain a single word on the subject of preferential trade. I am criticising the conduct of the Government in not carrying out a matter which they had announced a strong desire to proceed with. I was drawing attention to the unhappy state of things which exists in the Cabinet. Whether we agree with the policy of preferential trade or not, we must all admit that it is one which is worthy in the highest degree of consideration. Either for good or for evil, it is a great policy. It may contain the germs of illimitable good, or it may contain the germs of untold mischief; and on such a subject each country affected is entitled to have its own opinion. For instance, we may think it a splendid thing for us, but the people of another country may think it very disadvantageous to them, and in that case they would be perfectly free to reject the policy. But my point is that it is impossible for a Government to stand in this position: That whilst the Prime Minister is an ardent advocate for preferential trade, his colleagues have committed themselves by every possible declaration to bringing relief to the ironworkers of Melbourne by increasing the duties on iron and machinery. I say to honorable members, as I said before, "You may put the duties up 100 per cent. against the United States, or France, or Germany, or Belgium, but, so long as you leave the Tariff as it stands against England, it is a cruel mockery to endeavour to make the ironworkers of Melbourne believe that it can give them any relief." It is impossible to continue a method of fooling the people of the old country because we want some of our great products—and a very worthy object, too—introduced under better terms into her markets. It is absurd for us to pretend not to see that the British people are entitled to

make sensible terms for themselves, that there must be benefit for benefit, and not benefit on one side and no benefit on the other. The whole of this movement has been reduced to a farce by the conflicting demands of the two parties in the present Ministry, one clamouring for higher duties on articles which Great Britain produces, and the other speaking of giving to Great Britain an advantage in order to get the benefits of her markets for Australian products. That position seems to me to call for some observation. When honorable members criticise the good feeling which exists in the mother country for Canada; when they point out that there is no reason why Australia should not excite as much affection and esteem in the hearts and minds of the people of Great Britain, surely they know how different the course of the Dominion has been in reference to the mother country! After the voluntary preference was established it was increased, not once, but twice; it became a substantial preference. That was done by Canada in no spirit of bargaining, but as a loyal and affectionate act on the part of her people towards the people of the mother country, without any business consideration of any sort expressed in any agreement, without asking for anything in return. I now come to another point which I think is one of great importance. It has been stated that Canada shuts out the people of the mother country as we do by the contract provision in our Immigration Restriction Act. I believe that statement is absolutely without foundation. So far from doing that, Canada has acted towards the mother country in a very different spirit. She is much nearer to the overcrowded millions of the United Kingdom than we are. The danger of an undue influx of people, if it be a danger, is much greater there than here. But instead of shutting the Dominion against the people of the mother land, there is not a man amongst the 41,000,000 in England, Scotland, and Ireland to-day who could not go over to Canada to-morrow without the slightest impediment. That is a marked difference from the way in which Australia treats the people of the mother country. Yet honorable members sit down easily under our law. If the Parliament of the United Kingdom passed a law which shut out a single Australian therefrom, would not the people of Australia rise in strong indignation? Would it not put one of the most severe strains upon the

loyalty of Australia if an honest Australian working man could not land upon the shores of England without the risk of being punished by imprisonment with hard labour or deportation?

Mr. MALONEY.—Is he free to land at Hong Kong or India?

Mr. REID.—At the present time I am referring to England, not to Hong Kong.

Mr. MALONEY.—I do not think that the right honorable member read my little note.

Mr. REID.—I did not, but the honorable member will admit that Hong Kong is a very small place compared with the mother country and Australia.

Mr. MALONEY.—It is the second port in the world, and is under English law; but not every Englishman is free to land there.

Mr. REID.—If my honorable friend will allow me, I should prefer to discuss the relations between Australia and the mother country. If the Imperial Parliament passed such a provision as we have, there would be burning indignation throughout Australia, and nowhere more so than amongst the working classes.

Mr. WATSON.—Ridiculous.

Mr. REID.—Fortunately we have come to a more promising outlook. When the honorable member for Gippsland was speaking on this provision the other day, I learned with the greatest possible satisfaction that the honorable member for Bland interjected in such a way as to show that the matter was open for reconsideration, and, later on, when interviewed, he put his views in a still more clear and emphatic way. I was delighted to read what he said. I believe that every member of the Opposition will be prepared to pass any Bill for the alteration of section 3 of the Immigration Restriction Act with the least possible delay. I welcome this change; but I cannot help remembering that when I used to advocate it—I advocated it very strongly at the last election throughout Australia—my honorable friends opposite opposed me for doing so, and spoke of immigrants under contract as people who were in nothing better than shackles, and as bondmen, because they happened to come out under agreement to work here. As though the whole of the workers of Australia are not under contract to-day.

Mr. WATSON. — The right honorable member was not in favour of any restriction whatever.

Mr. REID.—I explained in my speeches on the subject over and over again that I was in no way opposed to what I took to be the real object of the section.

Mr. WATSON.—I did not read that anywhere.

Mr. REID.—Then the honorable member must have missed it, because I have stated that over and over again. I can quite understand the view of those who wish to see a certain precaution put in our Act, and the point that struck me was that so long as the agreement was an honest one, and so long as the immigrant was not brought here with the object of introducing reinforcements into some great industrial fight that was taking place in the country, he ought to be allowed to enter. I was always willing, subject to that understanding, to see a section of this sort embodied in the law, as I think every one else is also.

Mr. HUTCHISON.—The Act has not kept out any desirable immigrant, has it?

Mr. REID.—Suppose there were a law in another country that, if a workman entered into an engagement to work in that country, he might find, when he arrived, that he could be put in prison, or that he had at least rendered himself liable to imprisonment, and that he could not get out of prison unless he found two sureties—does not the honorable member see that no decent man would ever emigrate if he had to sneak into a country where such a law existed?

Mr. HUTCHISON.—There is such a law in America, nevertheless.

Mr. REID.—My honorable friend, I am sure, would not like to go to any country where there was a law of that sort against him.

Mr. HUTCHISON.—I should like to go as a free man.

Mr. REID.—But still, if a man goes under contract to work, is he not a free man? If not, we are all slaves—even members of Parliament—because we are all under contract to some extent. That is not, perhaps, a very apposite illustration; but what I want to point out is that there can be no moral degradation in being subject to a wages contract, or else all our people are under circumstances of moral degradation, because they are nearly all under local contracts of some kind. What I wish to emphasize is that feelings of irritation may well arise in the mother country, from the fact that such a law exists in Australia.

Mr. HUTCHISON. — The feeling arises from the misrepresentations of our law.

Mr. REID.—It is not misrepresentation only.

Mr. WATSON.—There has been nothing but misrepresentation ever since the Act was passed.

Mr. REID. — There has been misrepresentation, and no one admits that more frankly than I do. As long as I can remember there has been a tissue of the vilest representations affecting Australia, especially from the financial position. That is no new aspect. It has existed for the last twenty or thirty years. But honorable members will recognise that the great body of the people of the mother country are not affected by statements of that sort, which may appear in newspapers that seem to have a most intense antipathy to everything in Australia. We do not identify the great body of the people of the mother country with a few miserable journals of that sort.

Mr. WEBSTER.—But it is a fact that our law has been misrepresented.

Mr. REID.—As there are so many slanderers, so many people who vilify Australia, we ought to be the more concerned to remove any pretence for that vilification. It will be a good thing for Australia if we remove that defect from our law, which makes an immigrant run the risk of getting into gaol as a criminal if he is found to have arrived here with an honest contract for honest work. The Premier of New South Wales wrote a despatch to the Prime Minister on the 18th of last month. The Premier asked for an assurance that the provisions of the Immigration Restriction Act as to contract labour would not be enforced in respect of farmers and agriculturists whom it was intended to encourage to immigrate. That is a definite sort of statement from a Premier to the Prime Minister, asking him for an assurance that the provisions as to contract labour under the Immigration Restriction Act would not be enforced in the case referred to. The Prime Minister, in his reply, which is a very long one, expresses his gratification—that is always available—that strenuous efforts to induce British farmers and agricultural labourers to emigrate were to be made; and then he says—

But I shall be glad to learn what kind of obligations you have in your mind when you mention "white agricultural settlers entering New South Wales under contract."

Then he refers to Mr. Coghlan and to certain intending emigrants to whom that gentleman referred in a letter; and the Prime Minister points out that people who come out to purchase land under contract "except for manual labour" are not liable under the Act. We all knew that, and the Premier of New South Wales replied that he knew it. But the Prime Minister, in that reply, absolutely evaded the question put frankly to him by the Premier. The practical question is, as the Premier of New South Wales says—

That the provisions of the Immigration Restriction Act as to contract labour will not be enforced, lest our endeavours to promote immigration to these shores be stultified.

The Prime Minister sends him a despatch which evades the whole point. And I admit that the honorable gentleman could not give an assurance. I admit that no Prime Minister can give an assurance that the laws of Australia will be broken. He cannot break these laws. If an agricultural labourer came out from England, Scotland, or Ireland to work in Victoria under contract, if the Prime Minister knew that that man was in the streets of Melbourne, he would not be doing his duty if he did not have him sent to gaol. He cannot evade that duty under the laws of the Commonwealth. As the Prime Minister very fairly said, the provisions of the Immigration Restriction Act permit exemption certificates to be issued; but those exemptions have to be for definite periods, and the moment the exemption period is over, the holder of the exemption becomes again liable to be treated as a criminal.

Mr. McWILLIAMS.—They give him a ticket-of-leave.

Mr. REID.—Something very like it. Suppose exemption certificates could be issued to agricultural labourers under contract. They could be issued for a special period, and the moment that was over the man could be informed against, and would be subject to the penalty of imprisonment or deportation. This is a disgraceful state of things; and now that we see there has been a mistake—now that we see that the object of the section was a very different one, on which we all agree—it is the duty of all parties to find some remedy. The Prime Minister has said that a clause to effect the end which I suggest is most difficult to draft; but, with all the eminent lawyers

in the Cabinet, I think that, in the course of a month or two, the trouble might be got over. At all events, an attempt of the kind ought to be made very seriously; because, until we alter this law, we cannot wonder that the name of Australia stinks in the nostrils of the people of England. For instance, those farmers who are coming out from England, with their own money, to settle in Australia, may have able-bodied sons, or other persons who are not related to them, whom they desire to bring with them to work on their farms. Or they may have in their employ men who have worked on their farms in England for ten or fifteen years, and whom they naturally desire to bring with them to Australia. As the law stands, however, the farmers dare not take that step, because, not only they, but also any other persons who, in the most innocent way, helped to make an agreement of the kind, would be liable to the penalty of imprisonment. The Government ought, without delay, to introduce some substantial measure which will show the people of the old country that we have no desire to penalize our own fellow countrymen, or to prevent those who wish to do so from coming to Australia. With regard to the ocean mail service, I must say that the position in which the Orient Steam-ship Company has been placed is the most cruel of which I have ever heard. I should like to direct attention to the way in which that shipping company has been treated. Of course, as honorable members know, the Government of which I was a member were responsible for this contract; but our responsibilities ceased when, on the assembling of Parliament, we were placed out of office, it then being for our successors to either take up the contract or disavow it. The present Government took up the contract—I do not think they could have adopted any other course—and the motion for ratification was placed on the business-paper, and has since appeared from day to day. According to the agreement, £30,000 became payable to the Orient Company on the 1st July, or just about the time when Parliament met under the present Government, and we are now at the end of September, when, within a day or two, another £30,000 will fall due. This, as honorable members know, is the idle time of the year, when the receipts of those steam-ship companies are at a minimum, and yet in a day or two £60,000 will be owing on this score by the Commonwealth.

Mr. HUTCHISON.—The motion to ratify the contract will not be reached until next year if the Opposition can help it.

Mr. REID.—I hope the honorable member will not say that, seeing that the motion could be introduced at any moment. I should like the honorable member for Hindmarsh to realize that the Government—subject, perhaps, to a reference to the caucus—may bring forward any matter of business they like.

Mr. WATSON.—The Opposition stonewall so much that the Government cannot forward any business.

Mr. REID.—Amongst business men a payment of this kind would be regarded as a pressing, honorable obligation. What two business men would enter into an arrangement involving the payment of £30,000, and allow the matter to run on for months without obtaining the verdict of those who had to finally approve? This is an abominable way in which to treat business people. Do honorable members think that this treatment of the Orient Company will commend the business management of the Commonwealth? If the House is going to approve of the agreement, why were we not asked to do so long ago, so that the money might have been paid in due course? I regard the delay as a very serious reproach to us as a party to a large business transaction. Another matter has struck me with a great deal of astonishment. The Postmaster-General, now that he has to attend to the administration of an enormous Department, is, I am afraid, neglecting a little the great question of the Capital Site, of which we, who rallied around him, now hear less and less. I admit that we desired another site than that of Dalgety, but we accepted that as the next commendable; and I am prepared, just as staunchly as ever, to support the choice of the Parliament. My own impression, as against that of others in New South Wales, who so much assail this selection, is that it is absolutely the best that New South Wales is ever likely to get—that any change would absolutely be for the worse. If that were not my opinion, I might not be so staunch about the site as I am, but I feel convinced that if the matter were reopened any alteration would not be for the benefit of New South Wales. That is my strong belief from the information that I have received. I do

not know whether the project has yet taken official shape, but I have heard of a proposal to drive a stake at some point on the Dalgety site, in order to, in some way, bring the matter before the High Court.

Mr. WATSON.—That is to oblige Mr. Carruthers.

Mr. REID.—The spirit of the suggestion is a very proper one; the object is to arrive at some friendly settlement of legal questions affecting this very important matter at the hands of the highest judicial authority in the Commonwealth. As I say, the object of the suggestion is an absolutely good one, and I am not criticising it; but I do not know whether the Government have decided to accept it. I do not know by whom the suggestion was made.

Mr. DEAKIN.—The Premier of New South Wales made the suggestion.

Mr. REID.—My reading of the Constitution is that, if the Commonwealth Government were to drive a stake somewhere near Dalgety, and have a case stated, the decision would be against them; because the Government have no right to drive a stake into territory which has not been "granted to or acquired by" them. The site of the capital is to be within territory which shall have been granted or acquired, and we cannot have a capital in New South Wales until territory has been either granted or acquired under the powers of the Property for Public Purposes Acquisition Act. I suppose there is in that Act sufficient power to acquire the territory, but that would not settle the question about the 900 square miles, and I do not suppose the Government would dream of putting that Act in force in order to resume such an area. That, in my opinion, would be a monstrous proceeding. The question of area presents one of the difficulties of the position, and it ought to be a matter of friendly negotiation. Of course, I admit that there is a point in regard to the construction of the Constitution, which might settle the whole affair, because there might be a very strong argument to the effect that the words of the Constitution cannot possibly mean the power to go so far as this Parliament has intimated its desire to go; and it is quite possible that the High Court may hold that the area mentioned in the Constitution binds the Commonwealth down to within reasonable limits of that area.

Mr. WATSON. — The Court may take the view that the minimum mentioned is an indication that a very large area was intended.

Mr. REID.—So many excellent judgments have been upset by the High Court that I do not mean to pronounce one if I can avoid it. The point I wish to make is that, instead of these fanciful ways of assuming to be fighting when we desire a friendly settlement, it would be easy for the Government to pass a Bill—such as, I believe, is in operation in Canada—giving the Commonwealth Government and the States Governments power to state a case for the High Court, when there are vexed questions at issue.

Mr. GLYNN.—At the Convention I tried to have such a provision inserted, but it was rejected.

Mr. REID.—In the light of our experience we cannot but regard it as a pity that such a proposal was rejected. The most sensible and friendly way of settling a trouble of this kind, would be for the two parties, under the learned advice at their command, to agree to draw up their respective cases.

Mr. HUTCHISON.—Did the leader of the Opposition oppose the proposal made by the honorable and learned member for Angas in the Federal Convention?

Mr. REID.—I do not think so.

Mr. GLYNN.—The proposal received some strong support.

Mr. REID.—I am afraid it shows some animosity on the part of the honorable member for Hindmarsh to make the suggestion he has. I urge very strongly on the Government that not only would the course I suggest enable the two Governments to dispose of this great difficulty without any unfriendly feeling, but it would, from every point of view, make an invaluable permanent addition to the Statutes of the Commonwealth.

Mr. DEAKIN.—Does the leader of the Opposition think that his suggestion could be carried out without an amendment of the Constitution?

Mr. REID.—If there is any trouble on that score, I must say that that is a point I had not considered.

Mr. GLYNN.—I think the matter might be referred to the Privy Council.

Mr. REID.—I confess that I have not studied that aspect of the question. I do not know whether it will be necessary to pass any Act for a reference to the Privy

Council. If the Constitution stands in the way of the adoption of the other course, I should infinitely prefer to go to the Privy Council, if that could be done, because there is a perfect block at present in the settlement of the question.

Mr. DEAKIN.—There would be no difficulty in passing a very short Bill to put this particular question before the High Court.

Mr. REID.—Then I most strongly urge the adoption of that proceeding in the interests of the preservation of good feeling between the mother State and the Commonwealth. I think it would commend itself to the good sense of every one, and I think every member of the House would help to put such a Bill through.

Mr. DEAKIN.—I hope so.

Mr. REID.—I cannot speak for all my friends, but I can speak for myself, and I say that if the Government bring down such a measure, I shall be glad to help it through in one sitting, if possible.

Mr. GLYNN.—All the States would have to join in the proposal.

Mr. REID.—That might be the subject of negotiation, if it were necessary to consult the States. I suppose there can be no doubt that it would be necessary to consult New South Wales.

Mr. GLYNN.—All the States must be consulted. We cannot amend the Constitution without the consent of all the States.

Mr. WATSON.—In connexion with the settlement of this matter?

Mr. REID.—I do not think that that is the proposal.

Mr. DEAKIN.—That is not the proposal I was thinking of.

Mr. REID.—I shall certainly look into the suggestion made as to the constitutional difficulties, but I do most earnestly impress upon the Government that every possible effort should be made to put this question of the Capital Site on a more satisfactory footing. There is not the slightest doubt that there is a very large amount of strong feeling in New South Wales on the subject which acts prejudicially to the whole Federal sentiment.

Mr. AUSTIN CHAPMAN.—Hear, hear. The sooner the question is settled the better.

Mr. REID.—I say that if it is possible by a short Bill to enable this matter to be referred to some tribunal, such as the High Court, or, failing the High Court, if there is some difficulty under the Constitution, to the Privy Council, I shall be prepared

to give such a measure my strongest support. I have no desire to repeat the observations which I have so often made with reference to the present state of the electorates, but I should like to know from the Government whether there will be any delay in fixing an enumeration day after the Representation Bill is passed.

Mr. DEAKIN.—None whatever.

Mr. REID.—To pass the Representation Bill is simply to do, as my honorable and learned friend the member for Corinella pointed out so admirably, what was proposed to be done in another way by the previous Government. I do not mind that. So long as the thing is done, that is the main point; but I wish to remind the Government that after we get that Bill passed we shall still be a long way from having put matters in connexion with the electorates in a satisfactory state. There is a lesson to be learned from the experience of 1903, when this House took it upon itself to reject the boundaries recommended by the Electoral Commissioners upon grounds which the facts since known have shown to have been absolutely without foundation. It was pointed out that certain electorates were depopulated owing to the drought, but it is now known that there are only 1,500 or 2,000 more electors in some of those enormous electorates than in 1903, and this may be wholly accounted for by the number of young people who, in the last two or three years, have attained their majority. I want our experience on that occasion to be a lesson for the future. I am not disclosing any Cabinet secrets when I say that it was the intention of the late Government to establish a tribunal which would settle electoral redistributions absolutely outside the influence of Parliament. I think there is a radical danger in leaving matters which affect the interests of parties or of individual members of the House to be dealt with in the way in which they are dealt with under the present law. When the Electoral Bill gets to this House, I shall do all I can to so provide that, after the reports come in from the different States Commissioners, whether by bringing the whole of the Commissioners together for a final decision on the whole of the reports, or by some other plan, there shall be some method adopted to deal with the matter apart from political influence. In any case, I hope we shall remove these questions affecting honorable members and parties in connexion with a

matter vitally affecting the rights of the electors from the authority of Parliament. The present state of things, as some honorable members are aware, is simply abominable. The honorable member for Yarra knows that in Victoria, in some cases, there are three times as many electors in one electorate as in another. It is a matter of absolute indifference to me that the alteration may bring about this or that result. What I am concerned about is that we should respect the principles of our electoral law, and that the rights of the people should be safeguarded much better than they are under the existing system. I think that honorable members will feel very gratified that the Manufactures Encouragement Bill is satisfactorily disposed of. Those who fought against that Bill last session and this session are, I think, entitled to congratulate themselves on the turn which events have taken. I said during the discussion on the Bill that Mr. Sandford was a man who had been connected with the iron industry in New South Wales for I do not know how many years, and that if there were any attempt to establish the iron industry I would infinitely rather see Mr. Sandford in it than any company that might be formed on the London or the Australian money market. As events have shaped themselves, we have now the establishment of the iron industry guaranteed, not to a syndicate which is going to be floated, but to a man whose life-long efforts have been devoted to the industry. I think the House can congratulate itself on saving that £250,000. New South Wales has solved this problem for us without any expense to the Commonwealth. I heartily congratulate the people, and I think I may say the Parliament of the Commonwealth, on the admirable arrangement which has been made between Mr. Sandford and the New South Wales Government, and which will give us the establishment of this great industry under circumstances which no one can possibly regret. I know that many years ago I tried very hard to get the iron industry established in New South Wales through a gentleman who at that time possessed the coal and iron rights, although, unfortunately, he had not the necessary capital. There would have been no difficulty but for that. I now rejoice in the arrangement that has been made by the New South Wales Government, and hope that we have heard the last of the Manufactures Encouragement Bill. One

of the most serious objections to the proposal embodied in that measure was that, if the State came in at all, it would be only in a disadvantageous way. £250,000 would be sunk in the concern to make it more valuable against the State, and then the State would come along and buy it—that is, after its value had been run up hundreds of thousands of pounds by means of its own grant of £250,000 to the industry. I see on the paper a proposal by the honorable member for Kooyong with reference to the appointment of a Council of Finance. I think that project is a very admirable one, but I view it with very grave misgivings. While I have a very strong feeling that it is desirable that the Commonwealth Government and the six States Governments should come into agreement more or less on questions of finance, I confess, with every respect for my honorable friend's views, that I should not care to see a matter of such vital importance taken out of the hands of the Governments of Australia. I do not think that there would be the same flexibility of negotiation and control. If you take the question of the public debts and put it in the hands of a Standing Committee, I do not know of any function which the Government have to perform which could not be similarly handed over to a Committee. I am much obliged to you, Mr. Chairman, for having allowed me to say these one or two words on the subject. At the Hobart Conference I took the same side as the right honorable member for Balaclava did with reference to the Braddon provision, and threw out the idea about returning to the States a fixed sum. I think that that is an admirable suggestion, in every way worthy of consideration. Such an arrangement would enable the Treasurers of the States to know absolutely what amounts they would receive from the Commonwealth, and would perpetuate the responsibility of the Commonwealth by requiring it to devote a large share of its Customs revenue to the help of the States, while relieving it from that difficulty which arises from the present necessity of having to raise four times as much as it requires for any purpose of its own. The advantage of returning a fixed sum to the States would be first stability and certainty in the States revenues in regard to the amount and method of the financial assistance to be received from the Commonwealth, while the Commonwealth would gain liberty to deal with its Customs revenue

upon a much more flexible footing than is at present possible. In other words, under such an arrangement the States would be guaranteed against the shrinkage of revenue owing to the operation of protective duties, and if the Commonwealth wished for more revenue it could raise it in an easy and convenient way, instead of being required, as at present, to raise four times the amount actually required. This method of settlement may commend itself to the views of those in authority in the States. I think it right. I see no objection to it, and am rather inclined to favour it. The great point with the States is to have certainty in regard to their finances. We do not wish to repeat here the experience of the United States of America, where they had an enormous surplus Customs revenue, which on one occasion they handed over to the States—though they have never repeated that action—and all sorts of extravagant methods of squandering the money had to be invented in order to make it appear that the duties which were being levied were absolutely required. I hope that we shall avoid these dangers in our financial relations with the States. I should like now to say a word or two on a subject which seems to be wrapped in obscurity, judging from a number of interjections which I have read in the *Hansard* report. It seems as if the attitude of my honorable friends in the Labour Party upon a great question of burning reform is now somewhat ambiguous. I have noticed several interjections in the way of a denial of the Socialistic programme of the Labour Party adopted at the Inter-State Conference. I think that the league in South Australia has taken some course not in accord with the definition of the Inter-State Conference.

Mr. HUTCHISON.—In South Australia they have never had an objective.

Mr. REID.—In the interests of a clear perception of great political issues, I wish to know whether the Labour Party repudiates Socialism. If they do, it may clear the situation very much. I have heard very coarse observations addressed to myself and others who have called the Labour Party a socialistic party, and have said that they aim at getting the fullest control of the means of production, distribution, and exchange. I have heard a number of people in various parts of Australia, when I have described that as the policy of the Labour Party, denounce the suggestion utterly, as if it had been a misrepresentation.

though I have no doubt that they did not know the real position of affairs. I wish to deal with this matter now, so that we may have some clear understanding as to how the Labour Party stands with reference to Socialism. From my point of view, we shall never have any settled condition of prosperity in Australia until this matter has been fought out. People talk about the mysterious want of employment, of enterprise, and of investment here, but there will never be a sound and healthy condition of affairs until the mind of Australia upon this question is made known. If Australia is going in for a policy of gradually annexing all industrial operations and putting them under State control, I am inclined to think that it would be infinitely better to have a sudden and thorough revolution, instead of this creeping change that some persons are trying to bring about.

Mr. HUTCHISON. — The people seem satisfied with the position, because they are electing more and more Labour members to the various Parliaments in Australia.

Mr. REID.—That is a matter in regard to which we may have a change presently. My honorable friends were not keen about the experiment of taking the views of the constituencies when, a few months ago, I had the great pleasure of putting them to the test. Their response to my invitation was somewhat disappointing. Be that as it may, I wish to put on record, so that there shall be no misunderstanding about the socialistic objective of the Labour Party, a very able analysis of it by, I suppose, as competent a reviewer as any in Australia. This criticism and analysis comes from a friend, not an enemy, of the socialistic party, and is published in the *Brisbane Worker*. I look upon that newspaper as probably the ablest journalistic champion which the Labour Party possesses, and certainly one of the most straightforward and outspoken. After the Inter-State Conference had broken up, the *Brisbane Worker*, in an article published on the 22nd July last, referred to the objective established in the Conference—which is the same as the New South Wales objective—and made observations on the subject which I wish to bring before the Committee, because I think them fair and just, and they abso-

lutely support the view which I have expressed. The *Brisbane Worker* says—

The speeches delivered at the Conference exhibit both the strength and the weakness of the Labour movement at the present stage of its progress. We see in them the vanguard fiercely storming the heights, and the stragglers limping in the rear.

I think that we have some of the stragglers in this Chamber.

The Queensland objective is more comprehensive and more exact in expression. It is also, we hold, more honest in intent.

The New South Wales objective goes really as far, but it does not seem to do so, and for that reason may be said to carry the stigma of guile.

It reads as follows:—

“Securing of the full results of their industry to all producers by collective ownership of monopolies, and the extension of the industrial and economic functions of the State and municipality.”

In what can be secured “the full results of their industry to all producers,” except by the collective ownership of all the means of production?

The mention of “monopolies” is utterly irrelevant, and that it has been merely dragged in, and is not of a piece with the rest of the sentence, is made evident by the improved reading which we get when the passage is omitted.

I think that the *Brisbane Worker* is right, and will now read, as they publish, the objective, with the words about monopolies left out—

“Securing the full results of their industry to all producers by the extension of the industrial and economic functions of the State and municipality.”

It will be seen at once that no limit is placed to “the extension of the industrial and economic functions of the State and municipality.” In that respect the two objectives are in agreement, and this paper contends that there is no industrial or economic function, at present discharged by private enterprise, that could not be brought within the scope of that definition.

The New South Wales objective, therefore, is every bit as far ahead as that of this State.

The Queensland objective is, in point of form, far more definite. It is in these terms:—

Collective ownership of the means of production, distribution, and exchange.

Then they proceed to say how and in what way it can be attained—

to be attained through the extension of the industrial and economic functions of the State and local governing bodies.

Now the *Brisbane Worker* says that the two objectives, that of the Inter-State Conference and of New South Wales on one side, and the Queensland objective on the other,

are practically the same, and in agreement—

The New South Wales objective, therefore, is every bit as far ahead as that of this State. It aims to secure to all producers the full fruits of their industry by State and municipal ownership. No objective short of communism could go further.

The Queensland declaration is preferable, because it is more scientific in form, more precise in phraseology, and bears about it nothing that savours of political dissimulation, or is capable of being misconstrued.

But, all this aside, the one great fact of the Conference, transcending everything else, was the unanimity with which it was resolved to place a declaration of the socialistic aims of the party in the forefront of the platform. Of thirty-six delegates present, only one was against the adoption of an objective.

The lesson of present unity, and of faith in the future, thus impressively expressed, must be a powerful factor in the further progress of the party and of Australia.

That article furnishes one of the clearest exposures of the want of straightforwardness on the part of those who seek to say that the Inter-State objective is not downright Socialism. In that article the whole case is stated with perfect clearness, and whilst I am prepared to help this or any other Government to encourage immigration, to spread the fullest possible knowledge of the enormous resources and opportunities which are possessed by Australia, and to dissipate the atmosphere of prejudice and slander which has been so injurious to the Commonwealth—whilst I am prepared in every possible way to help in these matters this or any other Government, irrespective of any objection I may have to its constitutional position, I cannot help stating my deliberate opinion that the arrested life and progress all through this country, shown by the stagnation of the movements of population, in spite of the good seasons and of the ascending prices of our great commodities, shown by the unmistakable lethargy of enterprise as compared with the enterprise that is possible, and the enormous amount of capital available, is due to the state of unrest of the public mind on the subject of Socialism, and that until we have the mind of Australia thoroughly declared on this important question, we cannot hope for any realization of the true greatness of this great country.

Mr. DEAKIN (Minister of External Affairs—Ballarat).—The right honorable gentleman who has just concluded his speech has availed himself of the opportunity to criticise both the constitution and

the history of this Ministry—matters to which it is not now necessary to refer. He has also alluded more precisely to a few topics upon which, as leader of the Opposition, he is fully entitled to obtain the views of the Government. Dealing with the subjects in the reverse order in which they were mentioned, let me first refer to the Federal Capital Site. The right honorable gentleman mentioned the view which I had submitted, and with which I understood him to agree, that it was easily possible by the passing of a very short measure to supply the deficiency in the present Act, so as to enable us to offer a friendly *casus belli*. The Premier of New South Wales has furnished us with a list of fourteen points, most of them of a legal character, which he desires to have determined, and a short measure, such as I have alluded to would, in connexion with the present Act, authorize some action on our part, by the driving of a peg or otherwise, which would enable all, or nearly all, those legal questions to be submitted to the High Court. I recognise the fairness of the appeal made by the right honorable and learned member for expedition in connexion with this matter. The Government are prepared to take early steps to enable the Premier of New South Wales to obtain his desire by clearing the way for practical action.

Mr. REID.—How could the Commonwealth Government drive in a stake as the Prime Minister suggests?

Mr. DEAKIN.—I quite agree with the right honorable and learned member that we can not take that action under the present Act, but we could pass a short measure which would enable us by a formal act to give cause for an appeal to the High Court. The right honorable and learned member also referred to the mail contract entered into with the Orient Steam Navigation Company. It must be a matter of regret to all of us that the company which has proceeded to execute its contract should be required to stand out of the payments due to it for its services. However, we are only partially responsible for the circumstances which have caused that delay. The action of the company in having entered into another agreement, of a perfectly legitimate character, with the Government of Queensland, has led to the necessity of considering the original contract, coupled with the arrangement for the extended service. Subject to the opportunity for such

consideration, and the necessity for disposing of business which will accord a sufficiency of work for honorable members in another place, I trust that we shall have time for the discussion of the motion for the ratification of the mail contract next week. The allusion made by the right honorable and learned member to the contract labour clause of the Immigration Restriction Act, and the correspondence which has passed between the Premier of New South Wales and myself, was so far incomplete that he did not refer to my second letter, in which, after having obtained from Mr. Carruthers the specific statement which seemed necessary, I gave the assurance required, in accordance with the provisions of the Act as it stands. Any delay in submitting an amending measure will be largely due to the fact that, not only in regard to the contract labour clause, but in respect to a number of other points, it will be necessary to alter the terms of the Act, if it is to carry out its original intention, and no more. I trust that the progress of business will permit of our submitting the whole question before the session closes. The right honorable and learned member was correct in his reference to the subject of preferential trade. Had he continued in office, as we expected he would have done, I should have taken advantage of the opportunity he was good enough to offer to discuss the question, and obtain an expression of the views of the House. Nothing more was possible under these circumstances. The circumstances have changed since then. We have a great deal of business requiring to be dealt with by legislation which cannot be postponed, and, moreover, there is some reason to hope that, instead of submitting an abstract resolution, we may, before this Parliament closes, be able to lay before honorable members a specific proposal for a practical step in the direction of preferential trade. I am sure honorable members will feel that direct action is in every respect preferable to a mere expression of opinion—although an expression of opinion would be welcome and valuable if time would permit of its being obtained. I can assure the right honorable and learned member that if we proceed with the business now before us, as I hope we shall, all the other questions to which he referred will be disposed of; and we may be able to do something with regard to preferential trade. It must be remembered that we have a Commission

sitting which will raise by degrees the whole Tariff question—a question which can be much better dealt with at once than by a series of separate proposals one after the other. I trust that if this Government continues in office, the Tariff question, so far as it is ripe, will be satisfactorily grappled with before the work of this Parliament is completed.

Mr. GLYNN (Angas).—I desire to direct the attention of the Government to the agreement which has been entered into by the Railways Commissioners upon the question of preferential and differential railway rates. I mention this matter again, so that the Minister of Home Affairs may pursue his inquiries with a view, if necessary, to some definite action being taken by the Commonwealth Government.

Mr. GROOM.—I acted upon the information in my possession. I communicated at once with the States, and one or two of them have already replied. So far, however, the Queensland Government have not replied to my communication.

Mr. GLYNN.—I am glad that the Minister has taken action. Unfortunately, though the States have been corresponding upon the matter during the past three or four years they do not seem to have got beyond the epistolary stage, except in connexion with the agreement which was arrived at as the result of the conference of Railways Commissioners held in September, 1904—an agreement dated May, 1905. Under that agreement, the Commissioners arranged to abolish preferential rates, such as the Dimboola to Serviceton rate, which was imposed upon goods passing to or from South Australia.

Mr. GROOM.—The Victorian Government say that that rate has been abolished, in addition to the Albury rate.

Mr. GLYNN.—I would ask the Minister not to allow himself to be deceived by generalities in this matter. I have read the agreement which was arrived at by the Railways Commissioners, and I say that the reports which sometimes appear in the newspapers are misleading, though they may not be so intentionally. Under that agreement, which was to come into force from the 1st March, 1905, they make whatever traffic has been obtained under the competitive system the basis of their scheme. In other words, any traffic which has been acquired under the competitive system is to be regarded as sacred. In such circumstances, it is obvious that not much benefit can be

expected to flow from any schedule of rates which may be agreed to. So long as the existing traffic is not interfered with, the Railways Commissioners have agreed to bring their rates into conformity with the ordinary mileage rates. I would ask the Minister to look into the question, and to see whether it is not possible, under the Constitution, to compel them to abolish differential, as well as preferential, rates, and to relinquish any traffic which has been acquired under the competitive system. In other words, I desire him to ascertain whether it is not possible to compel them to adopt such a schedule of rates as will render trade between the States free, as was contemplated by the Constitution. If the Commissioners do not come to an agreement—in the absence of an Inter-State Commission—we shall be positively powerless. I do not urge the appointment of such a tribunal, because I think we can very well do without it. I am merely pointing out that the agreements which have been entered into by the Railways Commissioners do not represent an adequate substitute for the Inter-State Commission. What is the position in regard to Western Australia? That State had in operation a system of differential charges, which imposed heavy rates upon goods shipped from outside its borders, in favour of goods carried from within its borders, to such places as Kalgoorlie.

Sir JOHN FORREST.—That was in respect to local produce.

Mr. GLYNN.—No doubt it was. My point is that the imposition of such rates was a violation of the Constitution.

Sir JOHN FORREST.—I do not think so.

Mr. GLYNN.—It was never contemplated by the Constitution that preferences in favour of local products should be continued.

Sir JOHN FORREST.—There is a proviso in the Constitution.

Mr. GLYNN.—If the Treasurer thinks that the proviso to which he refers applies to—

Sir JOHN FORREST.—It applies to internal trade.

Mr. GLYNN.—The Constitution never contemplated that the system of rates which was operative in Western Australia, and which imposed a higher charge upon goods passing from outside its borders to Kalgoorlie than was levied upon goods passing from Perth to that centre, should be continued.

Sir JOHN FORREST.—In such cases a higher rate was never charged from the port.

Mr. GLYNN.—I am sorry that I cannot agree with the right honorable gentleman as to the right to continue the rates.

Sir JOHN FORREST.—The honorable and learned member does not understand the facts.

Mr. GLYNN.—I have heard a good deal in reference to this matter, and I know that higher rates have been imposed upon goods passing into Western Australia from outside its borders than have been levied upon similar goods locally produced passing from place to place within its borders. All I ask is that the Government should look into the matter and ascertain what is the position. The Treasurer displays a marvellous innocence, but he must know that Western Australia has been straining its legal powers against the spirit of the Constitution.

Sir JOHN FORREST.—No.

Mr. GLYNN.—What about the tests in regard to fruit? At the Fruitgrowers' Conference a very strong remonstrance was entered against the test which is applied to the admission of fruit into that State.

Sir JOHN FORREST.—We wish to keep out disease.

Mr. GLYNN.—No doubt; but Western Australia also desires to exclude fruit which is not diseased. Some Western Australians themselves complain of these police provisions under the guise of an attempt to protect the fruit of that State.

Sir JOHN FORREST.—They will always complain.

Mr. GLYNN.—No doubt the Treasurer would give them a clean certificate as to morality.

Sir JOHN FORREST.—I can assure the honorable and learned member that there is no political influence used there.

Mr. GLYNN.—It is urged by some Western Australians that fruit which is not diseased is excluded from that State.

Sir JOHN FORREST.—That complaint comes from the individuals who send rotten fruit there.

Mr. GLYNN.—It comes from the persons who would consume that fruit if it were admitted to that State. I believe that a very large quantity of good fruit is excluded from Western Australia. The police powers of that State are being abused in this connexion. There is, I maintain, a method of preventing this by

putting into force section 117 of the Constitution. I hope that the Ministry will see that something is done in this direction. I trust also that the Government will give effect to the suggestions made by the leader of the Opposition in favour of the speedy amendment of paragraph g of section 3 of the Immigration Restriction Act. Whilst the right honorable member was speaking I looked up the official report of the debate which took place upon that provision, and I find that the desire which was then in the mind of nearly every honorable member was to prevent persons being brought here under misleading contracts, or, as the honorable member for Bland put it, "being inveigled into unfair agreements." I suggested, at the time, that the proper way to deal with these agreements was to allow the parties to them to upset them if any misleading statements had been made as to the conditions obtaining in Australia.

Mr. BRUCE SMITH.—They have the right to do that under common law.

Mr. GLYNN.—As a matter of common law, they could be upset. But if men have been induced to come here as the result of false statements regarding the rate of wages or the hours of labour which prevail, they should have the right of immediately testing their agreements in a Court of Justice. In order to overcome the difficulty in regard to contracts entered into in other parts of the world, certain matters should be declared to be *prima facie* evidence of the existence of these unfair conditions. I think that would be the best way to deal with the matter. Although the application of the Act has not been quite as extensive as our pharisaical critics on the other side of the world would lead the people to believe, it certainly has been administered in a way that the House never contemplated.

Mr. BRUCE SMITH.—Why should not a contract be submitted to the representative of the Commonwealth in London, and a permit issued on its being passed?

Mr. GLYNN.—Anything that would lead to a judicial settlement of the matter on the arrival of the men here without the possibility of a technical objection or mere failure of proof should receive our immediate consideration.

Mr. REID.—There should be no element of permit as to the right of the men to come here.

Mr. GLYNN.—Absolutely no. That is the true solution of the difficulty. To show that it was intended that the Act should apply, not to men coming under contract *per se*, but only to those who had been misled or had a false notion when signing the agreement, as to the conditions of labour in Australia, I would point out that when the honorable member for Bland moved his amendment of the contract clause, there was a very short debate upon it, because honorable members took the statements of Ministers and the sponsor of the amendment as indicative of what its administration would be. Even the honorable member for Kooyong approved of the terms of the amendment in the light of the predicted administration of the measure, and the sense in which it was said that the responsible Minister would understand that it was to be an obligation upon him.

Mr. SKENE.—It was because of that that we did not even call for a division on the amendment.

Mr. GLYNN.—No doubt. In view of this fact, the sooner the section is repealed the better. Why should we wait for a general policy of immigration before repealing a specific provision in the Immigration Restriction Act? What is the principle on which we draft our amending Bills? Is it not that we should not mislead those who may wish to refer to a specific provision by embodying an amendment of a particular Act in a totally different measure? To do such a thing would be to act against all principles of classification. I therefore cannot see why the Prime Minister should wait, as he said, some time ago, until a general policy of immigration is proclaimed by the Government, and embodied in a particular measure before he deals with the amendment of one section of the Immigration Restriction Act. The general immigration policy of his Government will have nothing to do with that Act, and if the amendment be embodied in a Bill dealing with that general policy, those who wish to look it up will have to seek for it in the wrong Act. I can conceive of no reason why the section in question should not be at once amended, and I hope, therefore, that there will be no delay in repairing the mistake that we made as to the technical scope of the provision. There was absolutely no mistake as to what the House intended should be covered by it. The honorable member for

Bland, in submitting his amendment relating to contract labour, said—

The amendment will cover most of the classes of labour likely to be affected through people being inveigled into unfair agreements, in ignorance of the conditions obtaining in Australia.

That was his statement of what he desired the clause to cover. The present Prime Minister understood it in that sense, but made an addition in favour of certain skilled labour coming in, which seemed to confuse its object, because it rather discounted the fact stated by the honorable member for Bland, that there was no intention to shut out labour.

The CHAIRMAN.—I do not think the honorable and learned member can now discuss the Act. I understand that he is discussing its administration.

Mr. GLYNN.—I am discussing its administration in the light of what was said when the Bill was before the House. I am merely showing that the provision in question as drafted was intended to receive an interpretation which Ministers have held themselves not entitled, on its wording, to give it. When it was before the House, Sir Edmund Barton, who was then Prime Minister, said that it was to apply to men—

who enter into bargains which they would not have made if they had had the opportunity of observing the working of our institutions.

He went on to say—

Moreover, this legislation has the further advantage of guarding against the making of agreements of which the workmen who made them would repent as soon as they landed on our shores.

Surely the intention of the Prime Minister of the day was that men who entered into contracts to labour in Australia were not to be excluded merely because they were contract labourers. If anything further were needed to strengthen my opinion upon that point, I might refer to the words of the honorable and learned member for Northern Melbourne, who, in discussing the amendment, said—

There is no desire to exclude men who voluntarily seek to make their home here, for the purpose of engaging in manual labour, or anything else, so long as they belong to a civilized white race, and are themselves desirable immigrants.

The mere fact that men come here under contract surely does not make them undesirable immigrants—surely it does not bring them within the category of those whom the

honorable and learned member for Northern Melbourne suggested it might be desirable under the provision in question to exclude. I would impress upon the Prime Minister that, if in view of the wide terms of this section, he feels it incumbent upon him to administer the Act in a way never contemplated by the House, he should at once introduce a Bill to put an end to an administration that certainly is not in accordance with the spirit of the Act itself. In making this request, I have not the slightest sympathy with the unfair and, perhaps, too harsh criticisms indulged in by persons in other parts of the world. They do not quite understand what our conditions are when they denounce the Immigration Restriction Act.

Mr. BRUCE SMITH.—When a man does not know whether he will be allowed to land on coming here, he is frightened to set sail for Australia.

Mr. GLYNN.—I am arguing that men, who are not undesirable immigrants, should be allowed to come in; but, at the same time, I contend that too much pharisaical emphasis is indulged in by critics on the other side of the world who are totally ignorant of our conditions. I have heard the provisions in the Customs Act, under which we levy duties on goods used on board an over-sea vessel bound for other Australian ports the moment that vessel touches Fremantle, very strongly condemned as being exceptional and monstrous, by men who ought to know that it was simply taken from the Imperial Act, where it is ineffective. It is ineffective there, because as soon as a vessel, say, from Australia, reaches Plymouth, its voyage practically ceases. There is no long stretch of sea between ports where its provisions would be operative. The position here is different. Oversea vessels, after touching at Fremantle, have practically to skirt three-fourths of the Continent, and this makes the operation of the provision in question seem disagreeable to those who visit our shores. I say this as one who opposed the provision on the ground that it was better not to collect duties in such circumstances. Still, we had practically a right to adopt the principle of the English Act. There is too much harsh criticism sometimes indulged in beyond our shores, but it is not in deference to that criticism that I make the suggestion that we should amend the contract section of the Immigration Restriction Act.

I make it because I hold that we should display a just sense of the obligations we are under to the Empire as a whole by removing a provision which is capable of being so administered as to prevent that freedom of intercourse which, as the honorable and learned member for Northern Melbourne said, ought to exist between civilized white races, and particularly between those who are bound together by the tie of a common allegiance.

Mr. THOMAS (Barrier).—I regret to find that the Postmaster-General is apparently asking us by passing this Bill to vote half the amount payable under the new mail contract with the Orient Steam-ship Company. The proposal is one that will certainly lead to discussion. Before the contract can become operative, it must be ratified by the Parliament, but there are a number of honorable members—and I admit that I am one of them—who think that it ought not to be accepted. Unless we object to the course which the Government now propose to take, it will be held that we have practically agreed to a ratification of the contract. Because the Postmaster-General is asking to-day for a vote of £60,000, being one-half of the contract money, I intend to avail myself of that fact to state my objections to the ratification of the contract. There are one or two features in it with which I am pleased. I am glad that the Orient Steam Navigation Company has undertaken to carry the mails from Australia to England without the aid of lascars. I am also pleased to know that the contract is not to last for more than three years. Outside these two features, I am against its ratification. In regard to the employment of lascars on mail boats, it may not be out of place to quote a passage from an article which was written by Captain Symons, of the s.s. *Omrah*, belonging to the Orient Steam Navigation Company. He says—

A good deal of sympathy is expended on the stokers; but the most recent mail boats are so well ventilated that the heat in any part of the engine room scarcely exceeds 100 degrees.

Since that statement was made, a number of us have had the pleasure of reading a portion of the log-book written by the chief engineer of the s.s. *Marmora*. He gave the temperature on a number of days in the engine-room, and the stoke-hold when she was coming through the Suez Canal.

The figures are given in the following table:—

February	Engine-room	Stoke-hold.
6th ...	106 degrees ...	93 degrees
7th ...	101 " ...	93 "
8th ...	99 " ...	95 "
9th ...	110 " ...	93 "
10th ...	114 " ...	93 "
11th ...	108 " ...	92 "
12th ...	109 " ...	103 "
13th ...	111 " ...	97 "
14th ...	103 " ...	92 "
15th ...	105 " ...	94 "

The table shows that the temperature is considerably higher in the engine-room than in the stoke-hold. In view of the opinion of Captain Symons, who is well able to speak on the subject, the record in the log-book of the chief engineer of the *Marmora*, and the fact that the Orient Steam Navigation Company is to-day running its mail-boats without the aid of lascars, it seems to me that a great deal of the sympathy which has been expressed on behalf of the white man who is compelled to work in the stoke-hold has been misplaced. My first objection to the ratification of the mail contract is the fact that the Post and Telegraph Department is paying a great deal too much for the services which are being rendered. Under the previous contract Australia paid only £72,000 a year to have its letters taken to England weekly. But to-day, for rendering absolutely the same services, we are asked to pay £120,000 a year, or an increase of £48,000. Before the Postmaster-General asks us to assent to that increase, he ought to explain what extra privileges and facilities are granted to his Department therefor.

Mr. AUSTIN CHAPMAN.—The passing of this Supply Bill will not ratify the contract.

Mr. THOMAS.—No; but it will appropriate £60,000 for that purpose.

Sir JOHN FORREST.—But we shall not pay it.

Mr. THOMAS.—Then what is the use of voting the money now?

Sir JOHN FORREST.—Was the honorable member here when I explained the reason?

Mr. THOMAS.—No; but it seems to me that the right honorable member is now asking the Committee to vote £60,000 for the contractors. There has been ample opportunity, I think, for the Postmaster-General to bring on his notice of motion for the ratification of the contract. If it had been discussed and affirmed by a

majority, this money would be voted without any discussion, I should think.

Sir JOHN FORREST.—There is £30,000 on account of last year awaiting payment in London.

Mr. THOMAS.—We are asked here to-day to vote practically £60,000.

Sir JOHN FORREST.—We have done no more now than we did last year.

Mr. THOMAS.—Yes, the Government have, because we are now dealing with a contract which was entered into by the previous Government, and which, I understand, their successors are prepared to ask the House to ratify. The agreement will not be valid unless it has been ratified by the Parliament, and the Treasurer is asking us to-day to vote practically one-half of the contract money. I, for one, am opposed to the ratification of the contract. We have a right to know what extra facilities have been granted to the Post and Telegraph Department. I admit that it is an advantage to have white, instead of coloured, labour employed on the mail boats. If that substitution has rendered it necessary for us to pay a larger subsidy to the shipping companies, then, seeing that we required white labour to be employed, it is only right and fair that it should be paid. But Mr. Anderson, who is connected with the Orient Steam-ship Company, has stated that the demand for a higher subsidy was not due to the employment of white labour. In the report of the proceedings at the Premiers' Conference, in Hobart, this year, I find that Mr. Morgan, Premier of Queensland, asked, "what are the grounds assigned for the increase"? and that the right honorable member for East Sydney, who was then Prime Minister of Australia, made this reply —

I have a quantity of private and what might be called public information. But it has been freely stated that it is not put down to the coloured question. The private reason is that the line is not paying.

The late Treasurer told the Conference that the Orient Steam-ship Company had said that the white labour conditions had not affected the amount of its tender. If the employment of white labour did affect the cost of running the boats, we should be prepared to pay a larger amount. But, as I say, we have a definite statement from the right honorable member for East Sydney, and also from the right honorable member for Balaclava, that it was not the employment of white labour that increased

the amount. The right honorable member for East Sydney says that the private reason given is that the line does not pay. But I do not know why the Post and Telegraph Department of Australia should be called upon to pay an added amount merely because the Orient Company's business is not paying, especially considering that we have exactly the same service as before. Our mails are not sent to England more regularly than they were previously. We receive and send mails once a week exactly as we did seven years ago. Nor do we gain anything in respect of speed. Under the new contract letters from England, when carried by the Orient Company, are not received in less time than they were seven years ago. I think I am correct in saying that the contract time is not one hour less than it was when the previous contract was entered into. Therefore, some other considerations than regularity and speed have to be considered. The honorable member for Macquarie has said that in this contract "cool storage facilities were now for the first time included in a mail contract." The clause, he said, ran as follows:—

Mail ships to be regularly employed in the service shall be provided with insulated spaces and refrigerating machinery for the carriage of perishable products.

And he went on to say, in the same interview, that he did not think that the contract between the British Government and the Peninsular and Oriental Company contained any such provision. Whilst I am one of those who do not object to contracts containing such provisions as these, nevertheless I strongly object to their being inserted in postal contracts. If the insertion of such a condition in a contract with the mail company adds anything to the cost, I object to the Post Office being called upon to bear the burden, and I regret very much that one from whom we had hoped for something better in connexion with postal administration, namely, the present Postmaster-General, should have agreed to ratify a contract which involves his Department in payments for which it gets no benefit. The Post and Telegraph Department has no right to pay for anything more than services rendered to it. As I have already stated in this Chamber—and I may, perhaps, be permitted to repeat it—years ago numbers of contracts for the carriage of mails in the old country contained something more than merely postal provisions. Sub-

sides were paid to provide swift armoured cruisers in time of war, to maintain the supremacy of British commerce, as well as for the carriage of mails. No one would object to those considerations being regarded; but, in my opinion, the Post and Telegraph Department ought not to pay for anything except the mere carriage of the mails. Even in England the granting of subsidies for other purposes than the mere carriage of mails should, it has been urged, be separated from the payment of subsidies for mail purposes. A number of influential men in the House of Commons and elsewhere urge very strongly that the subsidies paid for Admiralty purposes should be dissociated from subsidies paid for postal purposes.

Mr. AUSTIN CHAPMAN.—There might be one contract, but the intention is that the two purposes should be separated.

Mr. THOMAS.—In England the whole amount paid is now debited to the Post Office, and it is being demanded that the Admiralty should have charged against it what is paid on its account. In Australia we have to pay a subsidy for the carriage of mails, but we have to pay an amount more than is required for that purpose in order to subsidize the vessels for other requirements. The boats, for example, have to go to Melbourne and Sydney. I have no objection to their being compelled, even under contract, to call at Melbourne and Sydney, but it is unfair to the Post and Telegraph Department that in the contract for the carriage of mails, the vessels should be compelled to call at any port except Adelaide. It is at Adelaide that our mails are removed from the ships in order that they may be conveyed by train to other parts of the Commonwealth. At Adelaide, our incoming mails are put on the train. The Post and Telegraph Department should absolutely cease to have anything to do with the Peninsular and Oriental and Orient boats after they have left Adelaide. Of course, when the dream of the Treasurer's life is realized, and a train comes all the way from Fremantle to the east, the Post and Telegraph Department will have nothing to do with the mail boats after they leave Fremantle. The effect of insisting on the vessels visiting Melbourne and Sydney has naturally been that the people of Brisbane urge that it is equally fair that they should visit that port. It must be admitted that the contention is a reasonable one.

Mr. TUDOR.—Why should they not go to Hobart also?

Mr. KING O'MALLEY.—And why not to Birnie?

Mr. THOMAS.—Just so. At the Hobart Conference, Mr. Morgan, the Premier of Queensland, said—

I contend that, if we are able to have a mail service to Australia, which is to be more than a mail service—which is to be a cargo service, as the old service was—and Queensland is expected to contribute, then Queensland should enjoy equal advantages with the other States. The old service with the Peninsular and Oriental and Orient companies, though spoken of as a mail service, was very much more. We were paying for services which were of advantage to four States of the carrying service, and the only advantage Queensland gets is a mail service.

Mr. Evans, the Premier of Tasmania, said—

If the Commonwealth is inclined to favour that contention, we are entitled to a similar claim.

But the mistake was made by the Post Office in not calling for tenders for a service to finish at Adelaide. As to payment for requirements other than postal, if the Minister of Trade and Customs, for example, cared to make another contract, matters might be dealt with on that basis. It may be argued that it does not matter which Department pays, seeing that the money, in any case, comes out of the pockets of the same people; but I regard this as an important matter. While I do not argue that the Post and Telegraph Department should be conducted on absolutely commercial lines, or, in other words, made absolutely to pay—the people of this great Commonwealth ought to be given postal facilities whatever the cost—I still think that, as nearly as possible, we should endeavour to make the revenue meet the expenditure. The *Adelaide Advertiser* recently published an interesting interview with Mr. Cahill, who has lived a number of years in the Northern Territory, and who, by the way, expressed the opinion that it is not necessary to employ black labour in the development of that part of Australia.

Mr. KNOX.—Then why is it not developed?

Mr. THOMAS.—Why are New South Wales, Victoria, and the other States not developed? The important point in the interview is that, according to Mr. Cahill, it is necessary for him, when in the Northern Territory, to go 200 miles once a quarter for letters, and that the nearest telegraph station is 320 miles distant. I know

that it is impossible in this country of magnificent distances to provide every person with a daily delivery of letters, or bring a telegraph office within easy distance. We ought, however, to do all we possibly can to afford all proper conveniences and postal facilities to the residents of the back-blocks, because there would be a poor Melbourne and a poor Sydney if it were not for the prospectors, miners, settlers, and others who develop the country. I am inclined to think that the administration of the Post and Telegraph Department might do a great deal in promoting settlement. Only a short time ago, I saw, from a paragraph in an American newspaper—though we cannot believe all that appears in newspapers—that the telephone in that country was doing a great deal in the work of settlement.

Mr. BRUCE SMITH.—Telephones are conducted by private enterprise in America.

Mr. THOMAS.—So were telephones in England until the Government took them over.

Mr. BRUCE SMITH.—And that, I suppose, was because telephones are profitable?

Mr. THOMAS.—However that may be, this newspaper stated that the progress of settlement was being assisted by the means I have indicated, because settlers at a great distance from each other were able to converse over the telephone. What I urge is that no money should be paid by the Post and Telegraph Department for any except postal services, until the Postmaster-General has been able to satisfy every legitimate requirement of our settlers. When postal facilities are asked for, they ought to be refused, not on the ground that there is no money available, but simply on the ground that they are not justified by the circumstances. A number of honorable members, myself amongst the number, have approached the Secretary for the Department, with a request that the clocks of the post-offices in the country townships should be illuminated at night; but the reply given, and in my opinion a very proper and fair reply, is that the Post and Telegraph Department have nothing to do with telling the people the time. But while this convenience is refused, it is unfair for the Department to expend money in directions not associated with postal requirements. I understand that when the Watson Government were in power it was intended to call for two mail tenders—one for merely deliver-

ing the mails at Adelaide, and the other for providing refrigerating chambers, and cool storage, and taking the vessels on to Melbourne and Sydney. Whether that intention was carried out I do not know, but I think it ought to have been, for then we should have understood exactly the position. I object to the present subsidy, because I feel convinced that it will only lead to a request for more money. I have listened with much pleasure to honorable members who oppose the Manufactures Encouragement Bill, and for the very reason that if a subsidy of so much be given to-day, the time will come when the demand will be increased. That has been the experience in Canada in connexion with the iron bonus, and so, I believe, it will be in Australia, not only in connexion with a similar proposal, but also in connexion with our ocean mail contract. I mentioned this objection at a public meeting, and a day or two afterwards, on the 29th of April, I saw that Mr. Green, of the Orient Company, had stated in London that the company would hesitate to continue the mail service after the expiration of the present contract, unless assured of an increased subsidy.

Mr. KNOX.—Was that after the recent agreement?

Mr. THOMAS.—Yes, and I think that the Orient Company, if they are to continue as a passenger and mail-carrying company, will have to ask for an increased subsidy. When companies like the Orient Company and the Peninsular and Oriental Company ask for a subsidy, they do not do so merely to enable them to carry letters, because the passenger traffic is with them a big item. Germany, France, Japan, and the Argentine all grant large subsidies to their foreign-going boats, not so much with the object of conveying mails, as of extending trade and commerce. Travelling almost every week between Melbourne and Adelaide, I meet a large number of people about to join the mail-boats at Adelaide, and I regret to say that almost without exception they prefer the German and French vessels to those of the Orient or Peninsular and Oriental Company, on the ground that they are better accommodated, and are better looked after generally. Whether that is so or not I cannot say, as I have travelled only by English boats. It seems that the German companies are determined to cut into the trade of Australia as well as that of other places, and

if the subsidy which the German boats now receive, is not sufficient to enable them to compete for this trade with British boats there can be no doubt that larger subsidies will be granted to them. Immediately the present contract is up a larger subsidy will be asked for on behalf of the Orient Steamship Company, to enable them to equip their fleet to fight against the competition which they will have to meet. I also object to the ratification of the contract, because it does not provide for greater speed. I believe that we should have the very best possible service. We should minimize the distance between Australia and England as much as we can. I find that there is absolutely no improvement in the matter of speed under the contract now proposed, as compared with that made seven years ago. The *Cuzco*, an old boat built thirty-four years ago, and of only 3,935 tons, was able, within a year or two ago, to cover the distance between London and Adelaide within the proposed contract time. That is most unsatisfactory. In these days, we hear a great deal about turbine engines, and I think they are coming. There is no big steam-shipping company which has been more conservative than the Cunard Company. I say conservative in the best sense of the word, because I believe that company has always considered the safety and comfort of passengers more than the mere question of speed of transit. Yet I find that in their latest contract, although they gave an order to have their steamers supplied with the old pattern of engines, on inquiry they have arranged for the substitution of turbine engines. We know that the new boats which are plying between England and Canada are all fitted with turbine engines. I am not sufficiently an engineer to say whether the time has absolutely come for using turbine engines on vessels plying between here and England, but I do say that it is a most unsatisfactory arrangement that, for the next three years—and unless we give notice immediately that the contract shall cease, for the next five years—we shall have to put up with the slow rate of speed provided for in the proposed contract.

Mr. BRUCE SMITH.—It is only a matter of payment. The honorable member wants something for nothing.

Mr. THOMAS.—I do not. I am not in the habit of asking for something for nothing. One cannot get very much in that way. I am trying to show that we

are paying £48,000 a year for nothing, because eighteen months ago we got everything we are getting now for £48,000 less than it is now proposed we should pay.

Mr. BRUCE SMITH.—The company only got before, for carrying the mails the whole way to England, the proportion which the Peninsular and Oriental Company got for carrying them to Ceylon. That is the explanation.

Mr. THOMAS.—Is that so?

Mr. BRUCE SMITH.—They had a Chinese line, and they shipped the mails into another boat.

Mr. THOMAS.—The Peninsular and Oriental Company brought them here, and they looked upon that as their subsidy for bringing the mails from London?

Mr. BRUCE SMITH.—It was only a proportion.

Mr. THOMAS.—The evidence given by Sir Thomas Sutherland before a House of Commons Select Committee shows that they looked upon that amount as their subsidy for bringing the letters from England here.

Mr. BRUCE SMITH.—It was an estimated proportion of £360,000.

Mr. THOMAS.—I am dealing with the evidence of Sir Thomas Sutherland, and not with the evidence given by Post-office officials. I have read his evidence within the last two or three days, and the honorable and learned member for Parkes will admit that Sir Thomas Sutherland is likely to know something about the Peninsular and Oriental Company.

Mr. BRUCE SMITH.—Of course, he does; but the Peninsular and Oriental Company are not doing it themselves.

Mr. THOMAS.—He said that they looked upon the £85,000 of the £330,000 as their portion of the subsidy for bringing the letters from England to Adelaide. I prefer to take the statement made by Sir Thomas Sutherland, especially when his views and mine agree. I am prepared to admit that something had to be done, and that letters had to be conveyed between England and Australia. I have spoken here before of the poundage system. I believe that if we adopted that system, the Post and Telegraph Department would save at least £80,000 a year. Under that system we should be able to get our letters delivered in England, though I am not prepared to say that this would be done at the same speed, or with the same regularity, as under a contract for which a

subsidy of £120,000 is paid. I admit that it is a question for discussion whether the £80,000 additional should not be paid to secure extra speed and regularity of delivery. I shall not deal with the poundage system to-day, but I say that had the Postmaster-General been courageous, there is another scheme which he might have considered. As an alternative, he might seriously have proposed that we should run our own mail boats. The honorable gentleman might have said distinctly that if the terms proposed were not agreeable to us, we should run our own mail boats. I am aware that there are some people who are opposed to the idea of Australia running her own mail boats. The honorable and learned member for Corinella, speaking some time ago, said that it would be—

An experiment in which it would be quite impossible for the State to succeed. This proposal would mean more by a great deal than the nationalization of a monopoly. It would mean the nationalization of a service which could not be made a monopoly except by subjecting the commercial community to such enormous inconvenience that even our socialistic friends would shrink from tackling the job.

That is an opinion which I believe is held by some honorable members, and they have, of course, a perfect right to hold it. I have spent some little time recently in looking through the evidence given before a House of Commons Select Committee, and I find that very few references are made to Australia. There are many references to South Africa, and other places, and they would appear to think a great deal more about South Africa than about Australia. I may be pardoned for reading here some evidence given before the Committee by Sir Robert Giffen, a man who, I believe, is an out-and-out free-trader. I believe he is not a Socialist, but is, on the contrary, as strong an individualist as is the honorable and learned member for Parkes. He gave the following evidence before the Committee to which I refer:—

166. It seems to me that the question of speed is so important that in order to bring the different parts of the Empire into communication, and in order to give the British Government a sufficient command of swift steamers, we ought to look into the question, for instance, of increasing the speed of our communication with South Africa. It is very important in these matters to have great speed, and I believe the Government should look into the question of accelerating the speed of the communication between this country and South Africa.

169. And as to freight, would you?—Yes, as to speed, as to freight, and as to carrying official

Thomas.

passengers and troops. I think the freight is an extremely important matter, and that we have been confining our attention in our mail steamer subsidies too much to the carrying of postal matter.

178. If the matter should become serious enough, the Government ought not to shrink from a last step, that is, to run ships on certain lines, to bring goods for nothing to English ports—no freight at all—so as to extinguish, by making unprofitable, the unfair competition. By levying a duty upon all goods imported from the countries concerned, we should cover the cost of running free ships, and we should lose nothing. It would not matter to consumers whether they paid the cost of carriage of goods to this country in the form of prices, which included freight, or in the form of duties charged by the Government in lieu of freight, to pay for the cost of carrying the goods. I do not believe so extreme a measure will be necessary, but it should be kept in reserve.

225. I think that is quite so. I think it is worth the while of the country to stipulate with the ship-owners that there should be a large proportion of British seamen, and if that puts the ship-owner to more expense, then that is a question of compensating the ship-owner again.

235. Your final suggestion was, was it not, and I understood it to be only a last resort in case matters became very desperate, that the Government should be prepared to run lines of their own from British Possessions, at all events? It appears to me that the chief thing in the question of subsidies is that you must face the question of having to run ships for nothing, because as we have found in the case of sugar bounties, the bounty in some cases amounts to from 80 to 90 per cent. of the selling price of the article, which comes to very nearly a subsidy of the whole amount. In any case, the point to be arrived at is that we must have mercantile ships to perform certain duties in time of war, and whatever is necessary to enable us to get, and to keep these ships, we must do.

236. It is a matter of as great necessity as having a war navy itself. Your suggestion was that the cost of that might be reasonably met without imposing any burden on the consumer—by levying duties on those special goods, as I understand it, to cover the cost of freight, was it not? That was so, but the duties would have to be levied upon all goods coming from the country, not merely the goods coming by those ships, because that would be putting on the charge in another way.

239. Would not the merchant to whom goods were sent by British ships in that case have an opportunity of raising the price to the consumer to the amount of the value of the article, plus the duty that we paid on all the foreign imports?—I imagine, when that time comes, all the goods would come by the free ships.

250. (Question asked by Sir Edward Sassoon). If matters came to an extreme, and the Government carried out your suggestion as to having ships of their own, and carried goods for nothing, what do you think would happen to the shipping industry of this country? Would it not disorganize and dislocate it considerably?—I am a great deal concerned altogether by the action of foreign Governments and these shipping combines, and new innovations of that sort, because wherever they exist and are applied, they lead to great difficulties in

the way of carrying on ordinary business. These are desperate things which I have been suggesting, but the misfortune is that we have to deal with very difficult times, and with very difficult methods of business, which other people are following.

He actually advocates that as a last resource the people of England should run ships of their own absolutely free. Sir Robert Giffen is looked upon in the old land as a great statistician, and, while his scheme is not to be adopted, as a matter of course, merely because he advocates it, it cannot be regarded as other than worthy of consideration.

Mr. KELLY.—Does the honorable member propose that freights shall not be charged on the Government steam-ship line which he wishes to inaugurate?

Mr. THOMAS.—My scheme does not go so far as that of Sir Robert Giffen. I would charge for all services rendered. At the present time we pay a subsidy of £120,000 a year for the carriage of 41 tons of letters and 300 tons of packages and newspapers. If we were paying only for the carriage of letters we should be paying at the rate of £3,000 a ton; while if we take letters and newspapers together we pay at the rate of £400 a ton. Last year, according to a statement made by Sir Thomas Sutherland, the chairman of the company, in putting the annual report before its shareholders, the Peninsular and Oriental Company placed on the water ^{new} sea-going ships of a tonnage of 62,890 tons, which was greater than the new tonnage of the United States in that year for sea-going vessels.

Mr. KING O'MALLEY.—What was the new tonnage of the United States?

Mr. THOMAS.—About 48,000 tons. At a cost of £26 14s. 10d. per ton, the Peninsular and Oriental Company paid £1,681,954 9s. 9d. for its new steamers, the vessels being the *Macedonia*, 10,512 tons, the *Marmora*, 10,509 tons, the *Mongolia*, 9,505 tons, the *Moldavia*, 9,500 tons, the *Pera*, 7,635 tons, the *Palma*, 7,632 tons, and the *Palmero*, 7,597 tons. The Orient Company carries on its fortnightly Australian service with a fleet of eight vessels—the *Ophir*, 6,814 tons, the *Omrah*, 8,281 tons, the *Orontes*, 9,023 tons, the *Ortona*, 8,000 tons, the *Ormuz*, 6,465 tons, the *Oroya*, 6,297 tons, and the *Orotava*, 5,858 tons, making the total tonnage of the fleet, if allowance is made for the *Orizaba*, 6,299 tons, which was lost, and will have to be replaced by another vessel, 57,037

tons. An equivalent fleet, at a cost of £27 a ton, which is more than the average cost of the new Peninsular and Oriental boats, could be built for £1,539,000. £120,000 per annum would represent 3½ per cent. interest upon a capital of £3,428,000. So that for an annual outlay of £120,000 we could actually place on the water a fleet equivalent to that of the Orient Steam Navigation Company, and still have available for other purposes £1,800,000; or, in other words, we could maintain a fleet equivalent to that of the Orient Steam Navigation Company for £53,850 per annum.

Mr. BRUCE SMITH.—The honorable member is forgetting that all the mail companies allow 5 per cent. per annum for depreciation.

Mr. THOMAS.—I am now dealing merely with the cost of the steamers. I know that a large number of other things, including the expense of running the boats, have to be provided for. The Peninsular and Oriental Company have a total income of £3,000,000 per annum, including the £337,000 they receive by way of subsidy from the British Government. Their profits amount to about £250,000, and therefore it costs them about £2,750,000 to handle 371,626 tons of shipping. Consequently, we could handle a fleet representing a tonnage of 100,000 for £750,000 per annum. Included in this amount would be an allowance of 5 per cent. for depreciation. As I have already stated, we should be able to fall back upon the £120,000 now paid by way of subsidy to the Orient Company. The States Governments spend about £80,000 annually in bringing material out from England and the Continent, and a Commonwealth line of steamers might reasonably expect to secure the whole of the Government freights. At the Hobart Conference the right honorable member for East Sydney approved of a resolution affirming that all the States should unite in giving to some shipping company a guarantee of £200,000 worth of freight in connexion with the produce trade. I think I am correct in stating that evidence was given before the Butter Commission that there would be no difficulty in securing a guarantee for £300,000 worth of butter freight. Mr. Swinburne, the Minister of Water Supply in Victoria, stated that one organization in Victoria could guarantee shipments which would represent 75 per cent. of the butter export trade, and

no doubt a similar guarantee could be obtained in the other States. Mr. Evans, the Premier of Tasmania, has stated that there would be very little difficulty in securing a guarantee for from £50,000 to £100,000 worth of freight in connexion with the fruit export trade. If these statements be correct, a State-owned shipping service should be able to start off with the advantage of a subsidy of £120,000, and guarantees of Government freights from London representing £80,000, butter freights amounting to £300,000, and fruit freights amounting to £100,000, which would yield an assured income of £600,000 per annum. No company could possibly compete with the State enterprise under such conditions. The balance-sheets of the mail companies show that if the subsidies now paid to them were withdrawn, they could not possibly carry on their operations at a profit. The Peninsular and Oriental Company receives £337,000 by way of subsidy, whereas its profits amount to only about £250,000. In other words, if the subsidies were withdrawn the profits would disappear. Twenty-four shipping companies, which are subsidized by the Imperial Government to the extent of £1,000,000 per annum, earn a profit of only £800,000 per annum, so that the subsidy represents something more than the total profit earned by them. If we withdrew the mail subsidy from the Orient Company, its vessels would no longer be run as mail steamers in opposition to a State-owned line. Our present system does not yield us the best results, because we naturally have to enter into short contracts. I admit that there is a good deal in the contention of Sir Thomas Sutherland that the Peninsular and Oriental Company cannot give the best of services unless it secures long contracts. His statement reads as follows:—

Short period contracts really represent a short sighted policy in the best interest of the mail service. Our present contract, for instance, has only about four years to run, perhaps less. We do not know what is going to happen at the end of those four years, and necessarily we are circumspect in regard to the outlay of capital for the purpose of constructing mail steamers, pure and simple. If our contracts, instead of being for seven years, had been for fifteen years, I have no hesitation in saying that, at the present moment, we should be expending at least a million or a million and a half more than we are doing now, in order to improve and accelerate the future mail service.

From the stand-point of the mail companies, that is no doubt perfectly cor-

Mr. Thomas.

rect; but I should certainly object to the Government entering into a mail contract for, say, fifteen years, because during that term many things might happen. The science of engineering might make such strides that cargo boats would, before the end of the contract, be travelling faster than the contract mail boats. If the Government had control over these steamers that would not occur, because we should then be able to take advantage of every new invention which was made. Then there is the question of defence, which can be considered at the same time. From the stand-point of defence, it is very important that only British sailors should be trained in our mercantile marine. Some time since I read a leading article in the *South Australian Register*, which was headed "Wanted, sailors." It stated that there were two great problems before the Empire to-day—first, the problem of how to secure, and, secondly, of how to train, British sailors. I venture to say that if we can only obtain the necessary sailors, it will be a very easy matter to train them. Some time ago there was a very serious statement made in the House of Commons by the President of the Board of Trade. He declared that if war were to break out to-morrow, and it became necessary to withdraw from the mercantile marine of Great Britain the sailors who were associated with the Naval Reserve, the British mercantile fleet would be absolutely manned by foreigners. If we were in a position to run our own boats we could insist, not only that they should carry white crews, but that those crews should be Britishers. Even if the adoption of my suggestion involved the payment of a subsidy to that vote by the Defence Department, it would be a fair and legitimate charge against that Department. I believe that if we were to control our own fleet of mail steamers, we should get, for a less expenditure, a cheaper and swifter service than we at present enjoy, and that better facilities would be afforded the general public for the carriage of cargo. Whilst I do not think that produce should be carried at the expense of the Postal Department, I quite agree with the Prime Minister when he says—

In these days a mail question can no longer be dealt with by itself. There are other matters which must inevitably be associated with it.

Whether we like it or not, the action of Germany, Japan, and the Argentine—all of which pay large subsidies for the carriage of goods other than mails—will force us into that position. So far as shipping going to Singapore is concerned, Japan has increased her tonnage in thirteen years from 1,197 tons to 271,076 tons. Of course that country has paid large subsidies to shipping companies for the carriage of goods other than mails. I repeat that under the system which I advocate our mails would be carried cheaper than they are at present—and quite as regularly—that better facilities would be provided for the carriage of produce, and that we should be training our own sailors, who would not only serve us in time of peace, but defend us in the hour of danger. It would not then be necessary to fall back upon private enterprise for assistance. When the Reid-McLean Government were endeavouring to conclude some arrangement with the Orient Company for the carriage of our mails, the late Prime Minister was reported to have said—

Surely throughout the world we can find somebody to whom we can talk business on this matter.

At the time I thought it was pitiable that the Prime Minister should be compelled to talk in that way, because it showed the extent to which we were dependent upon private enterprise. These are the reasons why I object to the amounts which have been embodied in this Bill at the instance of the Postmaster-General; and when the items come up for detailed consideration, I shall vote for their excision.

Mr. KNOX (Kooyong).—I understand that I should not be in order in debating the position which has been taken up by the honorable member for Barrier. I am, however, justified in saying that the fact that the agreement which has been entered into with the Orient Company for the carriage of our mails has not yet been ratified does not reflect credit upon the Government. To my mind it was incumbent upon them to take the earliest possible opportunity of ascertaining what was the will of Parliament in regard to that matter. At the end of the present month I understand that the sum of £60,000 will be due to the Orient Company under that contract. Surely the Government are not dealing fairly with that Company by deferring action in regard to the ratification of the contract for so long.

Sir JOHN FORREST.—The Prime Minister has already intimated that he hopes to be able to deal with the matter next week.

Mr. KNOX. — The subject should be promptly dealt with in accordance with the spirit of the arrangement made with the Orient Company. I have merely risen to point out to the Postmaster-General that it is a surprise to the community to find that the present contract does not provide for placing us in the same position as does the contract under which the Peninsular and Oriental service is conducted. I am well aware that he is not responsible for that. When the increased subsidy was supported by the Chambers of Commerce in Australia because, in their opinion, it would settle a difficulty, they certainly did think the Orient Company would deliver the mails on satisfactory dates, and that we should get an improved service. Otherwise I am afraid that their advocacy would not have been so pronounced as it was. Quite recently the mails were delivered by the Orient Steam Navigation Company on the Wednesday. I should like the Postmaster-General to say whether I am right in stating that during the existence of the provisional agreement all the mails have been delivered within their dates?

Mr. AUSTIN CHAPMAN.—Yes. The mails by the Orient Steam Navigation Company's boat are generally delivered a few hours before time, and the Peninsular and Oriental Steam Navigation Company's boats generally run in a day before time.

Mr. KNOX.—The boats of the Peninsular and Oriental Steam Navigation Company were always ahead of time, and the boats of the Orient Steam Navigation Company were always very close behind their time.

Mr. AUSTIN CHAPMAN. — The British Government, when making the contract with the former company, shortened the time.

Mr. KNOX.—It is a very great inconvenience to persons to receive their letters in Melbourne—and still greater, of course, in Sydney—on a Wednesday, the latest date on which the outward mail can leave here. I hope that, even at this late stage, an arrangement may be made with the Orient Steam Navigation Company to lessen the length of the inward trip. I do not propose to debate the general question of the contract, as I understand that it will be submitted at a later stage. But I wish to

direct the attention of the Postmaster-General to the inconvenience which every one is suffering—and a case happened only the other day—from letters being delivered here creating difficulty in sending a reply by the outgoing mail.

Sir JOHN FORREST. — The honorable member can just do it.

Mr. KNOX. — But persons in Sydney cannot.

Sir JOHN FORREST.—No; but Melbourne people can.

Mr. AUSTIN CHAPMAN. — The statement applies with greater force to Sydney, and I have endeavoured, as far as possible, to run special trains where necessary.

Mr. KNOX.—I am aware that special efforts have been made in that direction. When the agreement was under consideration there was a strong feeling that, in all the circumstances, a subsidy of £120,000 was a fair compromise, but it was expected that it would secure an improved service so far as the time of delivery was concerned. I wish now to refer to the contract provision in the Immigration Restriction Act. While I admit that there has been a straining of the purpose of the provision, because it has not been understood, still the news of the concrete act of refusing to allow a few men to land here was spread broadcast throughout the British Empire. It cannot be gainsaid that any one who has visited Great Britain or Canada has been taunted with that one concrete act of refusal. It was never intended that the provision should have such a wide-spread effect, and on that point we are all agreed. But, however gratified I am at the prospect of effecting an amendment of the provision, I fear that we shall never be able to catch up, for years to come, that very serious lie, which has obtained so long a start.

Mr. FISHER. — The whole thing was a political scandal, and nobody should feel proud of it.

Mr. KNOX.—It was a piece of bad administration, which was done for a purpose, and it is gratifying to know that at last the Government intend to take the course I suggested a long time ago. It will be remembered that when I was sitting in the place now occupied by the honorable member for Wide Bay, I was assured by the Prime Minister, then Attorney-General, that it was not intended to exclude men who were required here for general work, but practically to exclude men who might

be brought here for the purpose of dislocating trade conditions or interfering with a struggle in progress. I well remember saying, "We are in a position to handle our own disputes without outside interference. We do not want men imported for the purpose of reducing, in a wholesale way, wages conditions." I trust that, without delay, efforts will be made to remove this blot from our statute-book, as it is doing the Commonwealth incalculable harm in all parts of the world. It is comforting to know that the leader of the Opposition, and the Prime Minister, have agreed to unite in the drafting of a clause which, I trust, will be published throughout the world, and will indicate that we do desire people to come here under proper and legitimate conditions. We do not want hordes of outcasts, but we want people who will enable us to utilize the millions of acres of land which at the present time are not being made to produce as they ought to do.

Mr. SPENCE (Darling).—I am rather surprised at the honorable member for Koovong and the leader of the Opposition complaining that the Government have not paid to the Orient Steam Navigation Company the money which is due to them. The last speaker supported the late Government, who met the House after a long recess, in which the agreement was made, without any provision in their programme for its consideration. On the contrary, they announced their intention, after passing one measure, to appeal to the electors. Apparently it was not their intention to make any provision for the payment of this money. So that it has come with ill grace from the right honorable gentleman and his supporters to complain of no provision having been made. Passing away from that question for the time, I wish to say that the Government ought to take vigorous action with regard to the site for the Federal Capital. I believe that some Ministers know the character of the statements which have been made in New South Wales—untrue—and which are being vigorously circulated by the daily press. They are well acquainted, too, with the attitude of the Premier of that State, who, so far as I can gather from the published correspondence, has been blocking the settlement of the point in dispute. My opinion is that he does not want it settled, but is hopeful that a change may take place

whereby another site, more suitable to the big city of Sydney, may be selected. I did not vote for the site which was selected, but the House approved of its selection, and the Government as the guardian of the rights and privileges of Parliament, should, as far as it can, see that the point in dispute is settled. Week by week, the newspapers which run the Government of New South Wales, which hate the Government of the Commonwealth nearly as much as they hate the Labour Party, and which consistently lie about everything that is done here, have asserted distinctly that the Federal authorities are to blame. I should like the Government to note that the Government of New South Wales declare that they are still awaiting a reply from the Prime Minister. Statements of the kind to which I have referred should not be allowed to pass unchallenged. I contend that the Government of New South Wales are at fault, and that the blame for the delay should be placed on the right shoulders. The leader of the Opposition practically belongs to the political party of which the present Premier of New South Wales is a member, and consequently they ought to be on friendly terms. The fact remains, however, that although the right honorable gentleman, when in office, enjoyed a recess of six months, he was unable to arrive at a satisfactory settlement with the Government of New South Wales. It is, therefore, somewhat amusing that he should now find fault with the present Government for their action in this regard. As he met with difficulties during the negotiations with Mr. Carruthers, the present Government will probably encounter even greater obstacles in the way of a satisfactory settlement of the question, but I feel that definite action ought to be taken with as little delay as possible. I wish now to refer to the attitude taken up by the honorable member for Barrier with respect to the mail contract with the Orient Shipping Company. I should not allude to the matter at this stage, but that I shall be unable to be present next week when the House is called upon to ratify the contract. It is evident to those who take any interest in shipping matters, that the Commonwealth is absolutely at the mercy of a great shipping ring. This ring is controlled by a Shipping Conference, which meets in Great Britain, and which has abolished freedom of contract within its limits. The conference decides what loadings and sailings a ship shall

have; it controls all the ships within the ring, and divides among them the work to be carried out. When negotiations were entered into for the new mail contract, the Orient Shipping Company indulged in what appeared to be a game of bluff, designed to pave the way to the demand for a subsidy of £150,000 a year—a sum which honorable members on all sides agreed would be absolutely too much to pay for the service. When the company declared that they did not want the contract, they were probably indulging in a good deal of bluff, for they knew that the existence of the ring practically shut out competition. From the first they gave no assistance to the Department, and after endeavouring to make the Commonwealth Government feel that we were entirely at their mercy, so far as the carriage of our oversea mails was concerned, they resorted to a subterfuge that is always adopted by those who wish to obtain an advantage over others. They pulled the wires; articles were published in the press, and deputations waited on the Government, urging the Ministry to give way on the ground that the earlier delivery of mails that was promised was in itself sufficient to justify the payment of the increased subsidy. Those who took up this attitude were simply looking after their own interests, and did not consider for a moment whether or not the subsidy demanded was too large. We know that if the proposed contract be entered into, a similar state of affairs will arise when the Commonwealth is called upon to enter into a fresh agreement. It, therefore, behoves us to seek an alternative, for it does not seem that the ring is likely to be broken up. I am sorry that the late Government did not take up a firmer stand in dealing with the Orient Shipping Company. I admit that they were in a position of difficulty, but they would have done better had they refused to pay the subsidy demanded. They might well have taken a leaf out of the book of the Orient Company, and have sought to ascertain how the game of bluff would pan out. It seems to me that if they had said, "We will continue to avail ourselves of the poundage system," other companies would probably have come forward and offered to carry our mails. I agree with the honorable member for Barrier that, in a contract for the carriage of mails, we should not make conditions as to the carriage of perishable products. Unreasonable complaints are

being made at the present time as to the growth of Commonwealth expenditure, and yet the people on every hand are asking for increased postal facilities. If the Postal Department is to be called upon to pay an increased mail subsidy, simply because the contract contains special conditions as to the carriage of perishable produce, it follows that the cost of the Department will be increased in respect of matters for which it should not be liable. Some separate system should be devised to secure proper provision for the conveyance of our perishable produce to the markets of the old world. I would point out that by insisting upon the conditions as to the cool storage space, and paying the increased subsidy of £120,000 per annum, we shall reduce the chances of competition. The negotiations which took place did not go far enough. If the Government felt it incumbent upon them to impose conditions as to cool storage on mail steamers, they should also have required that the rates to be charged should be specified in the contract. The Butter Commission has pointed out in its report that exporters of butter by the mail steamers are paying $\frac{3}{4}$ d. per lb., or $\frac{1}{4}$ d. per lb. more than is charged by other shipping companies offering better accommodation for the conveyance of our perishable produce. This difference of $\frac{1}{4}$ d. per lb. means £47,000 a year to the butter producers of Victoria alone, and by paying a big subsidy to the Orient Shipping Company we enable them to cut into the trade and to make enormous profits. We have nothing to do with the question of whether or not a company is making profits. It is not proposed that the Commonwealth shall make cash advances to every man to assist him in making his business a paying one, and I am surprised that those who are opposed to anything in that direction should advocate the payment of the subsidy on the ground that the Orient Company's service to Australia is not a paying one. The Butter Commission point out in their report that a saving of £100,000 a year in the cost of shipping butter to England might be effected, and mention that it ought to be possible to reduce the annual freightage by one-half. These are phases of the question that ought to be considered. The position might be different if we had in power a Government that was strong enough to adopt the action taken by the late Sir Charles Lilley, as Premier of Queensland, when the Australian United

Mr. Spence.

Steam-ship Navigation Company refused to comply with the terms which his Government sought to impose in connexion with the carriage of mails along the coast. When Sir Charles Lilley gave an order for two vessels to be used for this purpose, he promptly brought the company to its bearings. It was not only prepared to accept the terms proposed by the Government, but to take over one of the vessels that had been ordered by the State Ministry, and to pay for work which had been done in connexion with the second. That was a case in which the Government had the courage to stand up against a shipping ring. There is plenty of evidence to show that there is practically a combine which controls the whole of the shipping to and from Australia. Even if this contract with the Orient Company is ratified—and personally I shall vote against it—it will be requisite to make provision for dealing with the situation when the term expires. The Orient Company makes no secret of the fact that it will ask for more money; and the company in what it asks for will be backed up by the shipping ring. It was the mail companies that practised the payment of the secret commissions that led up to the inquiry in Victoria, and that operated very unfairly towards our producers. Evidently the companies want a good deal of watching. We cannot expect any concession from them, and we shall have to protect the Commonwealth by taking up a firm stand in more than one direction. It seems to me that the only way in which we can protect ourselves is by establishing steamers of our own. Sir Robert Giffen has said that there is no solution of the difficulty except the State ownership of steam-ships. The question of Socialism has been referred to this afternoon by the Leader of the Opposition. We have heard nothing about it for some weeks past. I thought that we had determined in this Parliament to settle down to work, to pass the measures brought before us, and to establish a record for this session. Evidently, however, the right honorable gentleman wishes to revive that old issue. The best way of dealing with the socialistic question is for us to pass the measures in the Government programme and to get into recess. Then we can go on the platform and fight out the question. Some complaint has been made that the members of the Labour Party have been too silent this session. The leader of the Opposition is apparently very anxious to know our views

on a variety of questions ; but I thought they were pretty well known. At any rate, honorable members opposite have had no hesitation in telling the public what they were. It appears, however, that they now doubt their own impressions as to our views. Before we go to the country again we shall take steps to proclaim our programme, so as to leave no kind of doubt as to our intentions and our relations to the Government. At present, however, the Labour Party and the Government can fix these matters up between themselves. The Opposition need not trouble about them. I wish to place on record my appreciation of the statement of the honorable member for Barriar, and my accord with him. I am totally opposed to the ratification of the agreement with the Orient Company, and strongly urge the Government to face the situation. Probably the Committee which has been appointed may be able to collect some evidence that will be a guide to the Ministry. But I do insist that this Parliament will sooner or later have to face the issue of the carriage of our mails and produce by our own vessels. It is quite within our power to do it, and, indeed, I do not see any way out of it. Either we shall have to subsidize a company liberally, guaranteeing freight to the extent of £300,000 a year, or we shall have to run our own steamers. At any rate, the Government must be prepared to deal with the situation when it arises, as it inevitably must, within a comparatively short time.

Mr. KELLY (Wentworth). — What strikes me most in the speech of the honorable member for Darling is the facility with which, according to him, vast projects, such as the nationalization of mail steamers, may be accomplished. Yet, if my memory does not err, I can remember a time when the honorable member was confronted with the alternative between creating a central Government bureau to manage all industrial affairs of the Commonwealth, or allowing those affairs to be administered, as they are now most skilfully, by trade union secretaries. The honorable member for Darling, who now tells us how easy it is to nationalize lines of mail steamers, on that occasion pointed out the impossibility of any Government Department managing a business involving such intricacies and ramifications as that conducted by trade union secretaries. And yet at the present time we find the honorable member regarding it as an easy matter to nationalize any-

thing or everything, provided it be not connected with the avocation which he so suitably represents and adorns. The honorable member is rather unfair to members of the Opposition. Sitting as he does, in the Opposition corner, which should not afford support to the Government, the honorable member stigmatizes proper parliamentary discussion on this side as almost "stone-walling"—tells us that it is "obstruction of business." I can remember the time when the honorable member for Darling occupied four or five hours in speaking to sympathetic, if empty, benches, with considerable effect. Nowadays, however, if an honorable member on this side speaks for five minutes on a question of such far-reaching importance as to threaten the whole trade of the country, the honorable member accuses him of obstruction. The honorable member has told us that we should proceed with all these non-contentious measures—that we should put the trade of the country in shackles quickly, and without considering what we are doing—and then go to the country and on the platform discuss—what? Socialism! If my memory is not at fault, we have a Government in power which only recently, through the mouth of the Prime Minister, told the country that not one man in a hundred is a Socialist, or desires Socialism.

Mr. FISHER.—What is the honorable member complaining of?

Mr. KELLY.—I am complaining that the honorable member for Darling is anxious to rush through business of immense importance, in order to discuss something which the Prime Minister tells us is a matter of no concern to the country at large. Honorable members on this side of the House, however, recognise the dangers of Socialism.

Sir JOHN FORREST.—There is nothing about Socialism in the Bill.

The CHAIRMAN.—I think the honorable member for Wentworth is going outside the question.

Mr. KELLY.—I honestly believe that I am, but I have been led to do so by the honorable member for Darling, who discussed the question of Socialism at considerable length. However, as a discussion of Socialism appears to embarrass the Treasurer, I shall not continue it. I should now like to refer to the Immigration Restriction Act. We have heard honorable members from every part of the House, for a short time past, telling us

how anxious and eager they are for the immediate amendment of that measure. A fortnight ago, the adjournment of the House was moved on the question, and the Prime Minister then told us that he burned with disgust at the slanders which had been perpetrated against Australia on account of this measure, and that it was his ambition to amend it so that those slanders might cease. Then, the honorable member for Bland has told us that he is eager to see the measure amended.

Mr. DAVID THOMSON.—The honorable member for Bland is only one in the Labour Party.

Mr. KELLY.—That is exactly the interjection I wanted. The honorable member for Bland, on the public platform, before the adjournment of the House was moved, stated that he was anxious to see this section amended.

Mr. THOMAS.—The exact words of the honorable member for Bland ought to be quoted.

Mr. KELLY.—I have had to deal with this question at a moment's notice, and I do not carry around in my pocket quotations from the opinions of the honorable member for Bland. What I say is that that honorable member, in an interview, stated that he wished to see this clause amended.

Mr. THOMAS.—The honorable member has just said that the opinion was expressed in a speech.

Mr. KELLY.—A speech and an interview are much the same thing from the honorable member.

Mr. THOMAS.—The honorable member said that the honorable member for Bland was "anxious," whereas now he says the honorable member expressed a "wish."

Mr. KELLY.—Surely an honorable member, who for such an interminable time addressed himself to this Committee this afternoon without misplacing a single word, might afford to be generous to a less gifted *confrere*! I shall now quote, not the honorable member for Bland, but his lieutenant, the honorable member for West Sydney, who said—

In some instances the Department had administered the Act foolishly, and against the intention of the framers of the measure.

The honorable member for West Sydney thus indicted the whole administration of the measure, "six potters" and all; and he also is anxious to see it amended. But I am really rather doubtful as to the *bona fides*

of those intentions. The honorable member for Capricornia has told us that the honorable member for Bland is the only member of the Labour Party who is anxious for an amendment of the section.

Mr. DAVID THOMSON.—I did not say any such thing.

Mr. KELLY.—I think that is what the honorable member said; but I do not care which position I take—whether all the party are in favour of an amendment, or only one is in favour of such a step. If the whole party is anxious for an amendment of the section, it has only to speak to the Prime Minister, and he is bound to do its will; and that is the course I would suggest to it. The country, however, will expect members of the Labour Party to prove the *bona fides* of their attitude.

Mr. STORRER.—Let us get on with the business.

Mr. KELLY.—I think that interjection comes with singularly bad grace from the honorable member for Bass, because those with whom he has associated himself have lately been doing most of the talking. In view of the urgency of the matter, I hope the Prime Minister will give us some indication that he really means to proceed at once with the amendment of the Immigration Restriction Act.

Mr. DEAKIN.—First, I must do what honorable members in the corner say, and then what the honorable member says.

Mr. KELLY.—I am asking what I believe the country demands, whereas the Prime Minister must do what the Corner demands. There is another point with which I wish to deal. The honorable member for Angas was speaking of the way in which the State of Western Australia has recently been infringing the provisions of the Constitution requiring absolute freedom of trade between the States.

Sir JOHN FORREST.—The honorable and learned member did not speak from his own knowledge, but from something he had heard.

Mr. KELLY.—We have all heard it. The Treasurer contradicted the statement made, but the rumour referred to is in circulation throughout Australia at the present time. There is a feeling throughout Australia that the Commonwealth is now divided into two halves—the State of Western Australia and the other five States. Whilst the people of the other five States are trying to discover how much they can afford to give to keep the Federation

going, the people of Western Australia are trying to get as much out of it as they can for themselves. The Treasurer will shortly be confronted in Cabinet with the settlement of a matter affecting the taxpayers of the Commonwealth. I refer to the proposed expenditure on the Fremantle fortifications. Judging by the answer given to a question in another place, it appears that the Government are re-considering the position as regards these fortifications, as laid down in the Works Estimates to which we have already agreed. We passed certain votes for the purpose of mounting two 7.5-inch and two 6-inch guns in the forts at Fremantle. A suggestion has now emanated from the Senate that the guns obtained should be 9.2-inch guns. Of course it will be admitted that a 9.2-inch gun is a better weapon than is a 7.5-inch gun to engage an armoured vessel.

Sir JOHN FORREST. — What class of 9.2-inch gun; Mark X?

Mr. KELLY. — I think it is. I refer, of course, to the latest type of 9.2-inch guns.

Sir JOHN FORREST. — The 9.2-inch guns we have in the Commonwealth are not better than the 7.5-inch guns suggested for Fremantle.

Mr. KELLY. — The 7.5-inch guns which are now being put into the Fremantle fort are, without the slightest doubt, the best guns we now have in Australia. An honorable senator has been pressing a certain matter on the Government, and has so far succeeded as to induce them to reconsider their proposals. There is not the slightest doubt that the newest type of 9.2-inch gun is a better gun than is the 7.5-inch gun. But we have to consider whether, in view of the circumstances peculiar to the port of Fremantle, the substitution of 9.2-inch guns for 7.5-inch guns at that place would be relatively so advantageous as to warrant the additional expenditure involved.

Mr. FISHER. — Does the honorable member mean to suggest that the guns mounted at Fremantle forts would not require to carry so far?

Mr. KELLY. — I shall show that that is so presently. In Australia, at the present time, all our defences are in a very serious state of unpreparedness, and require to be put in order. The honorable and learned member for Corinella has explained that, in addition to the unexpended balance of the amount asked for by Major-General Hutton—

about £120,000 or £130,000—£800,000 will be required to put our coastal defences in order, and to make our land forces mobile, and up to service requirements. That being the case, we are not in a position to squander money here, there, and everywhere. We should be especially circumspect when we are dealing with the expenditure proposed for fortifications in such positions as those at Fremantle. There is a large area of shoal water running in a north-westerly direction from south of that port, and almost at right angles to the general direction of the port. Owing to that shoal water, any ship anxious to shell shipping in Fremantle must approach within at least five miles of the position on which it is proposed to mount the 7.5-inch guns.

Mr. DEAKIN. — The 9.2-inch guns are much more expensive than the 7.5-inch guns.

Mr. KELLY. — Yes, nearly twice as expensive, a 7.5-inch gun costing about £12,000, and a 9.2-inch gun costing between £20,000 and £24,000. If those on board a vessel attacking Fremantle wished to see what they were firing at, which is the only way in which accurate practice can be made, they would have to bring her within five miles of the position in which it is proposed to place 7.5-inch guns. I understand that the Treasurer holds that a warship could stand off at a considerable distance and fire over the intervening obstacles into the port. But if she did that, her gunners would have no means of knowing where her shells were falling, and, consequently, could get no check upon their practice. Assuming—as we have every right to assume—that vessels would have to come within five miles of the North Fremantle fort to do the shipping in Fremantle any harm, let us compare the relative advantages and disadvantages of the 7.5-inch and the 9.2-inch guns over that range. In the first place, to enumerate the advantages of the former, a 7.5-inch gun costs only half of what a 9.2-inch gun costs. Secondly, it is of infinitely simpler mechanism, the ammunition of a 9.2-inch gun being so heavy that it must be lifted by hydraulic hoists—and simplicity of mechanism is a very serious consideration when militia forces are concerned. The simpler the mechanism and the working of the gun the greater the efficiency of a militia gun's crew. Then, again, the 7.5-inch gun has a longer life than has a

9.2-inch gun, and also a greater rapidity of fire, which means obviously greater efficiency of aim, because when guns are placed on low positions, such as this at Fremantle, it is impossible to chart out the sea in front of them in the way common to elevated fortresses, and their mark has, consequently, to be picked up as a ship's mark is picked up by firing over, and then short of, the object, finally taking the mean. Under such circumstances, the gun with the greater rapidity of fire is the more efficient. The disadvantage of the 7.5-inch gun as compared with the 9.2-inch gun at the range named is that it has a slightly less penetration. The ordinary trials of the two guns of the latest mark over a range of 6,000 yards, which is about $3\frac{1}{2}$ miles, show the penetration by the 7.5-inch gun of the latest plate made to be 5.5 inches, while that of the 9.2-inch gun is 7.5 inches, a difference of only 2 inches. Now, what class of vessel would these guns most probably have to deal with? Senator Matheson, who is now pressing for the substitution of 9.2-inch guns for 7.5-inch guns at Fremantle, stated in a letter to the Perth *Daily News*, published in November, 1902—

It is a consolation to find that battleships and first-class cruisers of other nations are carefully ticked off at the British Admiralty, their whereabouts carefully watched, and in time of war British ships of equal or greater strength would attend their movements.

And in discussing the kind of enemy's vessel most likely to visit the coast of Australia, he went on to say that the ships we have most to fear are armed and converted cruisers; and Senator Matheson must know that no such vessel would dare to come within the range of a 7.5-inch gun, because such a gun could crumple it up quite as easily as could a 9.2-inch gun. With regard to penetration, the tests are only relative, and not altogether satisfactory. For instance, quite recently tests were made in a foreign country with an English 9.2-inch gun of the latest mark, and a Vickers' steel plate, and the first projectile fired did not get through the plate. When the same gun was loaded with a new Vickers' projectile, however, it cut through the plate as if it were butter. It will, therefore, appear that over a range of five miles, and for the uses to which the North Fremantle guns are likely to be put, 7.5-inch guns are handier and better than 9.2-inch guns, and are quite as efficient as will be needed to face

the kind of vessels which may be expected to visit Australia in time of war. The argument that 9.2-inch guns should be substituted for 7.5-inch guns, because they are better, could logically be extended to support the substitution of 12-inch for 9.2-inch guns, on the ground that the most powerful gun procurable should be obtained. The Endicott Board, appointed in the United States of America to consider the whole question of coastal defence, laid it down that first-class fortresses should be armed for their heaviest ordnance with not less than 12-inch guns, and there are at present no fewer than 100 such guns in the forts of that country. But to me, it appears that it would be ridiculous to arm some of our forts with these heavy guns before bringing our whole defence system to a reasonable general level of efficiency, and it behoves us to be very circumspect in the choice of armaments for our coastal defences, in view of the immense outlay necessary to put the general defence of Australia on a proper footing. The 9.2-inch guns of the old mark now in Sydney are not to be compared with the 7.5-inch guns of the latest mark, which it is now proposed to mount at Fremantle. And yet I have explained that I do not wish to see any more powerful guns mounted at Sydney until a general scheme of defence for that port has been properly arranged. It is certainly ridiculous that the Government should be asked to turn Fremantle into a sort of Gibraltar when other more vital parts of Australia are open to attack of a much simpler kind than that anticipated by Senator Matheson for Western Australia.

The CHAIRMAN.—The honorable member must not refer to speeches delivered in another place.

Mr. KELLY.—I submit that it is a question of policy I am referring to. The whole of our defence system is based on the supposition that England will be able to maintain command of the seas; and no heavier ship than it is possible to deal with by means of 7.5 guns could possibly appear off the coast of Australia until such time as England has lost that command. If England does lose command of the sea, of what use are our fixed defences? So far as fixed defences are concerned, it does not matter how powerful they may be made, an enemy, who intended to invade the country, could do so out of the reach of their guns.

Mr. FISHER.—Does the honorable member contend that because one country is defeated, all other countries will be attacked?

Mr. KELLY.—I do not quite see the relevancy of the interjection. Does the honorable member ask whether, if England be defeated, therefore Australia will be attacked?

Mr. FISHER.—I think it very probable that a country which defeated England would afterwards have enough to do to mind its own business.

Mr. KELLY.—It is clear that if England lost command of the seas, an enemy would find it much easier to transport material and men to any portion of the coast-line of Australia that is far distant from our centres of population than it would be for us to transport material and men to the same point. In the case of Western Australia, for instance, even if there were a transcontinental railway, the overland freights would probably amount to £20 per ton, while the freight from Western Australia to the country attacking us would be probably about 15s. per ton. That only shows the relative difficulty of maintaining defensive operations at the ends of such lines of communication. In a military sense, Western Australia is nearer to Europe than it is to the Eastern coast of Australia, once command of the seas has been lost; and that is all I referred to when I said that an enemy, once the command of the seas had been wrested from England, would be able at any time, and with however small a force, to land at any part of our unoccupied coast-line.

Mr. FISHER.—What is the use of crying out about our inability to defend ourselves?

Mr. KELLY. — I have no wish to cry out about our inability to defend ourselves, but merely to point out what we have to apprehend, and how, in consequence, we should direct our efforts. If we do not consider beforehand how best to direct our efforts, it is not likely that we shall arrive at the most satisfactory result. I am no alarmist, and I am merely pointing out self-evident facts. I am denouncing the suggestion to further burden the taxpayers of the country by over-defending—and not wisely so, either—one of the ports of the Commonwealth. We must look at these matters in a Federal spirit. We should not think of what this or that State requires, but what Australia as a whole is

most in need of, and set ourselves to supply our requirements in the order of their urgency.

Mr. WEBSTER.—Population is what Australia wants.

Mr. KELLY.—And that is what the honorable member, and those associated with him, are trying by means of the Immigration Restriction Act to prevent Australia getting. What Australia requires most at the present time for the purposes of defence are secure bases from which the Naval Forces may operate; and I do not think for one moment that Fremantle has ever been claimed to be a naval base in the same sense as Sydney. Next, Australia requires harbors of refuge for shipping, and a certain amount of protection for strategical centres. If the news we hear this morning about Singapore be correct, Fremantle will probably become more important than it otherwise would be, but it cannot claim to be one of our most important ports from the point of view just indicated. I am not in any way taking exception to the expenditure proposed in the Estimates on the defences of Fremantle; but, as showing that any further expenditure on that port is inadvisable at present, I would point to the almost defenceless position of Newcastle, in New South Wales, which is not only one of the most vulnerable, but one of the most likely places for attack, both because of its coal and of its juxtaposition to the sea. The only protection that Newcastle has is the comparative shallowness of its approaches. The guns there are almost the worst of any in Australia, and most urgently need renewing. I hope that before the Government considers the question of over-fortifying any port, they will have regard to Newcastle and Sydney in the directions I have indicated. There is one curious point about the whole business which makes me rather regret the absence from the Chamber of the Treasurer. I now refer to the absolutely defenceless condition of Western Australia when the Defence Department was transferred to the Commonwealth. It is most singular that the Treasurer, who, for I do not know how many years, presided over the destinies of that State, should now invite the Commonwealth Parliament to undertake this expenditure without offering any explanation why he did not then remedy its lack of preparedness. The right honorable gentleman was Premier of Western Australia for

years, and yet he left the State absolutely defenceless.

Mr. DEAKIN. — He had to make Fremantle first.

Mr. KELLY.—But in Western Australia everything is topsy-turvy, if we are to believe the Estimates. For instance, it is proposed to expend £20,000 upon a new post-office at Fremantle, although there is a post-office within half-a-mile of it. These are matters which require explanation at the hands of the Treasurer. We all know that his ambitions are centred in Western Australia. Indeed, at one recent period of his existence he was cogitating a return to the brilliancy of political life there, and it was only the urgent solicitations of the Prime Minister that prevented him from giving effect to his idea. I hope that the Government will not accede to his wishes—if they are his wishes also—in regard to the Fremantle forts. If any further advice upon the question is necessary, it is certainly not in regard to the respective effectiveness of various guns, since the 7.5-inch gun is as good as the 9.2 for the work required. It is simply a matter of how far the finances of the Commonwealth will permit us to go. We have to find a lot of money to put our defences in decent order, and, so far as Fremantle is concerned, it is not a question of what we can get so much as of what we can afford.

Mr. HUTCHISON (Hindmarsh).—One question to which frequent reference has been made this afternoon is that of the existing mail contract. I take this opportunity of calling the attention of the Prime Minister to the fact that last week, after reading certain remarks which were reported to have been made by the Governor of South Australia, Sir George Le Hunte, in which he stated that no public representations had been made as to the mail steamers ceasing to call at Adelaide, I asked a question.

Mr. DEAKIN.—I have obtained the report, which I should have handed to the honorable member. The facts are that public representations were made before the period referred to, but from the date on which the steamers actually stopped calling there no representations were made.

Mr. HUTCHISON. — When a gentleman filling the exalted office of Governor of South Australia is found continually interfering in matters of policy concerning not only the State over which he has Executive control, but the Commonwealth, it

is time that the Prime Minister publicly deprecated his utterances. Since I last spoke upon this question I have taken the trouble to ascertain, on the very best authority, that His Excellency's utterances, as reported, were absolutely correct in every particular. That being so, it is high time he was informed that he should not interfere in matters of Commonwealth policy. A few days ago the Prime Minister laid upon the table of the House a copy of His Excellency's report upon the Northern Territory. In that report His Excellency states—

Coloured imported labour is a necessity in the Territory, and if the system of employment of coloured labour has been abused, the fault has lain at the doors of the Administration in the place where it has occurred. With proper provisions and a pure and strong executive administration of the Labour Acts, there would not be the slightest fear.

These are very strong statements to come from the Governor of a State, and I take this opportunity of deprecating them. We know what has been the experience of South Africa in regard to the introduction of coloured aliens. There, those who were responsible for their introduction would, to-day, be very glad to get rid of them. But Sir George Le Hunte goes very much further, and actually tells us that—

Bonuses to industries are indefensible on economic principles.

Mr. REID.—Does the honorable member mean to say that His Excellency's report was laid upon the table of this House?

Mr. HUTCHISON.—Yes. That is what surprised me, seeing that it was prepared at the instance of the late Government of South Australia. I do not think that it is for the Governor of that State to say whether bonuses are indefensible on economic principles, especially at a time when this Parliament is considering that very question. If His Excellency continues to be so indiscreet, I hope that the Prime Minister will do—as the Premier of South Australia has doubtless done—tell him to confine himself to his duties.

Mr. REID.—The Prime Minister cannot do that.

Mr. HUTCHISON.—The Prime Minister can send a communication to the Home authorities, pointing out that the representative of the old country in South Australia is exceeding his functions. I am sorry that His Excellency has been so indiscreet. He has been accustomed to

governing a coloured labour Crown Colony, where he was vested with full administrative power, and that fact I suppose constitutes some slight excuse for his having developed a habit that he finds it difficult to relinquish in a self-governing State. The leader of the Opposition and the honorable member for Kooyong have referred to the necessity for amending the Immigration Restriction Act at an early date. I wish to impress upon the Government that I have not much sympathy with any proposal to amend that Statute on the lines that have been suggested. I want to be assured that a single desirable immigrant has been excluded from Australia by the operation of that Act.

Mr. REID.—The law excludes them.

Mr. HUTCHISON.—The law does not exclude a single desirable immigrant, if he comes here as a free man. I have not heard of any attempt being made to repeal a much more drastic provision which is to be found in the legislation of the United States. As honorable members are aware, there is no Labour Party to please in the Congress.

Mr. JOHNSON.—Does that legislation shut out citizens of the United States?

Mr. HUTCHISON.—There are some of our own people whom it would be a good thing for the community to shut out. The present law, however, does not exclude any desirable person. It has been stated over and over again by the leader of the Opposition and others that when the Immigration Restriction Bill was before the House it was never intended that it should go further in the direction of shutting out contract labour than to prevent employers importing workers under contract to engage in an industry in connexion with which a strike was in progress.

Mr. REID. — Or under deceptive contracts.

Mr. HUTCHISON. — Quite so. I would point out, however, that years before the inauguration of the Commonwealth the people of South Australia were advocating a measure on the lines that we carried. This agitation was based upon the experience of that State. Men who came out under contract were deceived as to the conditions of labour there. The result was that they broke their contracts, went to Court, and were very properly told that they would have to carry out their agreements. At the same time, however, their wives and families were suffering. I wish to point

out the great danger of altering the contract section of the Immigration Restriction Act.

The CHAIRMAN. — The honorable member must not debate the Act in detail.

Mr. HUTCHISON.—I simply propose to point out what might be done in administering the Act. I do not agree with every detail of the administration of the Act up to the present time, nor do I think any one does; but to my mind subordinate officers have been more to blame than have Ministers for the difficulties that have arisen.

Mr. JOHNSON.—The honorable member does not believe in excluding blind tourists?

Mr. HUTCHISON.—That goes without saying; but the statement that the blind tourist was excluded is just as incorrect as is the statement that the six hatters were shut out.

Mr. REID.—They were delayed for days.

Mr. HUTCHISON. — And very properly so, if they did not comply with the law. The leader of the Opposition would have been able to bring those six hatters to Australia without the slightest difficulty, because he would have gone the right way about it. We shall have to be very careful in amending the Act if we do not wish to leave too much to administration. If we decide to allow men to come here under contract what will it mean? The Minister administering the Act will have first of all to ascertain whether any men landing in Australia are under contract, and will be vested with tremendous powers. If he is not a Minister of the class mentioned the other day by the Governor of South Australia, or one of the character that cannot be found in the Transvaal—because the Chinese, in spite of the administration, are practically doing what they like there—he will find the administration of the Act a most difficult task. When we know that no one may come in under contract, we can very carefully watch the administration of the Act, and as soon as we find that a Ministry allows persons to be imported under contract to do manual labour without taking action, the House will deal with that Ministry. If employers are allowed to bring in labourers or skilled artisans, leaving the Commonwealth authorities to ascertain whether those men come here under contract, a dangerous power will be left to those intrusted with the administration of the Act. Employers will not require to wait

until a strike has occurred, in order to bring men out under contract to work at low rates of wages. There was no strike in progress when certain labourers were imported under contract to work at less than a fair rate. The employers asserted that the rate was a fair one, but the workers said that they could not live under it. What is a fair rate for a labourer in Australia to-day? Honorable members will find that the rate varies in different parts of the Commonwealth. It is by no means uncommon to find men working for 4s. and 5s. a day.

Mr. REID.—And finding themselves?

Mr. HUTCHISON.—Yes; I believe there are thousands of men so employed, and I certainly should not like to see others imported to work at the same rates.

Mr. LONSDALE.—Where are such wages being paid?

Mr. HUTCHISON.—I am sorry to say that in South Australia hundreds of men are employed in driving carts, and in doing other work for 4s. and 5s. a day.

Mr. TUDOR.—In the absence of legislation dealing with the question.

Mr. HUTCHISON.—Exactly. It is because we have no legislation to assist them to secure fair wages. The Prime Minister has paid great deference to the labour legislation we have passed.

Mr. BAMFORD.—Men are working for 6d. per hour in the sugar-mills of Queensland.

Mr. HUTCHISON.—That is so. As there is no fixed rate for the payment of labourers in South Australia, it will be open to employers to flood the country with unskilled labour at a wage which will result in pauperizing the men. I know scores of men who are not above the poverty-line, and there are hundreds and thousands, whom I do not know, in the same position. Who has asked that the law should be amended?

The CHAIRMAN.—The honorable member must not discuss the proposed amendment of that law.

Mr. HUTCHISON.—I am going to show how much is to be left to administration. The Minister will be called upon to say what is a fair wage, except in respect of trades to which decisions of Wages Boards or Arbitration Court apply. I do not wish to trespass beyond the limits of debate.

The CHAIRMAN.—The honorable member is now discussing a proposed amendment of the Immigration Restriction Act.

I take it that that amendment cannot be made by the Bill now before us, and therefore if I allowed him to deal with it, I should have to allow other honorable members to discuss the amendment of any Act on the ground that they were really dealing with it from an administrative standpoint.

Mr. HUTCHISON.—I am giving reasons why I regret that the Government propose to amend what I think is a splendid piece of legislation. I wish the Ministry to know that I shall be opposed to anything of the kind. The leader of the Opposition was allowed this afternoon to discuss the objective of the Labour Party. What had that to do with the Bill now before us? I am sorry that the objective of the party is troubling the right honorable member. It is certainly not troubling the bulk of the people of Australia.

Mr. REID.—Not at all.

Mr. HUTCHISON.—Surely the right honorable member will recognise that the Labour Party is not as hide-bound as he would have the people believe. We freely admit that it is a socialistic party, but the extent to which any member of the party is prepared to go in that direction is entirely a matter for himself to decide.

Mr. LONSDALE.—How far is the honorable member prepared to go?

Mr. HUTCHISON.—As far as the people will allow me, and no further. If the people said, "We want the whole of the industries of Australia nationalized," I should make one to give effect to that demand; but if they did not wish that to be done, I should not be able to do it. Every member of the Labour Party is free to act according to the dictates of his own conscience. In South Australia, as in the other States, the Labour Party drafted a platform for the Parliament, and stood by it. It is because we never swerve from our platform that our numbers are increasing. We say, "This is our objective for the three years of the Parliament, and we shall not alter it without consulting the people."

Mr. KELLY.—The Labour Party adapt their programme to circumstances.

Mr. HUTCHISON.—I think that our honorable friends on the Opposition side have shown great wisdom in dropping the bogey of Socialism, because they are beginning to see every day that the people are less and less frightened of it.

Mr. REID. — The Labour Party are dropping it as hard as they can.

Mr. HUTCHISON.—I think it will be found that all the prominent members of the Labour Party will be quite willing to stand on any platform in any constituency and say exactly what I have said here. I am sorry to say, however, that a good many members of the Labour Party do not understand what Socialism is. Their minds have been so confused by the rubbish which is daily printed in the press of Australia, and daily uttered by members of the Opposition, that they cannot tell where they are. But they all know that Socialism is not what is usually laid down by honorable members on the Opposition benches. I saw a comparative stranger in the Chamber to-day, and I am sorry that the honorable and learned member for Parkes is not present at this moment, because last session he made what to me appeared to be a very valuable suggestion in regard to the transferred properties. I regret that we have not heard a great deal more about it since that time. I deplore the way in which the members of the States Governments adversely criticise the Commonwealth Government and Parliament. We are always hearing about the extravagance of the Commonwealth Parliament, but I think we cannot repeat too often that, while it has not borrowed a single sixpence for the carrying out of public works since it was instituted, the States Parliaments have borrowed no less than £31,000,000, and also that millions of pounds have been returned to the States which could have been spent by our authority, and which I regret were not dealt with in another manner. It is not often that I agree with the honorable and learned member for Parkes, but I certainly think that the suggestion he made last session is worthy of more consideration than it has had, and that is that the Commonwealth Government ought to have employed the surplus in paying the States Treasurers for the transferred properties. It seems to me absurd that we should raise a loan to pay for our own properties, and thus burden the people with interest. The honorable and learned member made, to my mind, a further excellent suggestion, and that is that, if any State were in greater need than another in any year, it should get a far larger share of the surplus for that year. That raises, however, the question whether such a course would be constitutional or not. At any

rate, I think that the idea is a good one. The Commonwealth Government would have received as much credit, and saved a great deal of trouble in the future, if it had employed the surplus in paying for the transferred properties. I have said all I wish to say, because I am more anxious to get on with business than to criticise the Government or the Opposition. I certainly do not desire to offer any obstruction, and for that reason I trust that the debate on this Supply Bill will be ended at an early hour, so that we may proceed with useful legislation.

Mr. IONSDALE (New England). — I listened with some degree of interest to the speech of the honorable member for Hindmarsh. I do not mean to say very much about his ideas on Socialism, because the Labour Party are constantly changing their attitude on that subject. As they feel the pulse of the people outside, and realize what is thought of the doctrine, so they change from one side to the other, as the wind blows, just like a weathercock. They really do not understand what their proposals mean. I do not know that I need trouble the Committee with many remarks as to their absolute changeableness in regard to this doctrine, which they tell us is going to rescue the people from the poverty into which they have sunk. If it is such a noble doctrine as they describe, surely they should try at once to put it into force! If the people are being depressed into a state of deepest poverty, then they should force the Ministry to take some step. They have far greater power than they would have if in office; therefore, they should compel the Ministry to put into force every proposal of a socialistic character. We have the leader of the Labour Party telling us here that Socialism is not likely to come in his time; in other words, that the people may starve to death before their members will attempt to put into force the very doctrine which they think would mean their salvation. What can we think of the members of the Labour Party who take up that attitude? If Socialism is going to help the people, then all honour to them—though I cannot agree with them—for trying on every occasion and in every direction to put it into force. They should use all their strength to that end. But if they believe in the doctrine, and will not try to put it into force, what must we think of them?

Mr. HUTCHISON.—The honorable member would not put anything into force if he had his way.

Mr. LONSDALE.—I am prepared to put anything into force that will assist the people, when I have the power. Let me lead a party like the party behind this Ministry, and I promise that they would do something in that direction. The difference between us is that, whereas the Labour Party have power, I have not. I wish to refer now to the administration of the Immigration Restriction Act. I am against the introduction of a large number of men, under any form of contract, to compete with men who are in work, or to take the place of men who are on strike. But if men can be brought here under contract to develop new industries, and to increase the productions of the States, no obstacles of any kind should be placed in the way of their introduction.

Mr. WEBSTER.—The honorable member has changed his opinion on the matter.

Mr. LONSDALE.—No. My opinions do not change like those of the honorable member. I object to the introduction of any men under contract to take the place of men on strike, or to compete with men who are in work here, to lower the rate of wages, or to do anything of that kind. But if any men can be brought here, under contract or in any other way, at a proper wage, for the purpose of opening up new industries, and developing the productions of these States, they ought to be allowed to land, without any obstacles being placed in their way.

Mr. WEBSTER.—What does the honorable member consider a proper wage?

Mr. LONSDALE.—The highest wage that a man can get. I am prepared to give the highest wage. I do not consider that 4s. a day is a proper wage.

The CHAIRMAN.—Order! The honorable member will not be in order in discussing that question.

Mr. LONSDALE.—I suppose, sir, that on this motion for granting supply, we can discuss the effect of the operation of the Immigration Restriction Act. I could quickly bring my remarks in order, by mentioning a case which has arisen under the administration of the Act, and which raises the question of wages, but I do not wish to deal with it until later on. If General Booth is to bring 5,000 families here—and, I presume, sir, that it is quite in order for me to discuss that project on this motion—

then we should see that they come under such conditions that their introduction will not be injurious to the men who are here to-day.

Mr. WEBSTER.—How is the honorable member going to arrange that?

The CHAIRMAN.—The honorable member for New England will not be in order in discussing an Act of Parliament unless he is prepared to move a motion with regard to its repeal. That is specially provided for in the Standing Orders. In Committee of Supply an honorable member is entitled to discuss the administration of any Department which is covered by the Supply Bill.

Mr. LONSDALE.—I take it that anything in connexion with immigration, and which has to do with the Department of External Affairs, is covered by this Bill.

The CHAIRMAN.—I have not said anything about that. What I have said is that the honorable member is not in order in discussing the rates of wages paid to certain men, because there is nothing in the Bill providing for those matters.

Mr. REID.—May I suggest for your consideration the question whether the state of the country is not a permissible subject for discussion on this Supply Bill. My experience teaches me that upon the question of granting Supply to the Ministry, the general condition of the country is quite open for the consideration of honorable members.

The CHAIRMAN.—I allowed a good deal of latitude this afternoon to the right honorable member because of his official position: but I would remind him that there is another and more fitting time for the discussion of such matters as he has mentioned, namely, grievance day, which occurs every third Thursday in the month.

Mr. REID.—When will that be?

The CHAIRMAN.—Next Thursday.

Mr. REID.—I may not be here then.

Mr. LONSDALE.—I think I am quite justified in referring to the statements made a little while ago by the honorable member for Hindmarsh as to the state of the country.

The CHAIRMAN.—The honorable member for Hindmarsh made that statement in answer to an interjection; but both the interjection and the statement were out of order.

Mr. LONSDALE.—I suppose I shall have to bow to the Chairman's ruling, but nevertheless I think that I am within my

right in alluding to the state of the country ; and the state of the country can only be dealt with by mentioning the state of the people in it.

The CHAIRMAN.—I should be very loath indeed to prevent the honorable member from making any statements that he desires to make. If he can indicate a vote concerning which he desires to speak, I shall be very glad to hear him, and he may be allowed to proceed.

Mr. LONSDALE.—I do not know that there is any particular vote, but there are many references in the Bill to payments and contingencies in connexion with various officers and Departments ; and surely I may be allowed to show that the salaries paid by the Commonwealth are higher or lower than are paid outside, and that as a consequence the people outside are not receiving the emoluments that they ought to receive.

The CHAIRMAN.—I did not understand that the honorable member was pursuing that line of argument.

Mr. LONSDALE.—I was referring to the Immigration Restriction Act. Statements have been made by honorable members opposite about persons who have traduced and slandered the Commonwealth. I have heard no slandering of the Commonwealth. I have heard statements of what is true, and if the truth slanders the Commonwealth we should alter the law that allows that to be done. It has been, for instance, stated that there was some trouble about six hatters. Was there any trouble, or was there not? If there was no trouble about their landing in Australia, if they were not kept off our shores for a few days, the statement that they were kept off is a lie and a slander and traduces the Commonwealth. But if they were kept from landing for some days by reason of an Act of Parliament, the statement is true, and cannot be a slander.

Mr. WEBSTER.—The Act has nothing to do with this Government.

Mr. LONSDALE.—The honorable member for Hindmarsh and other members of the Labour Party have dealt with the question in this way.

Mr. WEBSTER.—But he dealt with it intelligently.

Mr. LONSDALE.—That is more than the honorable member could have done, at any rate. Whilst I may be supposed to be endeavouring to give information to the honorable member for Gwydir and other honorable members opposite, I cannot be

supposed to give them intelligence to understand it. I say again, that if the six hatters were kept out of Australia for some days, as has been stated publicly here and in England, the statements to that effect are true ; if they were not kept out the statements are slanders. But, as a matter of fact, no one can say that they were not kept on the ship for a week or so. Another case is that of a man who had to get a permit to come here with horses. The Prime Minister has said that there was no need for the permit, but the need arose in this way: Ship-owners will not bring such persons without a permit. If they bring out a man who is under contract they are responsible for taking him away again. They are not foolish enough to incur that responsibility. The Prime Minister's statement, that there is no need for permits, does not alter the law, and the ship-owners are advised by legal men that permits must be obtained. I have another case in my mind at the present moment. I do not wish to relate the circumstances, because they are not quite settled. The case has, however, occurred since the Prime Minister stated that it was not necessary for such people to get permits.

Mr. WEBSTER.—What case is that?

Mr. LONSDALE.—The honorable member has not heard of it, and I am not going to say any more about it until it is settled.

Mr. WEBSTER.—The honorable member cannot prove his statement.

Mr. LONSDALE.—Yes, I can. I have seen the man and spoken to him, and know all about the contract under which he came out here.

Mr. TUDOR.—The authorities could not have properly administered the Act, or the man would not have been permitted to land.

Mr. LONSDALE.—He had a permit. Honorable members will probably remember the case of the six potters, in connexion with which members of the Labour Party charged the right honorable and learned member for East Sydney with having given instructions that the persons concerned should be prosecuted. Who slandered the country on that occasion? Was it not the members of the Labour Party? They accused the honorable member for East Sydney of having commenced proceedings against the six potters, or those who were responsible for their introduction here ; but it transpired that the honorable and learned

member for West Sydney initiated the prosecution. Those honorable members who have been complaining most loudly and most frequently of slanders have been the most guilty in that respect. The Immigration Restriction Act itself is a slander upon the country, and the sooner it is amended the better. The six potters were introduced here in order that a new industry might be established. The manager of a certain pottery works who had been brought out from England reported to his employer that he could not succeed in carrying out the work he was engaged to perform with the skilled assistance obtainable here, and upon his representations six men were brought out to establish a new industry, which, if properly developed, would afford employment for hundreds of other men. Yet it was proposed to punish the employer, and to send the men back to England. It happened, however, that no contracts had been signed prior to the arrival of the men in Australia. Verbal agreements only had been entered into, and proceedings could not be taken with any prospect of success.

Mr. TUDOR.—There is nothing in the Act with regard to written contracts.

Mr. LONSDALE. — At any rate the prosecution fell through, but not owing to any fault of the honorable and learned member for West Sydney.

Mr. TUDOR.—According to the honorable member's statement the parties should have been prosecuted.

Mr. LONSDALE. — Those who have complained most loudly with regard to the slanders upon Australia are themselves trailing the name of the Commonwealth in the dirt. Every one now seems to desire that the Act should be amended, and I hope that prompt measures will be taken in that direction. I understand that it is intended to substitute 9.2-inch for 7.5-inch guns in the forts at Fremantle. From what I have heard regarding these forts and their situation, it would be best to arm them with pop-guns. I am informed that if the smallest guns were mounted in the forts the shock of their discharge would probably smash the windows of all the buildings in Fremantle. If 9.2-inch guns were mounted there they would do more damage than any hostile squadron that might attack the port. The forts are situated in the midst of the population, and it seems absurd to mount heavy guns in such a situation. If

money is to be spent in the purchase of 9.2-inch guns, the weapons should be utilized for the defence of some of our principal ports, such as Sydney, Melbourne, or Newcastle, where the greatest danger is to be apprehended, and the greatest injury would be inflicted upon us by an attacking force. The right honorable member for Swan, although he had control of Western Australia and its finances for many years, left that State absolutely undefended, and he now comes to the Commonwealth Parliament, and desires to get all the money he can out of the pockets of the people of the other States for its defence. I do not think that is fair. If we are to spend this money, it should be at some more important place.

Mr. WEBSTER.—Where would the honorable member spend it?

Mr. LONSDALE.—I should leave that to those who possess the best knowledge of these matters, but I believe that the proper defence of Melbourne, Sydney, Newcastle, and such places should receive first attention. I hope that the Government will do something to bring about an amendment of the Immigration Restriction Act. In the case to which I have referred, a man who came here to establish in Melbourne a new industry, of which no one else in Australia has any knowledge, has been obliged to obtain a permit, which requires that he shall go back in six months' time. The Prime Minister must see that an exemption in this case should be allowed under the provision exempting persons possessing special skill. As I quite believe that the honorable and learned gentleman will do what I suggest, I shall not dwell upon the matter. It has not got abroad so far, and I have no desire to assist its publication.

Mr. KING O'MALLEY (Darwin).—I do hope that the Government will have the pluck to do away with all this military nonsense. Only in to-day's newspapers we read that the British Government is already preparing to defend this country by the establishment of a naval base at Singapore. We know that Japan, the country which every one appears to be frightened of, is England's friend. Both France and England withdrew their China fleets the moment Japan said, "We will look after this country." From American papers received to-day, I find that the United States Government have such absolute confidence in Japan, that they are considering

the wisdom of withdrawing their fleet from Manila, although the Philippine Islands are practically within a day's sail of Japan. Here, in Australia, with 4,000,000 of people, a really good-sized woman's skirt full of people, all the talk is of war, war, war.

Mr. FISHER.—It is a new craze.

Mr. KING O'MALLEY.—It is a form of lunacy. I am in favour of the appointment of a medical board for the examination of these people.

Mr. REID.—Does the honorable member refer to the present Ministry?

Mr. KING O'MALLEY.—I refer to every one who is talking about building forts and shooting. This is a nation of peace, commerce, trade, and hope in a prosperous future. This nation is an integral portion of the great British Empire, and I would a hundred times prefer to shut up all our forts and military business, and give England £500,000 a year towards the upkeep of her Navy, if that were shown to be necessary. Let us not invite the nations of the world to come here. Let us not be continually holding out the red flag to them, and asking them to fight. The Argentine Republic, Costa Rica, and Mosquito Kingdom have all protected themselves for years, and no nation has invaded them. No nation can invade Australia without attacking the whole British Empire. Canada has a common border line with the United States for 3,500 miles. She has a population of a little over 5,000,000, and there is a population of 80,000,000 to the south in the United States, yet there is no talk of conquering Canada.

Mr. JOHNSON.—What has this to do with the Supply Bill?

Mr. KING O'MALLEY.—It has to do with the talk we have heard here. In discussing these matters, it is essential to reply to these people who have gone mad on the military business.

The CHAIRMAN.—Order! The honorable member must not speak of honorable members as "these people."

Mr. KING O'MALLEY.—I am not referring to members of this House, but to the plumed roosters outside. I have done with the military business, and I hope this House will soon have done with it also. I earnestly hope that half the money that it is proposed to spend on the military business will be put into immigration and irrigation. I have heard the honorable member for New England discussing the Immi-

gration Restriction Act, and while I agree with much that he said, I can tell honorable members that the Canadian Act is infinitely more stringent than ours, and the United States Act is a thousand times more stringent than ours. The United States received more immigrants last year than in any other year in her history. One million and fifty thousand persons entered the United States last year, and the Government of the country are endeavouring to keep people out. This great country in the Southern Hemisphere was laid out by the Creator for the surplus British population when all other countries would be filled; He preserved it, and walled it up by the eternal seas for this purpose. Yet we have the intellectual pop-guns of the twentieth century telling us that we should let the people of the earth flock here, no matter where they come from. When I wish to mix with alien races, I will go to their country; but I want to pick the people who are to come here. I was picked to come here. At the proper time I shall oppose any amendment of the Immigration Restriction Act. My chief can declare what he likes on the subject. We are all one in the caucus; we are all equal there. When our chief makes a declaration on his own account on a subject which has not been discussed by the caucus, his declaration binds only himself, just as my speeches here bind only me.

Mr. REID.—This is Jesuitical.

Mr. KING O'MALLEY.—Then I do not know what the right honorable member's speeches are. A welcoming hand will be held out to every Britisher when the lands of Australia are thrown open to the people, so that they can get something to do here, and will not be landing at a time when there are twenty, thirty, or forty applicants for the one job. I know what poverty is, and I have seen it in this country. The heartless and soulless man may see no poverty in Australia, but those who think there is none are wrong. Let us lift up our own unfortunates and give them a chance.

Mr. LONSDALE.—How?

Mr. KING O'MALLEY.—I will vote for any proposal brought forward to that end. If the honorable member will propose his single tax I will vote for it, although I shall have to face the music on the north-west coast of Tasmania if I do. I will vote for anything that will help the suffering thousands. This country is full

of poverty. Every country is. One of the things to be tackled is the interest difficulty. Interest is the curse of this country. Every ten years every bit of property in the world gets into the hands of the capitalists.

The CHAIRMAN.—I do not think that the honorable member's remarks are in order.

Mr. KING O'MALLEY.—I quite agree with you, Mr. Chairman. The trouble is that nearly everything we say here has nothing to do with the subject under discussion. I wish to congratulate the honorable member for Barrier on his splendid presentation of the people's rights this afternoon, in advocating the establishment of a Commonwealth steam-ship line. I listened to his words like a child listening to its mother, and was filled with joy. Amongst our friends opposite are some of the keenest and ablest intellects in the country. I suppose that the most towering intellect in the southern hemisphere sits on that side of the Chamber. If they were dealing with any commercial proposition on their own account, they would be studying very closely the possibilities of gain—because most of them are Scotch, or largely of Scotch extraction. But are they, or are we, showing any commercial ability or genius in our present mode of carrying on the business of the country? I do not blame any section in particular, because even if the Watson Administration had remained in power, the state of affairs to which I am about to allude would still have existed. We are throwing into the sea every year no less a sum than £120,000 in the subsidy which we pay for the conveyance of foreign mails. I propose to look at this question from a Yankee stand-point. The other day, the United States wanted a few pounds, and they got the money for about 1.16 per cent. This Commonwealth is rich enough and powerful enough, and has sufficient assets to be able to borrow money in New York for 3 per cent. There may be a combination against us in London, but we could borrow on the New York market for 3 per cent. The honorable member for Barrier has told us that the eight vessels which would be required to run a fortnightly mail service between Australia and England could be built for £1,500,000. To be on the safe side, I will increase the estimate to £2,000,000. That sum could be borrowed in New York at 3 per cent., which would make the interest bill £60,000

a year. A sinking fund of 1 per cent. would redeem the loan in sixty-nine years, while a sinking fund of 2 per cent.—or £40,000 a year—would redeem it in thirty-four years. Therefore, with an annual outlay of £100,000 we could meet all interest charges and pay for our vessels in thirty-four years, and would have a surplus of £20,000, which would enable us to borrow nearly £750,000 more if we required the money.

Mr. KELLY.—The honorable member makes no provision for unprofitable journeys.

Mr. LONSDALE.—How much would the ships be worth at the end of thirty-four years?

Mr. KING O'MALLEY.—Even if they were not then worth a penny they would have been paid for, and we should have had the use of them. How much will our houses and farms be worth in thirty-four years? How much will we ourselves be worth at the end of that time? There never was a country which had greater opportunities than we have, notwithstanding the commercial combinations and rings in London against our produce. We are able to send fruit there when California and other places have none to supply. If the rates of interest were low enough, and freights were cheap, produce could be placed on the markets in London, San Francisco, and New York, when not a bit of local fruit was to be had at any of those centres. I hope that the Government will have pluck enough to look into this question. When I was discussing the Budget, I proposed that there should be a Commonwealth building in London, and people looked amazed, although London is the centre of the earth.

Mr. KELLY.—I thought New York was the centre.

Mr. KING O'MALLEY.—There are more Americans in London than in New York, where most of the Americans are Irishmen and Germans. There are more real Australians than in Melbourne and more Canadians than in Montreal. I saw to-day from the newspapers how Mr. Coghlan, the representative of New South Wales, had scored with his Guildhall exhibition. Mr. Coghlan is a man of brains and genius, who has not gone to sleep. The mistake is for Australia to send representatives to London when they are tired, instead of sending men who are full of business and determination. The honorable member for

Barrier put the question of steam-ship communication in a new light to-day. The interest on £4,000,000 is £120,000 a year, and with a redemption fund at 3 per cent., the indebtedness could be paid off in twenty-four years, while at 4 per cent. it could be paid off in eighteen years. Yet the rate of interest in Australia is over 7 per cent.

Mr. JOHNSON.—Monstrous!

Mr. KING O'MALLEY.—I agree with the honorable member; and this is a question we must look into, because money at 7 per cent. doubles itself in ten years. We have now a chance to have steam-ships of our own. The late Mr. Robert Reid, who was one of the ablest business men Australia ever produced, and one of the finest gentlemen I ever had the honour to meet, declared in the Legislative Council of Victoria that if those combinations, rings, and steam-ship aggregations sought to shut the people of Australia out of the markets of the world by means of exorbitant freights, they would find that the Australian Governments would institute a line of steamers of their own. Mr. Robert Reid was not afraid to tackle this question in that way, and no one would claim him as a Socialist. We ought not to try to "score" off each other, but to unite with the object of advancing the interests of Australia. What do I care whether the Opposition, the Labour Party, or the present Government are in power? What I want to see is old Australia win. The people in America desire to see America win, and do not care who is at the head of affairs, so long as the country advances.

Mr. LONSDALE.—The greatest "boodlers" of the world are in America.

Mr. KING O'MALLEY.—I shall not deny that, but it is the economic conditions that produce "boodlers," and my friends opposite would be "boodlers" in Australia if they could get "at it." The honorable member for Barrier spoke about the mail steamers landing the mails at Adelaide, and I should like to know whether those companies are paid merely to do that, or whether they are paid to carry the mails right through to Sydney. Is the money we pay for the carriage of the mails on the railways an extra payment? Are we paying double in order to have the mails carried from Adelaide to Brisbane? If we are, and everybody is having a hand

in the pockets of the people, I want Tasmania to have a share. I want the mails to be carried to Hobart, and to my own constituents at Burnie. On the grounds of economy I am opposed to this subsidy. We have no right, as the custodians of the moneys of the people, to pay a steam-ship company for carrying the mails from Adelaide to Sydney, and then to pay for the railway carriage of the same mails. When I was in the United States fifteen or sixteen years ago, there was no idea of giving any contract to a special company to carry the mails to England, all being conveyed on the poundage system. This, I believe, gave an infinitely better service, because the mails could be sent on by the vessel first leaving. The £80,000 extra a year given as a mail subsidy, would provide another £200 a year each as payment for the members of this Parliament, and leave a surplus of £60,000. Yet honorable members pay this subsidy with all the joy of a father providing for his first child. I shall oppose the proposal to give this subsidy, and shall also oppose the payment of an iron bonus, though I shall not discuss the latter question now. Then, I have to say, more in sorrow than in anger, that there is not a worse telephone system on God's green earth than that in Australia. I know no other country which would tolerate such a system. Why, we had a better system away in the Washington territory of Western America, seventeen or eighteen years ago.

Mr. REID.—What was the system there?

Mr. KING O'MALLEY.—The system was that when a subscriber rang the bell, he got an answer straight away. I verily believe that the system now in vogue in Australia was that by which the warning was given that the cities of Sodom and Gomorrah were to be destroyed. In all seriousness, I ask the Postmaster-General to endeavour to improve the present arrangements. It is far better to run down the street and deliver a message personally than to endeavour to get into communication with anyone by means of the telephone. Only a few days ago, we read of a man in the Western district of Victoria, who sent a telegram a distance of forty miles, and then got into his motor car, and reached the place an hour and a half before the message. I hope that the Attorney-General will call the attention of the Postmaster-General to this matter. I believe that the heads of

the Department ought to be sent on a trip round the world. I think it was Goethe who said that the expressions which we become accustomed to end by ossifying our intelligence and making us believe that they are the truth. I believe that the heads of the Postal Department in this country are suffering either from softening of the brain or ossification of the heart, and I wish to send them away to be treated by doctors in other parts of the world. What is the position to-day? Every facility that I desire to see extended to Tasmania is opposed by the Deputy Postmaster-General there. Only the other day I informed the House how the late Postmaster-General, in spite of the Deputy Postmaster-General of that State, had caused the Ulverstone post-office to be opened in the evening for the benefit of the people, and how greatly they appreciated his action.

Mr. WATKINS.—How many people are there at Ulverstone?

Mr. KING O'MALLEY.—There were sufficient to enable more than 800 votes to be recorded against me at the last election. Are we justified in taxing the brave miners upon the west coast of Tasmania to enable us to spend £120,000 upon the commercial classes? Are we warranted in expending that amount for the carriage of our mails when the commercial community might well take their chance of forwarding mail matter by any ordinary steamer, thus enabling us to effect a saving of £80,000 per annum—an amount which would be sufficient to provide the miners of the west coast of Tasmania with telephones and post-offices? Certainly we are not. The curse of this country is the injustice which the poor man has to suffer. Nobody seems to think of the individual who is without money. Oh, poverty, thou cursed poverty! It fills the world with gloom. When I see the human wreckage that is drifting towards the slums of these great cities, and when I see this Parliament voting £120,000 to carry the mails of the pluto-goggery of this country to England, it makes me sad. In the *Sydney Morning Herald* of Saturday last I saw a statement to the effect that corn sacks under the standard weight are being admitted to the Commonwealth. I ask the Minister not to allow this debate to close without offering an explanation as to the reason of this.

Sir WILLIAM LYNE. — They are in the hands of the Customs authorities now.

Mr. KING O'MALLEY.—An explanation of that sort settles the question. I do not see any provision in this Bill to cover our share of the cost of the Pacific Cable. I wish to know if that cable is being managed in such a way as to induce commercial men to do business with the Board controlling it. When I was in Sydney, I made careful inquiry into this matter, and I ascertained that if a man wishes to register code words—and we all know that every business man must have certain code words registered—the Government demand 10s. 6d. per word for their registration, whereas code words may be registered with the Eastern Extension Cable Company without any charge whatever. Do the Government imagine that they can make this cable pay while such peculiar business methods are adopted? Again, I was informed in Sydney that a man cannot do business with the Pacific Cable Board in the same way that he can with the Eastern Extension Cable Company. The latter are prepared to allow business men to settle their accounts weekly or monthly, but I understand that when they wish to do business with the former they are required to pay for each message before it is despatched.

Mr. HUME COOK.—The Eastern Extension Cable Company does not allow of weekly or monthly settlements being made in all cases.

Mr. KING O'MALLEY. — If these cables are to be socialistic institutions, they must be conducted in the same way as Mr. Tait manages the railways of Victoria. They must do business as others do. I understand that Reuters are interlopers, so far as Australia is concerned, and yet the operator will transmit a bundle of 100 cablegrams sent through their office before he will send away a cable lodged at the office of the Department by an ordinary business man. I bring these matters forward for the consideration of the Postmaster-General. If these various public institutions are to benefit the people, we must see that they adopt legitimate business methods. We ought certainly to dismiss from our minds the idea that the public will patronize Government institutions, simply because they are State concerns, when private establishments offer better inducements.

Mr. STORRER (Bass).—I wish to refer to an item relating to the Defence vote for Tasmania, which was discussed by the honorable and learned member for Corinella, in

the course of the Budget debate. I quite agree with much that has been said by the honorable member for Darwin, and am not one of those who desire that the defence expenditure should be enlarged. At the same time, however, it is my wish that justice shall be done to the Military Force in Tasmania, as well as to those on the mainland. For the information of those who may not be aware of the history of this matter, I would point out that complaint was made some two or three years ago that the men of the Military Force in the State of which I am a representative, received less remuneration than was given to those on the mainland. Some time later, a parade took place in Hobart, and as some of the members of the Military Force did not turn out, a whole corps was disbanded. When last year's Estimates were under consideration, the honorable member for Franklin and myself pointed out that the Defence vote for Tasmania was so low as to be out of all comparison with that of any of the mainland States. The honorable and learned member for Corinella, who was then Minister of Defence, promised to visit Tasmania, and to endeavour to settle the difficulty that had arisen there. I believe that he carried out his promise, and agreed to certain proposals made by the officers and men, with the result that the difficulty was overcome. We now find, however, that instead of provision being made for carrying out the undertaking given by the late Minister of Defence that the increased rates would be paid as from the 1st July last, the new arrangement is not to come into operation until the 1st January next. I take it that, so far as the Military Force of Tasmania is concerned, the two months' supply which we are now asked to vote is on the basis of the reduced rate. I know that it will be said that this course has been adopted in compliance with the request of the Government of Tasmania. That assertion, however, has been contradicted.

Sir JOHN FORREST.—We could not spend the increased vote before 1st January next. It will be October or November before the Estimates are passed.

Mr. STORRER.—The point is that, in the Supply Bill that we passed a month or more ago, provision should have been made for the increased rates.

Sir JOHN FORREST.—This Bill will not provide us with money to spend on new services.

Mr. STORRER.—The late Minister of Defence entered into a certain arrangement, and I contend that his successor should keep the promise that he made.

Mr. EWING.—What was the promise?

Mr. STORRER.—That the Defence vote for that State would be increased. It was on the condition that it would be increased that we allowed last year's Estimates to pass.

Sir JOHN FORREST.—We cannot grant the increase till the Appropriation Bill has been passed.

Mr. STORRER.—But we are now asked to grant supply for two months. If we agreed to this, it would be said that it was not worth while dealing with the matter at the end of the year.

Mr. DEAKIN.—This Bill provides for only the ordinary every-day expenditure.

Mr. STORRER.—We have heard a great deal to-day as to the proposed expenditure on a fort at Fremantle, although provision is not made for it in the Bill now before us, and, in the same way, I am pointing out the position with regard to the forces in Tasmania. I shall avail myself of another opportunity to bring this question forward. I believe that there are hundreds of men in Tasmania who are willing to give their services for nothing, if others on the mainland will do the same. I served for many years in the Volunteer Force in Tasmania, and am satisfied that many others are prepared to do the same; but I hold that, as the Military Forces on the mainland are paid, those in Tasmania should receive a like remuneration.

Mr. JOHNSON (Lang).—I do not know why we should be asked to grant two months' supply, nor why the Ministry should assume that they will remain in office so long. I should like to know why we should depart from the course hitherto adopted, and grant two instead of one month's supply. I have a serious objection to it, because I do not trust the Ministry in their political capacity. We are here to keep a watch on their public actions, and I should like to point out that the Bill gives no details of the various items of expenditure. I do not know that that is unusual, but, at the same time, under the various headings—and especially under that of "Contingencies"—there may be numerous items to which we might be very strongly opposed. But we are not even permitted to know what the items are.

Mr. KELLY.—Why worry the Treasurer when he does not know?

Mr. JOHNSON.—If the Treasurer does not happen to know, he ought to take the trouble to inform himself, and thus be in a position to tell the Committee what are the purposes for which it is asked to vote this money. To ask for two months' supply is a departure from what has been the practice during this Parliament which ought not to be encouraged.

Sir JOHN FORREST.—It has been done before.

Mr. JOHNSON.—I do not question that statement, except to say that it has not been done to my knowledge during the life of this Parliament; but the fact that it has been done before is no justification for doing it again. It is very important that we should keep a tight grip of the public purse. Once we grant the Government two months' supply, we shall practically give them leave, as it were, to kick over the traces for that period, without having any control over them. Generally speaking, without discussing the votes for the various Departments, I object to granting supply to this Government, because it is irresponsible to the country, and is in office by accident. It is occupying the Treasury bench without any warrant from the people. It has not a majority behind its back, but represents the smallest party in the Chamber. I object to every administrative act of this Government.

Sir JOHN FORREST. — The honorable member's leader did not object to the Bill.

Mr. JOHNSON. — I object to the granting of two months' supply, because the Government are conducting the affairs of the Commonwealth on a principle which they themselves have condemned in terms far more severe than have been used by honorable members on this side. On a previous occasion they objected to a party occupying the Treasury bench when they could only carry on the Government with the aid of a party occupying the cross-benches. No one has denounced that principle in stronger terms than the Treasurer has done; and for him to come down and ask the Committee for two months' supply is really imposing too great a strain upon the confidence of the members of the Opposition.

Sir JOHN FORREST. — The honorable member's leader has agreed to it.

Mr. JOHNSON.—I cannot help what my leader has done. Every man on this

side is a free agent, and except in matters of principle, on which we were elected, we are not bound by the acts of our leader, or by those of each other on questions of this character.

Sir JOHN FORREST.—Does the honorable member wish to imply that the Treasurer is not a free agent?

Mr. JOHNSON. — Undoubtedly the Treasurer cannot be a free agent when he can only hold office by the consent of a third party. If its support were withdrawn, he would be left stranded high and dry. I object to the Government holding office and spending money, not only because they are under the domination of a third party, which is really controlling legislation without having any responsibility therefor, but also because that party is the advocate of doctrines which, in my opinion, are most injurious and pernicious, and will most adversely affect the welfare of this country. I object to this domination of the third party just as strongly as did the Treasurer when he was opposed to it. I might very fittingly quote one of his speeches if I wished to make a more effective speech than I shall be likely to do, for no one has more strongly condemned that system of government than he did.

Mr. CARPENTER.—He is sorry for it now.

Mr. JOHNSON.—It may be all right for the Treasurer, but at the same time his present position is not consistent with his former attitude to the third party. I can remember the time when he described the party which is now driving him as the Octopus Party. I object to the Government holding the reins of power, because the party which is controlling their legislation is pledged to Socialism. It is all very well for the honorable member for Hindmarsh and other honorable members to tell us that their Socialism is harmless, and that there are certain aspects of it with which perhaps they do not agree. But we have had the objective of Socialism defined at various States Conferences, and also at a Commonwealth Conference. At these gatherings the Socialists agreed to a certain objective, which I think is absolutely injurious and hurtful to the best interests of this country. When we see a Government controlled by a party which is pledged to that objective, we are justified in objecting to grant them two months' supply.

Mr. THOMAS.—Was not the honorable member a pledged member of the Labour Party at one time?

Mr. JOHNSON. — Not of a socialistic party. The honorable member will remember, as his leader has pointed out here, that the socialistic plank was not adopted until 1897, which was four years after I had terminated my connexion with the Labour Party. If it had adhered to its original ideals, and had been controlling legislation, even from the cross benches, with those ideals steadily retained, I do not think that the results would have been in any way hurtful to the country, but I hold that the system of a third party of any kind controlling the Ministry is a bad one, because there should be no ministerial or legislative act without responsibility therefor, and that responsibility can only exist when the Ministry has at its back a direct majority.

Mr. FISHER.—What an absurdity?

Mr. JOHNSON.—Unquestionably that is so.

Mr. FISHER. — The honorable member has never seen a Ministry which had a majority sitting behind it.

Mr. JOHNSON.—When there are only two parties in the House, how can the Ministry carry on unless it has a majority behind its back?

Mr. FISHER.—There are always half-a-dozen men who can get their own way, even with a Ministry of that kind.

Mr. JOHNSON.—Not necessarily. I have seen a Ministry with a good, substantial majority behind it. That, however, is not the case here, and until another appeal is made to the electors the Ministry has no right to spend one penny of their money, or to occupy the Treasury bench. Apart from the fact of the Ministers being driven in the shafts by the occupants of the cross benches, I object to them being in office, because they are carrying out, bit by bit, the socialistic provisions of the Labour Party's programme. There is not a Bill submitted, even of the most apparently simple and innocent-looking character, which is not loaded up to the hilt with Socialism, as the Treasurer knows perfectly well. I cannot conceive for a moment how he can occupy a seat on the Treasury bench, knowing, as he and everyone else must know, the objective of the Labour Party which controls his acts and those of his colleagues in the Ministry.

Sir JOHN FORREST.—The honorable member is quite mistaken.

Mr. JOHNSON.—Honorable members have only to look at the Commerce Bill, the

Trades Marks Bill, and the Manufactures Encouragement Bill to prove that what I say is correct. There is scarcely a Bill that has been submitted to Parliament by the present Government that has not the principles of Socialism embodied in it. The Treasurer knows that, indeed, these Bills are loaded with Socialism to a greater extent than would have been possible if the Labour Party had been occupying the Treasury bench.

Mr. LONSDALE.—I think we ought to have a quorum present to hear these remarks. [*Quorum formed.*]

Mr. JOHNSON.—I object to granting supply to this Government, because they have not a majority behind them to give them the necessary authority to spend the taxpayers' money. We ought to keep control over public expenditure as long as possible. That is a reason why we should not, at any rate, grant two months' supply. We ought to do everything we can to induce the Government to relinquish the false position they occupy, and to send this Parliament to the country, so that we may get a verdict of the electors, and possibly secure the return of a Ministry which will have a majority behind it, and will be able to say conscientiously that it has the mandate of the country to carry on affairs. Some reference has been made to the Immigration Restriction Act. I, for one, certainly raise a most strenuous objection to the manner in which that Act is being administered. It has turned the eyes of the world towards Australia in such a manner as to advertise this country in the most injurious way as a country inhabited and controlled by selfish and inhumane barbarians. The impression has got abroad, rightly or wrongly, that British people are not wanted here. That impression has been deepened by the recent debate in the Trades Hall Council of Melbourne upon the proposal to bring out immigrants by arrangement with General Booth. One of the reasons advanced by the supporters of the resolution was that they desired to build up a nation in Australia, and did not want families from the old country. The proposal of the Prime Minister to introduce a measure to make certain sections of the Immigration Restriction Act less objectionable has also been opposed by the members of the Trades Hall Council, and I suppose that it will be opposed by the party which is keeping the present Government in office, notwithstanding the assurance of the honorable

member for Bland that he was willing to support an amendment of the Act. I should like to know what the Government is going to do about this matter. Probably the Prime Minister will forego his intention, and things will be allowed to drift as they have done before in relation to other matters. The honorable member for Darwin has made reference to the problem of poverty which confronts us, and has said that we should set ourselves to ameliorate that state of things. In reference to the scheme for bringing 5,000 families to Australia, the proposal has been made, and has been viewed in a friendly spirit, even if it has not actually been agreed to by various States Governments, that there shall be set apart certain lands for the immigrants, so that they will not be burdens upon the rest of the community. We have many thousands of landless people here already, who would be glad of exactly similar facilities; and I should like to know whether some attempt is not to be made to settle those people upon the land on just as good terms as are proposed in the case of the settlers who are expected to be brought from the old country. I know that the Commonwealth cannot exercise absolute control over the land monopoly which has obtained such a hold in this country, without coming into probable conflict with the rights of the various States Governments.

Mr. THOMAS.—Could we not impose a Federal land tax?

Mr. JOHNSON. — There seems to be some difference of opinion among the legal constitutional experts as to the extent of our powers under the Constitution in that regard. At any rate, although I am heartily in accord with the principle of taxing unimproved land values as a substitute for taxing improvements and the results of industry, I shall be no party to imposing a land tax unless our industries are relieved of taxation to an equivalent extent. I do not believe in adding to the burdens of the people; but, on the other hand, desire to, as far as possible, remove those which now have to be borne. I agree with the honorable member for Darwin that there is room for great improvement in connexion with the settlement of people upon the land, and I hope that the Government will set themselves resolutely to arrange with the States to provide for our surplus population, and to absorb the large armies of unemployed to be found

in all our cities. At the same time, I have no objection to the families proposed to be brought here under the Salvation Army scheme, so long as they are converted into producers, who will in their turn create a demand for the products of those who are now living in our cities. I should like to know what are the intentions of the Government in regard to the appointment of a High Commissioner. That is a matter upon which we are entitled to have some information before granting two months' supply.

Sir JOHN FORREST.—The Bill contains no reference to that subject.

Mr. JOHNSON.—I am perfectly aware of that; but certain obligations in regard to the appointment of a High Commissioner might be entered into during the next two months which might not meet with the approval of honorable members, and I think we are entitled to know at this stage what the Government propose to do. I notice that it is proposed to appropriate £5,000 towards the expenses of the administration of New Guinea, and I should like to have some information with regard to that item.

Sir JOHN FORREST.—That is merely a portion of the annual appropriation of £20,000 towards the expenses of the administration.

Mr. JOHNSON. — Some mention was made of an improved mail service for New Guinea.

Sir JOHN FORREST.—The proposed appropriation has no connexion with that matter.

Mr. JOHNSON.—I should like to know when the Papua Bill is to be brought under our consideration. It is high time that something was done to make definite arrangements for the administration of the Possession. The £20,000 which is now being spent annually is being to some extent wasted, owing to the fact that the residents of New Guinea are very unsettled, pending a decision as to the conditions under which they are to live. Some definite arrangements should be made to insure that the expenditure to which we are committed in connexion with the Possession is well applied. In regard to the proposed votes in connexion with the Department of Trade and Customs, I desire to express my objection to providing facilities for the Minister of Trade and Customs to frame regulations which may have the effect of reversing the taxation policy of the Commonwealth. I do

not wish to apply my remarks especially to the present Minister of Trade and Customs. The Minister has been granted extensive powers to make regulations under several Acts, and it is proposed by means of the Commerce Bill, which I regard as a most objectionable measure, and in other ways to largely extend his authority in that direction. I may mention the harvester case as illustrating what may happen in connexion with other articles of merchandise. I have already expressed my objection to the action taken by the Minister and his officers in that particular instance, and I feel very strongly tempted to reduce the proposed votes for salaries so far as they relate to the Comptroller-General of Customs, and the Collector of Customs in Victoria. The latter officer made most contradictory reports in connexion with the harvester case. After having indicated to the previous Minister that a certain firm of importers had established a reputation for exceptional honesty and fair-dealing, the Victorian Collector of Customs made statements to the present Minister which were entirely opposed to those contained in his first report. I think that some explanation is due from that officer. The papers which were laid upon the Library table failed to disclose the slightest evidence to justify him in departing from his first report. As soon, however, as a new Minister came into office whose sympathies were apparently favorable to what I can only term the unreasonable persecution of importing firms, that system of persecution was entered upon, and is still proceeding. Whilst such things are possible in connexion with the administration of the Customs Department, we should not vote supplies which would enable a Minister to exercise his powers in such a manner, as to call for condemnation. In view of the objectionable acts which may be committed by the Minister of Trade and Customs, and his officers, and which we ought by all means in our power to guard against, I feel very chary of voting one farthing by way of supply, although I know that the Government have a majority, and that, no matter how emphatic our protests may be, they will probably be disregarded. I come now to the Department of Defence, and I should like to know what the Government propose in the way of expenditure on our coast, river, and harbor defences? In a previous speech on the subject, I said that I looked upon our coast, river, and harbor defences as our

first line of defence. I regard them as of more importance than our land forces. While not under-estimating the value and importance of those forces, I look upon them as our last line of defence. I understand that the fortification of our harbors is more or less involved in military expenditure, but so far as I have been able to discover, the military expenditure proposed by the Government does not provide adequately for improvement toward efficiency in this branch of the military scheme, or for the line of defence which, in my opinion, is of most importance. In this connexion, I wish to know what is to be done in the matter of the fortification of Fremantle? I understand that a proposal is now made to substitute 9.2-inch guns for the 7.5-inch guns which the Government at first proposed to mount at the entrance to the harbor of Fremantle. I believe that the matter is at present under the consideration of the Government, and I should like to know whether they seriously propose to substitute the more costly guns for the 7.5-inch guns. The 7.5-inch guns will adequately serve all purposes of defence for Fremantle. Honorable members who have visited Western Australia must be aware that the harbor at Fremantle is not approachable in a direct line from the sea. A reef runs out for some miles in front of the harbor, so that vessels of war would not be able to bombard the port at Fremantle from any point opposite the mouth of the harbor, except at very close range, and within a distance of five miles, unless they did so from the seaward side of Rottnest Island, in which case they would have to fire over the intervening island. The reef extends for some considerable distance, and steamers leaving Fremantle to go to Adelaide have to make a considerable detour round Rottnest Island before they get into the open sea. No battleship would risk the dangers of the reef in order to get sufficiently close to Fremantle to bombard the place. In order to effectively bombard Fremantle, an attacking ship must come within a radius of five miles of the forts, and the 7.5-inch guns can cover that range as effectively as 9.2-inch guns. I understand that the cost of the 7.5-inch guns is £12,000, and the cost of 9.2-inch £24,000 each, so that the suggested alteration would involve the Commonwealth in a wholly unnecessary expenditure of £24,000. We are entitled

to some information from the Minister representing the Minister of Defence, as to whether the Government propose to adhere to the 7.5-inch guns, or to adopt the suggestion made by an honorable senator in another place?

Sir JOHN FORREST.—I have heard nothing about it.

Mr. EWING.—The matter is under inquiry now.

Mr. JOHNSON.—If it is under inquiry, it must be because there is some reasonable probability that the suggestion made will be adopted. I object to its adoption, because there is no necessity for 9.2-inch guns at Fremantle, when we know that 7.5-inch guns will effectively cover the distance from which any hostile vessel could attack Fremantle. A hostile vessel to successfully bombard the harbor would have to come within the reef, which is not more than five miles outside it.

Sir JOHN FORREST.—There is a clear opening to the north.

Mr. JOHNSON.—A vessel could not fire into the harbor from the north, because of a protecting neck of land which juts out there. For its fire to be effective, a hostile vessel would have to come within five miles of the fort, and 7.5-inch guns would deal with it at that range.

Sir JOHN FORREST.—A vessel could fire into Fremantle from a range of twelve miles.

Mr. JOHNSON.—Yes; but not with certainty of effect. As, to fire effectively, an enemy's ship would have to come within five miles of Fremantle, larger guns than 7.5-inch guns are not required there.

Sir JOHN FORREST.—Of course, if the honorable member says so, that settles the matter.

Mr. JOHNSON.—The right honorable gentleman, with his large ideas on the subject of finance, may think that my contention can be disposed of by a flippant observation of that kind; but I shall require a better answer to my objection before I shall withdraw my opposition to the proposed expenditure.

Sir JOHN FORREST.—If honorable members do not know the locality it is not my fault.

Mr. JOHNSON.—The right honorable gentleman cannot call into question the accuracy of the statements which I have made. There is in the Chamber, for the information of honorable members, a chart

showing the entrance to the harbor and the island, and giving the depth of water on the reefs and elsewhere.

Sir JOHN FORREST.—Ships do not come across the reefs.

Mr. JOHNSON.—If the right honorable gentleman were listening to my remarks he would not make an inane interjection of that sort.

Sir JOHN FORREST.—Some honorable members pretend to know a lot about a place to which they have not been.

Mr. JOHNSON.—The honorable member cannot say that I have never been to Fremantle, because he himself piloted me through a great portion of Western Australia only recently, and I had visited the State on a previous occasion. Besides having consulted all the information available to any other honorable member, I have personally visited Fremantle, and am acquainted with the natural features of the harbor and the adjacent coast line. Coming now to the Postmaster-General's Department, I have several complaints to make. My first complaint has to do with the great length of time occupied in obtaining answers to letters sent to the Department.

Mr. AUSTIN CHAPMAN.—Does not the honorable member receive acknowledgments of his letters?

Mr. JOHNSON.—Not always.

Mr. AUSTIN CHAPMAN.—What is the length of the delays referred to?

Mr. JOHNSON.—It is sometimes a week or two before even an acknowledgment is received.

Mr. AUSTIN CHAPMAN.—I wish the honorable member would give me one single case.

Mr. JOHNSON.—I know that these delays have frequently occurred, although I am unable to say exactly how long they have been.

Mr. AUSTIN CHAPMAN.—I cannot pay attention to general complaints; I want some specific instance of delay.

Mr. JOHNSON.—I had some correspondence with the Department recently in connexion with the establishment of a public telephone at the new railway platform at Oatley. A report by an officer of the Department had stated that there was a public telephone in existence at Oatley, and that the revenue received from it was only 6d., and the secretary of the local Progress Association therefore wrote to me, denying the correctness of that statement, as he

and a friend had made an attempt to be allowed to speak through the telephone in the old station-master's office, and had been informed that it was not a telephone for the use of the public, but a telephone for the use of the station-master himself. The report of the departmental inspector was intended to convey to the Postmaster-General the idea that no telephone is needed in the district, because one is already there, and is rarely used, although the fact is that the telephone referred to is not a telephone for public use. I sent the letter of the secretary of the local Progress Association on to the Postmaster-General, but I have not yet received an acknowledgment of it, or any intimation as to the action the Department intends to take in connexion with the matter. I handed the correspondence to the Postmaster-General myself, and he promised to look into the subject. I have also tried to obtain a telephone bureau for a place called Miranda, and although it is a long time since I moved in the matter, since the *régime* of the present Postmaster-General, I have not yet had word from the Department in regard to it. I know that a report will be called for, and that the same officers will be sent to make the usual reports, on the usual red tape lines. But I am tired of this kind of treatment. It is about time that the Postmaster-General determined that, whenever there is a certain population in a district, and telephonic communication can be given at a reasonable cost, no obstacles shall be placed in the way.

Mr. AUSTIN CHAPMAN.—Does the honorable member not know that his request was refused by the late Postmaster-General?

Mr. JOHNSON.—Yes, and by his predecessor; but if every occupant of the office is to be guided only by what his predecessors have done, no progress will be made.

Mr. AUSTIN CHAPMAN.—Is the honorable member not aware that if the conditions were altered to meet the convenience of this particular case, a similar concession would have to be given to dozens of other places?

Mr. JOHNSON.—Why should such concessions not be given?

Mr. AUSTIN CHAPMAN.—Does not the honorable member think that places far back are entitled to consideration before everything has been given to metropolitan centres?

Mr. JOHNSON.—I do not ask for everything. I have no objection to people

in the back-blocks getting all the conveniences they require, but at this particular place a large community, settled close to a great city, might as well be in Timbuctoo for all the advantages they get from the Post and Telegraph Department. Even in regard to their mails they have to put up with an antiquated and out-of-date system.

Mr. AUSTIN CHAPMAN.—I will look into the matter myself.

Mr. JOHNSON.—I hope that the honorable member will do so, because I shall keep on worrying him until it has received his attention. I will not be put off by departmental reports, based on insufficient inquiries. I hope that he will look into this matter personally, in order that something may be done for these unfortunate settlers. I do not know whether the matter is provided for in this Bill, but I understand that the Queensland Government is going to pay £20,000 to the Orient Company as a subsidy for the carriage of mails to Brisbane.

Sir JOHN FORREST.—That matter is not provided for in this Supply Bill, but the proposal referred to will come before honorable members.

Mr. JOHNSON.—If the Queensland Government undertake this liability, I do not see why it should be passed on to the Commonwealth, considering that it was entered into before the Commonwealth Parliament or Government had an opportunity to express an opinion. I suppose I am bound to vote for this Bill, in order that salaries and other imperative expenditure may be met; but I do not approve of any expenditure beyond what is absolutely necessary for current purposes and obligations.

Question resolved in the affirmative.

Resolution reported and adopted.

Motion (by Sir JOHN FORREST) agreed to—

That the Standing Orders be suspended in order to enable all steps to be taken to obtain Supply, and to pass a Supply Bill through all its stages without delay.

Resolution of Ways and Means, covering resolution of Supply, adopted.

Ordered—

That Mr. Deakin and Sir John Forrest do prepare and bring in a Bill to carry out the foregoing resolutions.

Bill presented by Sir JOHN FORREST, and passed through all its stages.

House adjourned at 10.27 p.m.

Senate.

Wednesday, 27 September, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

PETITION.

Senator WALKER presented a petition from George Robertson and Frederick Victor Grey Wymark, publishers, Sydney, praying the Senate to amend the Copyright Bill so as to place Australian and American publishers on an equal footing.

Petition received and read, and ordered to be printed.

IRON INDUSTRY.

Senator TURLEY asked the Minister representing the Minister of Trade and Customs, *upon notice*—

1. The quantity of machinery imported into Queensland from Great Britain and foreign countries (tons) for the years 1899 to 1904 inclusive?

2. The cost of machinery imported into Queensland from Great Britain and foreign countries for the same years?

3. The quantity of machinery imported into Queensland from the other States of the Commonwealth for same years?

4. The cost of machinery imported into Queensland from other States of the Commonwealth for same years?

5. The quantity of machinery manufactured in the State of Queensland for same years?

6. The cost of same?

7. The average cost per ton of general machinery imported into the Commonwealth from Great Britain for same years?

8. The average cost per ton of general machinery imported into the Commonwealth from foreign countries for same years?

9. The average cost of general machinery imported into Queensland from other States of the Commonwealth for same years?

10. The average cost of producing one ton of general machinery in the State of Queensland for same years?

11. The number of persons engaged in the iron industry in Queensland for same years?

12. The average rate of wages paid to ironworkers in Great Britain for same years?

13. The average rate of wages paid to ironworkers in foreign countries for same years?

14. The average rate of wages paid to ironworkers within the Commonwealth for same years?

15. The average number of hours worked per day by ironworkers in Great Britain in same years?

16. The average number of hours worked per day by ironworkers in foreign countries for same years?

17. The average number of hours worked per day by ironworkers within the Commonwealth for same years?

Senator PEARCE asked the Minister representing the Minister of Trade and Customs, *upon notice*—

1. What was the average rate of wages paid to ironworkers for the years 1899 to 1904 inclusive in each of the separate States of the Commonwealth?

2. What was the average rate of wages paid to ironworkers for the same years in the districts of London and the Tyne (England) respectively?

3. Will the Government state the source of their information as to where the average rate of wages is derived from?

Senator PLAYFORD.—With regard to both Senator Turley's and Senator Pearce's questions, I have received the following communication from Dr. Wollaston, Comptroller-General of Customs:—

With reference to questions Nos. 1 and 2 on the notice-paper of the Senate for to-day, under the names of Senators Turley and Pearce, it is pointed out that the information asked for will take some considerable time to collate, and in some instances it is doubtful if the information can be obtained at all.

If a motion for a return is moved, we will obtain the information as soon as possible.

CHINA AND JAPAN: AUSTRALIAN REPRESENTATION.

Senator HIGGS asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Is it the intention of the Government to appoint a Commissioner to represent the Commonwealth in China and Japan?

2. Will the Government consult Parliament before making any such appointment?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Not at present.

2. The Government will consult Parliament with respect to obtaining the necessary appropriation.

HIGH COMMISSIONER BILL.

Senator HIGGS asked the Minister of Defence, *upon notice*—

Do the Government consider the passage of the High Commissioner Bill an urgent matter and of pressing importance?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The appointment is important, because it will provide for the representation of Australia as a whole, but will become more urgent and important when the High Commissioner is called upon to deal with immigration, defence, finance, and kindred subjects of magnitude.

CUSTOMS AND EXCISE OFFICERS.

Senator MILLEN asked the Minister representing the Minister of Trade and Customs, *upon notice*—

1. What was the amount of Customs revenue collected in New South Wales and Victoria respectively during the last financial year?

2. How many of the Customs officers in New South Wales and Victoria respectively are in receipt of the following salaries :—

- (a) £500 per annum and over;
- (b) £400 per annum and under £500;
- (c) £300 per annum and under £400;
- (d) £200 per annum and under £300;
- (e) £160 per annum and under £200;
- (f) Under £160 per annum?

3. What was the amount of excise revenue collected in New South Wales and Victoria respectively during the last financial year?

4. How many of the excise officers in New South Wales and Victoria respectively are in receipt of the following salaries :—

- (a) £500 per annum and over;
- (b) £400 per annum and under £500;
- (c) £300 per annum and under £400;
- (d) £200 per annum and under £300;
- (e) £160 per annum and under £200;
- (f) Under £160 per annum?

5. What is the salary of the Collector of Customs in New South Wales and Victoria respectively?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1. New South Wales, £2,511,783; Victoria, £2,184,019.

2. (a) New South Wales, 5; Victoria, 9, after 11th November, 1905, will be reduced to 8.

(b) New South Wales, 4; Victoria, 3.

(c) New South Wales, 26; Victoria, 33.

(d) New South Wales, 65; Victoria, 52.

(e) New South Wales, 74; Victoria, 63.

(f) New South Wales, 130; Victoria, 60.

3. New South Wales, £695,692; Victoria, £648,199.

4. (a) New South Wales, nil; Victoria, 1.

(b) New South Wales, nil; Victoria, nil.

(c) New South Wales, 2; Victoria, 2.

(d) New South Wales, 8; Victoria, 18.

(e) New South Wales, 10; Victoria, 2.

(f) New South Wales, 2; Victoria, 4.

5. New South Wales, £920; Victoria, £750.

A note is appended, which I will read, as it will explain the matter a little more clearly.

The figures given, however, do not convey a proper comparison between the assessed value of the positions in the two States. The present salaries are influenced by the State Acts in force prior to Federation. Thus it occurs in Victoria 27 officers receive salaries higher than their classification. This can only be remedied on the promotion or retirement of such officers. It would inflict a hardship upon the officers to reduce them in salary, but they will receive no increase

until they are transferred to work equal to the increased salary. In New South Wales, however, only about seven officers receive salaries higher than their classification. Another factor is that there are a greater number of young officers in New South Wales than in Victoria; the average length of service of the former is 14 years, against 20 years, the average of the latter.

A typical instance of the present temporary difference may be seen in the positions of the two officers in charge of the Excise Branches of the States under review.

Both positions have been graded for similar salaries, viz., from £420 to £500. The present holder of the position in New South Wales is a young officer, who was recently receiving £290 per annum. By the classification he received an increase of £70, and will be eligible to receive further increments until he arrives at a salary of £500 per annum.

In Victoria the present senior inspector is an officer with many (40) years' service, who has been receiving a salary of £535 per annum for a considerable time. It would be unfair to reduce him to a second class salary, but he will receive no increase whilst occupying his present position. On his transfer or retirement, an officer will be appointed with a salary in accordance with that prescribed for the position.

Several other similar anomalies occur. These, however, are to be expected in large departments classified under the various conditions which recently prevailed, but it is confidently expected that in a few years these anomalies will disappear.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

The PRESIDENT reported the receipt of a message from the House of Representatives, intimating that they had agreed to the amendments made by the Senate in this Bill.

SUPPLY BILL (No. 3).

NAVAL AGREEMENT—ENGLISH MAIL CONTRACT—FINANCE AND TRADE—WHITE AUSTRALIA POLICY—TRADE PREFERENCE — IMMIGRATION — DEFENCE—IMPERIAL CONFERENCE — HIGH COMMISSIONER—FEDERAL CAPITAL.

Bill received from House of Representatives.

Motion (by Senator PLAYFORD), proposed—

That the Bill be now read a first time.

Senator MATHESON (Western Australia).—I desire to take advantage of this opportunity to say a few words in reference to the Naval Agreement. On the 2nd of August, I asked the Minister of Defence whether any steps were being taken to keep the British Government up to the terms of its contract with the Commonwealth of Australia in connexion with

the Naval Agreement Act, and the Minister told the Senate in his reply that the British Government was prepared to give us a stronger squadron, but that the matter would be brought before Parliament for ratification. Later on, I obtained from the Minister the names of the ships of the squadron at present on the coasts of Australia, and I discovered that they were far below the contract strength under the terms of the agreement. I called the Minister's attention to this fact, and also stated that I understood he had said that the squadron was stronger at the present moment than its contract strength. That, however, I find was a mistake, as the Minister pointed out at the time. He replied: "I could not have said it was; it would not have been true if I had." There we have the admission that at the present moment the squadron in Australian waters is below the contract strength. That is an interesting admission to have from the Minister, although it is a fact which could not be denied. Since then matters have drifted on, and there does not seem to be the least inclination on the part of the Government to introduce a Bill for varying the terms of the agreement. I asked the Minister on the 21st of last month, in consequence of a paragraph which appeared in the *Age*, whether it was the intention of the Government to introduce such a Bill immediately. While admitting that a Bill was necessary, the honorable senator said that he had heard nothing more on the subject for some time past. The position as it stands is as follows: The Flagship *Euryalus* is a first-class armored cruiser, and is up to contract strength. But we learn from the press that another ship is being sent out to take her place, and will be here in November. This vessel, which is called the *Powerful*, does not represent the strength required under the contract on the part of the flagship. The contract is explicit that the first-class cruiser shall be an armored cruiser, and the *Powerful* is not such. The *Powerful* has only deck armour, 3 inches to 6 inches thick, and the heavy gun positions are armored with 6-inch armour. The *Euryalus*, on the contrary, has a belt of 6-inch Krupp steel, the deck is armored, the side above the belt is armored, the bulk-head is armored with 5 inches, and the heavy gun positions with 6 inches, of Krupp steel. A deliberate attempt is being made on the part of the press and the British Government officials in Sydney to lead the public to suppose

Senator Matheson.

that the *Powerful* is quite as good, if not a better vessel than the *Euryalus*. The representation is made that in tonnage the *Powerful* is a larger ship, and that it has more guns; and these are statements of fact. The *Powerful* has four more 6-inch guns than the *Euryalus*, but I have no hesitation in saying that, as a fighting weapon, the new vessel does not represent one-quarter of the defensive power that we have in the *Euryalus*. In addition, the presence of the *Powerful* as the flagship in these waters will be an absolute breach of the agreement.

Senator HIGGS.—Whoever expected the agreement to be carried out by the Imperial authorities?

Senator MATHESON.—This change has not been authorized by Parliament, and, with all due deference, I say that the present Government are deliberately shutting their eyes to the fact that the British Government are altering the terms of the agreement. The present Government are conniving at the alteration, and so far as I can learn from the Minister of Defence—

Senator DAWSON.—Is the honorable senator in order in asserting that the present Government are deliberately "shutting their eyes," and "conniving"?

The PRESIDENT.—I do not think that "conniving" is a proper word to use in reference to the Imperial Government, or the Ministry of the Commonwealth. The Standing Orders declare that an honorable senator shall not impute motives.

Senator MATHESON.—I beg to submit that I have imputed no motives. If it can be shown that I impute any motive, I shall be glad to withdraw the word.

The PRESIDENT.—I do not think that "conniving" is a proper word to use, and I think the honorable senator ought to withdraw it.

Senator MATHESON.—I am most pleased to withdraw the word; and I express the hope that it will always be ruled out of order in the future. I shall take exception if it be ruled out of order in this particular instance, and not on every occasion it is used. On the understanding that the word "conniving" is unparliamentary and disorderly, I beg to withdraw it. I shall say that the Government are perfectly aware that the British Government are altering the strength of the squadron, and, so far from protesting, are accepting the alteration without demur—that they

are not coming to Parliament for any authorization of the alteration.

Senator DOBSON.—What about the relative speed of the vessels?

Senator MATHESON.—In speed there is a distinct advantage on the part of the *Powerful*, which runs twenty-two knots, as against twenty-one knots run by the *Euryalus*. But I submit that speed is not the question at issue—the question is the power of the ship to do damage and resist damage. Under the circumstances, one knot of advantage on the part of the *Powerful* is not of any particular use to us.

Senator DOBSON.—Did not the *Powerful*, with its armament, cost far more money than the *Euryalus*?

Senator MATHESON.—What if the *Powerful* did cost far more money than the *Euryalus*?

Senator DOBSON.—I think I have seen it stated that the *Powerful* cost double, or it may have been 50 per cent., more than the *Euryalus*.

Senator MATHESON.—Supposing the *Powerful* did cost almost double, the honorable senator is suggesting that, because of this fact, the less effective cruiser ought to be received by us with acclamation. Could an argument be more puerile?

Senator DOBSON.—Surely I may ask for the facts on which the honorable senator is placing his own construction.

Senator MATHESON.—The only object of the honorable senator in seeking to ascertain the facts in this way is to suggest that we shall be served better by the *Powerful* than by the *Euryalus*.

Senator DOBSON.—I am not in a position to say what will be the effect.

Senator GUTHRIE.—The *Powerful* is more effective in the matter of men.

Senator MATHESON.—The *Powerful* carries eighty-five men more than the *Euryalus*, but as a weapon of offence and defence the former is distinctly the inferior; and I defy any naval expert to say the contrary. As I have said, the Minister furnished us with the names of the ships at present on the station, and some credit was taken for the fact that instead of four third-class cruisers, there are seven. But when I refer to the names, I discover that four out of the seven cruisers have been condemned as useless by the authorities in the United Kingdom. As a matter of fact, therefore, we have only three effective third-class cruisers on the station at the present moment, in addition,

according to the list, of one sloop. Senator Smith at the same time moved for a return of the number of Australians employed in the British Navy, and that return I intend to quote, because I consider it most instructive. I also intend to quote the figures given by Sir Edmund Barton on the 7th July, 1903, when he dealt with the Naval Agreement Bill. In the Royal Naval Reserve, Sir Edmund Barton promised that there should be twenty-five officers, whereas the return shows that only five have been enlisted, leaving a deficiency of twenty. Of the Naval Reserve men we were promised 700, whereas there are only 233, leaving a deficiency of 467.

Senator MILLEN.—Were there any more suitable applicants?

Senator MATHESON.—I know nothing as to suitable applicants.

Senator GUTHRIE.—There are no more Britishers to be found to serve.

Senator MATHESON.—I do not suppose that Senator Millen can obtain any further particulars, because this information is not furnished by our Defence Department, but sent on from the Admiral. We were promised by Sir Edmund Barton that three third-class training ships should be almost entirely manned by Australians and New Zealanders, and that 390 men were to form the complement, whereas only 173 have been enlisted, leaving a deficiency of 217.

Senator MILLEN.—Have men offered themselves and been declined, or has there been a failure of volunteers?

Senator MATHESON.—I am unable to give any answer on that score; I am only dealing with facts, and not with matters of conjecture. Sir Edmund Barton promised us that one second-class cruiser would be completely manned with Australians and New Zealanders, and that the complement was to be 500 men, whereas we find that only 217 are enrolled, leaving a deficiency of 283 men. The total number of men promised by Sir Edmund Barton was 1,615, whereas only 628 have been enrolled, leaving a deficiency of 987. That is to say, more than 50 per cent. of the numbers promised by Sir Edmund Barton have not been enrolled. I am laying some stress on this point, because of the reply which was given to the question asked. Senator Smith inquired what was the reason of the shortage, and the reply of the Admiralty was:—

The lower ratings are now practically complete, and further enrolment for regular service can only be made when the present men qualify for higher ratings.

I presume that that partially answers the question asked by Senator Millen. If the ratings are complete, it is clear it is useless for any other men to make application for billets. But what I want the Senate to appreciate is that the higher ratings would, apparently, absorb more than 50 per cent. of the total number promised by Sir Edmund Barton. That is an assumption; but it is conclusively proved that the numbers indicated by Sir Edmund Barton were largely in excess of those which the Admiralty meant to employ, or can employ. It is impossible to conceive that the higher ratings on a man-of-war represent more men than the lower ratings.

Senator GUTHRIE.—They represent considerably more; there are more A.B.'s than ordinary seamen by two-thirds.

Senator MATHESON.—The honorable senator may be right.

Senator PLAYFORD.—The Admiralty gave the true answer, I have no doubt.

Senator MATHESON.—I do not dispute the truth of the answer, but I infer that Sir Edmund Barton very considerably exaggerated his estimate, and, therefore, very considerably exaggerated the advantage to be derived by Australia from the Naval Agreement Act. I maintain that the position gives fair ground for serious anxiety on our part. An exactly similar state of affairs arose under the Naval Agreement of 1887.

Senator GUTHRIE.—There is the same shortage in the Imperial Navy, because Britishers will not go to sea under the conditions offered.

Senator MATHESON.—The following quotation describes the position in 1887:—

The States, however, preferred to hire their local naval defence from Britain, and agreed to rent a separate squadron, completely manned by British seamen, for that purpose. The ships of the squadron were to be armed with 6in. guns, but, as nothing to that effect was inserted in the agreement, only 4.7in. guns were supplied. Admiral Tryon had also announced that "the officers and others of such ships as are not in active commission could be well employed to instruct the reserve forces and volunteers." This understanding has always been evaded. There was a further understanding that, at the end of ten years, the vessels supplied "should be made thoroughly efficient, or be replaced by more modern vessels." This has never been carried out.

Senator PLAYFORD.—From what is the honorable senator quoting?

Senator MATHESON.—From a paper published at the time, and the Minister of Defences may rest assured that the statements it contains are accurate.

Senator PLAYFORD.—Many statements are published which are not accurate.

Senator MATHESON.—I know that these statements are accurate, as I shall be able to satisfy the honorable gentleman at a later date. It behoves us, under the circumstances, to watch the position very carefully. The Minister of Defence, on the authority of the British Government, has stated that the fleet in the Australian waters is going to be made stronger; but I want to know in what sense he uses the word "stronger"? Parliament is fairly entitled to the fullest information, and that information is, I believe, in the possession of the Minister of Defence, because the reply to my question stated that the Secretary of State in January last was asked when the strength of the squadron would be completed, and a satisfactory reply was received. That reply has not been placed before Parliament. The Minister knows what it is, and he states that it is satisfactory; but I should like to know in what sense it is satisfactory. Does it mean that the Admiralty intend to supply us with a larger tonnage and a larger number of small guns, or that the vessels with which we are to be supplied are going to be equal or better in armour and in big guns? That is the important question, and that is one reason why it is vital that any amendment or alteration of the Naval Agreement Act should come before us for revision. We appear to be drifting in this matter as we did before. Nothing apparently will be done, and the Bill, if brought forward at all, will be brought forward at the end of the session, when every one desires to get away, and there will be no discussion of it. It may possibly be talked out, and then the Government will continue in their present condition of apathy in regard to this agreement. I raised the point for the reason that if the agreement is to be broken, or if the British Government say that they propose to vary the terms of the agreement, the whole arrangement will be thrown open to discussion. I see no reason why we should not have a general revision of the agreement rather than a partial revision to suit the changed views of the Admiralty.

Senator GIVENS.—They apparently desire to back out of the agreement, or, at all events, they do not desire to fulfil its terms.

Senator MATHESON.—As I understand the position, the whole arrangement of the Admiralty has been reorganized since the agreement was entered into. Different dispositions of the fleets have been decided on, and the Admiralty no longer consider that it is necessary to have ships of the strength provided for in the agreement in our waters. I have nothing whatever to say against that, as I have no doubt it is fully justified by the experience gained during the Russo-Japanese war.

Senator GUTHRIE.—The proposed naval base at Singapore will still further alter their arrangements.

Senator MATHESON.—It all forms a part of the arrangements necessary to fall in with the new dispositions of the fleets which the Admiralty consider necessary. My point is that, rightly or wrongly, they desire to vary the terms of the agreement, and I contend that it can only be varied by an Act of Parliament. My object is to provide that when the Naval Agreement Act comes before us for amendment we may be able to take advantage of the opportunity to amend it in the way we think best in the interests of Australia. What I propose to do when that opportunity arrives is to advocate the spending of the money, not on a British fleet, as at present, but in manning torpedo boats and torpedo-boat destroyers. We have so far had no opportunity of debating that question. So far as I can see, no provision appears on the Estimates for the current year for that form of defence. I am satisfied that it will be a matter of criminal neglect on our part if we fail to take advantage of this opportunity. If my suggestion is carried out, I claim that we shall get an absolutely specialized defence for Australia in place of the merely incidental naval defence we get at the present moment. I should like to explain what I mean by an incidental naval defence. No expert in these matters can deny that the British Fleet must be kept at the strength required to defend Great Britain from the combined fleets of two or more nations, whether Australian trade is taken into account or not. We merely get our defence through the British Navy incidentally, and, as arising from the fact that Great Britain must keep her fleet up to a certain strength. Our

subsidy of £200,000 a year does not induce the British Government to add a single ship to the British Fleet. If they did not get that subsidy their fleet would be of exactly the same strength as it is at present, and in future of exactly the same strength as they now contemplate it shall be.

Senator WALKER.—But differently located.

Senator MATHESON.—The honorable senator is quite right—differently located in time of peace, when it is a matter of indifference where it is located; but in time of war located in exactly the same place whether our subsidy is £200,000 or £300,000 a year.

Senator MILLEN.—That is, in the best place.

Senator MATHESON.—Admittedly in the best place—for the defence of Great Britain. I say that, in the circumstances, we are not getting a specialized Australian defence, but merely an incidental defence, arising out of the fact that the British Fleet must be prepared to attack the enemies of Great Britain. I am by no means without support in suggesting that we should provide torpedo boats and torpedo-boat destroyers. I was interested to-day, in reading Sir Edmund Barton's speech on the Naval Agreement Bill, to find that he advocated the same thing. The reference will be seen on page 1800 of *Hansard* for 1903. He said—

As honorable members will see, the new arrangement does not include harbor defences. In future, as opportunity arises, and as funds allow—because we do not wish to rush into inordinate expense—it may be advisable to have torpedo boats or torpedo destroyers at each of the principal ports, as a means of special harbor defence. That will not be done immediately, but, as I say, as opportunity and funds permit.

Sir Edmund Barton, during that year, was repeatedly pressed for information as to his intention in connexion with Australian Naval affairs, and, as repeatedly, he stated that it was not his intention that the existing Australian Naval Force should be allowed to die a natural death. But what do we find? We find that since the date of the introduction of the Naval Agreement Bill no steps whatever have been taken to keep the Australian Naval Force alive. Hardly any money is placed on the Estimates of the current year for its maintenance, and, in fact, as someone outside said to me only to-day, Sir Edmund Barton had not the pluck to put the axe to the root of the Naval Force of this country;

what he did was to ring-bark the tree. As a result, I think I am fairly justified in saying that our Naval Force is almost at death's door. And yet this is the force on which, according to all modern authorities, we should have to depend to prevent the landing of an enemy.

Senator PLAYFORD.—To prevent a landing on 8,000 miles of coast-line! We could not do that with a few torpedo-boats.

Senator MATHESON.—I propose to deal with that question. The defence of the coast by torpedo-boats and destroyers is also a part of the policy of Great Britain. I refer honorable senators to the following cablegram, which appeared in the *Sydney Daily Telegraph* of the 11th of the present month:—

News has been received by the last English mail that the Admiralty have placed orders for twelve new coastal destroyers of an entirely new type, to be built for the Royal Navy by private contract. All are to be propelled by turbine machinery, and the sum of £218,000 is to be expended on their construction during the current financial year.

Then follow the names of the firms that are building them, but that information is not material. That cablegram confirms the statements which were made by Mr. Balfour, the Prime Minister of England, in a most interesting speech, which he delivered in the House of Commons on the 11th May in dealing with the Naval Estimates. I propose to quote him extensively, because attention has not been called to what he said on that occasion, and really his observations are most important from our point of view. Speaking on the subject of home defence—that is to say, of the defence of Great Britain—and explaining the various measures which the Imperial Defence Committee of Great Britain had taken to ascertain the best means of preventing an invasion, he said that they had laid down a special concrete problem for discussion by their expert advisers. That problem was as follows:—That the Army was occupied in some oversea expedition; and the organized fleets were assumed to be absent from home waters. I wish to point out that that is exactly the position in which Australia will find itself in time of war. Our organized fleet will be entirely absent from the home waters of Australia.

Senator PLAYFORD.—Not necessarily.

Senator MATHESON.—I think we may fairly assume that it will be, because we all know that the object of the organized

fleet is to be able to go and attack the enemy wherever he happens to be.

Senator PLAYFORD.—The enemy may be coming to our shores, and it may be necessary to crush him before he gets here.

Senator MATHESON.—For the purpose of our argument we may do as Mr. Balfour did, and with greater justification. He assumed, for the purpose of his problem, that the British Fleet would be away from home waters. We may assume for the purpose of our problem exactly the same thing. With respect to the Army, we all know that we have none. We have only a certain number of citizen forces, which they have also in Great Britain. We have no regular organized Army, and therefore our position is exactly the position which Mr. Balfour set before his expert advisers. He assumed that the Mediterranean Fleet, the Atlantic Fleet, the Home Fleet, and the China Fleet were all far away from England. Then he went on to say that England would have to be ready in a few hours to resist the attack of an expedition organized for the purpose of effecting a landing. The object was not to use field guns and field forces for the purpose of attacking an enemy who had entrenched himself on the soil of England, but to prevent his ever setting foot on her shores. For that purpose Mr. Balfour pointed out that they would have six battleships and six first-class cruisers, which are now in reserve, with nucleus crews, ready for action. That, of course, would be out of our power, as we have nothing of that sort in Australia. But, in addition to that, they would have twenty-four destroyers already in commission, and ninety-five small torpedo craft, that is to say, 119 boats of different sizes, available for the defence of the coast. He went on to say that he omitted submarines at present, because expert opinion might differ as to their value; but he personally believed that they were destined to be of great importance. That, however, was his personal opinion, and, for the purpose of the argument, they were left out of account. Passing over several pages, in which other matters were discussed, he came to his definition of the use of the torpedo boats. He began by saying—

Since the old days of Nelson and Wellington, there have been great scientific changes, which all, I think, make in favour of defence.

He pointed out that the use of steam and wireless telegraphy would greatly facilitate the collection of the defending forces, and he went on to say—

that is not the only change. There are two other changes introduced by the torpedo and the submarine, which must qualify the extreme doctrine of the command of the sea, which used to be held—

This is most important, because it is this command of the sea which is always thrown at us whenever we talk of an Australian localized navy. He continued—

and perhaps is sometimes still held, by the so-called blue-water school. The command of the sea at one time really meant the command of the sea, of the whole of the ocean right up to the shore, and superiority in battleships gave that command. But it does not give it now in the same full sense; and I do not believe that any British Admiral, even though our Fleets rode unchallenged in every part of the world, would view with serenity the task of convoying and guarding during hours of disembarkation a huge fleet of transports on a coast infested by submarines and torpedo boats. And let it be remembered, no strength in battleships has the slightest effect in diminishing the number of hostile torpedo craft and submarines. A battleship can drive another battleship from the sea, but it cannot drive a fast cruiser, because a fast cruiser can always evade it. A strong and fast cruiser can drive a weak and slow cruiser from the sea; but neither cruisers nor battleships can drive from the sea, or from the coast, I ought to say, either submarines or torpedo destroyers which have a safe shelter in neighbouring harbours, and can infest the coast altogether out of reach of the battleship, which is very likely to be much more afraid of them than they have reason to be of her. Those are great changes, and they are changes which nearly touch the particular problem on which I am asking the Committee to concentrate its attention.

Then, on page 75, he went on to say—

Assume them to have reached our coast. I ought, perhaps, to say that by the time they reached our coasts the alarm would long since have been given to every ship between the Faroe Islands and Gibraltar, and every ship available, every cruiser, torpedo boat, destroyer, every craft that could be made available for resisting invasion would be concentrated at the point of danger; and when this huge convoy reached the point of danger, what is it to do? Disembarking 70,000 men on a coast like the coast between Portsmouth and Dover is not a very easy operation, and above all, it is not a quick operation. I do not believe anybody will estimate the time it would take at less than forty-eight hours. My advisers say that it is a most sanguine estimate. Forty-eight hours involves two nights. Then calm weather is required. The operation cannot be carried out or attempted except in calm weather. That is exactly the time at which, if torpedo-boats or submarines get their chance, they have that chance in the greatest perfection.

Senator GUTHRIE.—What chance would an enemy have of landing upon any part of the Australian coast?

Senator MATHESON.—Every chance if we had not torpedo boats.

Senator GUTHRIE.—Independently of that, how long would it take an enemy to land? About three weeks?

Senator MATHESON.—Of course, I cannot express an opinion on that point; but I should say that it would be just as easy for an enemy to land upon the coast of Australia if there were no torpedo boats as it would be for him to land upon the coast of England—in fact, it would be easier, because on the coast of England there is a very closely settled population, and the enemy's proceedings would not be nearly so easy there as here, where there are large tracts of deserted country.

Senator GUTHRIE.—So it is in the United Kingdom, where there are a number of deer forests.

Senator MATHESON.—Not to the same extent.

Senator GUTHRIE.—Take the whole of the western Highlands of Scotland, where there are only deer forests.

Senator MATHESON.—It is not so bad as that.

Senator DOBSON.—What would become of a hostile force if they did land, and we had an army of trained citizen soldiers?

Senator GIVENS.—And what would become of them if they landed upon some portions of our deserted coast? They would be starved within a week.

Senator MATHESON.—It is absolutely ridiculous for persons to say that all the defence we require is secured through our subsidy to the British Navy. We have Mr. Balfour, Prime Minister of England, distinctly laying it down in words which cannot admit of any doubt that the security of Great Britain, if her fleet were away, would depend on torpedo boat destroyers and submarines.

Senator GIVENS.—But he is only one man.

Senator MATHESON.—He is one man, but he is also the Chairman of the Defence Committee of Great Britain. He has obtained all this information from the finest experts in Great Britain, and it may be absolutely relied upon. He is satisfied that in that way only can the security of Great Britain be maintained. Although we are paying an annual subsidy of £200,000,

still we have not a single torpedo boat, submarine or torpedo destroyer.

Senator PLAYFORD.—We have a torpedo boat.

Senator MATHESON.—What is the good of a torpedo boat which is nearly twenty years old?

Senator PLAYFORD.—Money was wanted for repairs, therefore I know that we have one boat.

Senator GUTHRIE.—We have two boats.

Senator PLAYFORD.—We may buy one or two more.

Senator MATHESON.—We are absolutely wasting our money at the present time. The money which is paid under the Naval Agreement Act ought to be used in paying for the maintenance of torpedo destroyers and the education of the crews.

Senator PLAYFORD.—For harbor defence, yes; but for preventing an invasion, it could not be done.

Senator MATHESON.—The Minister seems to have very peculiar ideas. Surely harbor defence is equivalent to preventing an invasion?

Senator PLAYFORD.—Not necessarily.

Senator MATHESON.—The one is supposed to lead to the other; but in this country the misfortune is that the military organizations have full control of the defences. With the exception of one man, the whole Department consists of military officers, and the organization of a field force is held up as being the one thing to secure the immunity of Australia from attack. That principle is, I maintain, absolutely wrong. What we have to devote our attention to, in the first place, is to prevent an expedition from landing on our coasts. For that purpose it is essential that we should have torpedo destroyers and a properly organized naval force of Australians. This matter is so little understood, and the recollections of the discussion which took place in 1903 have been so thoroughly forgotten, that I propose to read a short *résumé* of the whole position, which I printed in 1903 and circulated amongst the members of the then Federal Parliament. It will not take me many minutes to read the *résumé*, and it will place on record the position as it then stood, and what I prognosticated would take place in connexion with the Naval Agreement. Honorable senators can then say how far I was justified in taking the view I did. It reads as follows:—

Sir,—The Prime Minister, in introducing the Naval Subsidy Bill, never explained that the

agreement of 1887 was suggested by the Admiralty themselves solely to enable an Australian-owned squadron to relieve the British fleet of the necessity of protecting floating trade in Australasian waters from the attacks of chance raiders in time of war.

The Blue Book of the 1887 conference proves this explicitly, and, presumably, the Prime Minister will not deny the fact. Has any reason been brought forward for a radical alteration of the arrangements then made, or to justify Australia in resigning, at one sweep, all attempts to provide for her local naval defence?

Then, as now, the British squadron in these waters merely formed part of the general strength of the British fleet in Eastern waters—that is, of the combined Indian, China, and Australian squadrons. It was more or less immaterial to the Admiralty how this fleet was distributed in time of peace, and to Australia the strength of the section in local waters was, really, equally immaterial, though its money-spending power was material to Sydney. But in time of war the position would be vastly different. Then, as now, it was essential that in time of war the various sections of the British fleet should combine to deal concentrated blows on the enemy; it followed that the coast of Australia would be left without any local naval protection; such as Great Britain herself enjoys, and the Admiralty, therefore, in 1885, honestly admitting the fact that local naval protection was quite as necessary for Australia as the general protection she would derive from squadrons of British battleships in action, advised the Australian States to purchase a fleet, and to arrange to protect their own coasts with their own seamen from the raids of scattered cruisers.

This is an historical fact, that can be verified by any one who cares to do so.

The States, however, preferred to hire their local naval defence from Britain, and agreed to rent a separate squadron, completely manned by British seamen, for that purpose. The ships of the squadron were to be armed with 6-in. guns, but, as nothing to that effect was inserted in the agreement, only 4.7-in. guns were supplied. Admiral Tryon had also announced that “the officers and others of such ships as are not in active commission could be well employed to instruct the reserve forces and volunteers.” This understanding has always been evaded. There was a further understanding that, at the end of ten years, the vessels supplied “should be made thoroughly efficient, or be replaced by more modern vessels.” This has never been carried out.

In 1898 the State Premiers met in Melbourne, and, with one exception, resolved to continue the yearly subvention; and though they must all have known that the vessels supplied under the hiring contract to the States were inefficient, they made no demand for an improved type of cruiser, or for the proper armament. To Mr. Kingston, the then Premier of South Australia, belongs the credit of having opposed this iniquitous surrender of Australia's rights, but Mr. Kingston, alas, is now a member of the present Federal Ministry!

To-day the Admiralty suggest that local naval defence should be abandoned altogether, and that the £106,000 paid annually, as rent for a local defence squadron, should be paid instead

to the British fleet as a subsidy, with £94,000 more thrown in, making £200,000 in all.

It is idle to suggest, as the Prime Minister does, that Australia obtains one pennyworth of defence by this subsidy that she would not obtain without it.

It is idle to suggest that the British fleet in Eastern waters will be one ship or one gun the stronger for this subsidy!

The strength of the British fleet in Eastern waters (East of Suez) must always be based on the strength of the possible enemy, and the squadrons of which the British fleet are composed can be constituted in any way that suits the Admiralty. If it was essential to Admiralty plans that the British squadron at Sydney should be strengthened, it would be strengthened, quite regardless of £200,000 subsidy, and the strength of that squadron in time of peace is a matter of complete indifference to Australia, though its money-spending power is, perhaps, a consideration to Sydney.

It is, therefore, ridiculous to canvass the strength and armament of the proposed new cruisers, and to allude to them as an increase in effective defence, secured to Australia by a subsidy of £200,000. If they are required to make up the strength of the British fleet in Eastern waters, they will be added to that fleet, whatever happens, and their presence in Sydney Harbor in time of peace gives no extra security whatever to Australia in time of war. In time of war Australia has, in the first place, to rely on the action of the complete British navy, and her interest is that that Navy should be all powerful, not the tiny section of it quartered in Sydney Harbor.

How the Admiralty officials must have laughed when Sir Edmund Barton asked to be supplied with an estimate for a packet of the cheapest efficient defence they had on stock! A squadron which should provide, to quote the very words he says he used, "for the minimum adequate protection" of Australia! Surely, as he himself stated in other portions of his speech, the entire British fleet is alone capable of filling that bill.

But, on the other hand, Australia, by giving her all, viz., £200,000, as a subsidy to the British fleet, loses the local squadron, poor as it is, which she hires at present; and, worse than all, loses all chance of local defence in time of war. The British fleet must, by all the rules of war, combine to attack the enemy, and, meanwhile, the Australian coast, and the shipping along it, will be absolutely unprotected. To-day the Admiralty, and our Prime Minister, say we must take our chance of this, and suffer in the interests of the majority; but in 1885 the attitude of the Admiralty was very different. Then we were asked to relieve them of what they evidently considered a distinct obligation, namely, to provide for distinctly local naval defence, and we did so. We rented a squadron from them for the purpose, and it was considered that by so doing we helped substantially to lighten the defence responsibilities of Great Britain, and fulfilled any obligation that rested on us to assist in the general defence of the British world. It is useless, therefore, to now contend that, by advocating a local squadron for a specific purpose, we endeavour to shirk our responsibilities.

To-day we are asked to give up our local squadron, and to subsidize the British fleet instead. It is well to remember that, until to-day, the British fleet and our local squadron have existed side by side in these waters, and absolutely distinct from each other, each with its own specific duty to perform. Now, our squadron is to be swept away, nothing takes its place, and our naval subsidy is to be nearly doubled.

And what are we supposed to gain under the new agreement? The Premier tells us that 1,600 Australians will receive special rates of pay. But what guarantee have we that the pay offered by the Admiralty will be equal to the standard Australian rate of wages? It is nowhere so expressed in the agreement. The term used is "special rates." A rate might easily be a special rate to the Admiralty, and yet be far below the rate at which an Australian seaman would enlist.

And, again, from where does the Premier derive his 1,600 Australian seamen? They are not in the agreement, and no verbal agreement can be relied on. All that the agreement mentions is a naval reserve of twenty-five officers and 700 seamen and stokers, to be divided between New Zealand and the whole of Australia—a mere bagatelle—and three ships to be used for training the reserve, and to be partly manned by permanent Australian and New Zealand crews.

The Premier here again reads into the agreement that these ships will be the third-class cruisers, each requiring 120 men. But it is nowhere so expressed. Is this another verbal understanding? But, presuming all this is so, what we shall gain in time of war will be that every man in Australia trained to naval defence will be removed from our shores in the British fleet, whether we need their services locally or not.

It is impossible to avoid the question—If local naval defence is unnecessary, why go to a vast annual expense in maintaining local land defences and military forces? It seems a most unwarranted extravagance! And why does Great Britain do the same?

The answer seems to be that, though in theory Britain claims to hold the command of the sea, no one, even among her own Ministers, believes that her supremacy is a reality, and, therefore, local defence becomes essential.

If, instead of spending the £200,000 in a subsidy, if, instead of relying on a mercenary defence, we paid our own Australians in a local squadron—

First—We should provide with certainty for repelling any raiders that might manage to escape the British fleet.

Second—We should be certain that our own seamen were being trained with our money.

Third—We should effectively develop the sea power of Australia, which the new agreement will not do, though, in its preamble, it claims it will.

Fourth—We should encourage and develop an Australian interest in naval affairs, which the 1887 agreement never did, and which the new agreement never will do.

Fifth—We shall help to consolidate a sense of nationality throughout the Commonwealth, which it sadly lacks at present, and which the subsidy to the British fleet will never do.

In conclusion, the cost of a local squadron is not prohibitive.

It will be noticed that the Premier has come down 50 per cent. in his estimate of that cost, viz., from £1,000,000 annually to £500,000. Let him come down 50 per cent. again, and he will be about the mark.

The Admiralty have themselves supplied the maximum annual cost of five second-class cruisers of the *Highflyer* type (5,600 tons). It is for interest and sinking fund, £125,000; for maintenance, £242,000; in all, £367,000. That represents the maximum expense that any local squadron could be to Australia, and Australia can well begin and be satisfied with something less.

Senator Lt.-Col. GOULD.—From whom is the honorable senator quoting? Is it a case of Matheson quoting from Matheson?

Senator MATHESON.—I am quoting from a letter which I circulated amongst members of Parliament. I have given my reasons for quoting it, namely, to refresh people's memories as to the circumstances under which the new agreement was entered into, and as to the representations made to us by Sir Edmund Barton. I wish the public to realize the extent to which those representations have been carried out in practice.

Senator PLAYFORD.—And what a true prophet the honorable senator has been.

Senator MATHESON.—I am sorry that I should have been true, so far as I have been, because to the extent that I have been true Australia has lost. The most curious views are held by many people in connexion with Australian defence. Only the other day we had a most exhaustive criticism of Australia's duty, and her obligations towards the expense of the British Fleet came under notice. I wish to review some of the opinions that were expressed by the critic to whom I refer. The speech was an extremely amusing one from my point of view, and I fancy from the point of view of the audience that heard it. Several things were proved conclusively. First of all it was proved conclusively by the speaker, who is, I suppose, one of the most able exponents of the larger subsidy craze, that England is at present incapable of bottling up the fleets of an enemy.

Senator PLAYFORD.—Is this Kelly?

Senator MATHESON.—I will not mention any one's name, but my authority is certainly an expert on these matters.

Senator GIVENS.—Is he an expert?

Senator MATHESON.—He claims to be an expert, at any rate.

Senator GIVENS.—How does the honorable senator define an expert?

Senator MATHESON.—He proceeded to point out that by 1907—that is to say two years from now—the British Fleet would be even less capable of bottling up an enemy's fleet than at present, owing to the fact that then Great Britain would have only forty-eight battle-ships against fifty-three owned by the next three powers. He pointed out that for these reasons the battle-ships of the British Fleet had been withdrawn to Europe to watch foreign ships in western waters.

Senator GIVENS.—Who pointed that out?

Senator MATHESON.—The critic; and he added that in consequence Australia was absolutely at the mercy of the new eastern power—presumably Japan. Then, having proved that conclusively, he proceeded to point out that a commerce destroyer—quite an insignificant boat—might get away and make a raid on the coasts of Australia. From these deductions he pleaded—and pleaded in most moving terms—that Great Britain could no longer unassisted bear the whole burden of naval defence, and urged that it was our duty to assist her efforts by doubling the subsidy.

Senator GIVENS.—That is Kelly right enough.

Senator MATHESON.—With the exception of the proposal for doubling the subsidy, I think we can all agree with the critic in the statements he made, and conclusively proved up to that point. Then he came to what we may call the funny business. The reasons he gave for doubling the subsidy were that, whether we subscribed £200,000 or £400,000 made no difference to Great Britain, and that the latter amount was no more than the price of a third-class cruiser. When he was asked what good it would do, he said that it would call attention to the subject.

Senator STANFORTH SMITH.—Rather an expensive way of calling attention to the subject.

Senator MATHESON.—I quite agree with the honorable senator. It is the silliest proposal I ever heard of—that £200,000 in addition to the present £200,000 should be spent purely for purposes of advertisement. The thought occurred to me at the moment that it was not so much advertisement of the scheme that appealed to the critic as advertisement of himself.

Senator GIVENS.—Of the schemer.

Senator MATHESON.—Advertisement of the schemer.

Senator DOBSON.—That is hardly a fair deduction from the whole speech, I think.

Senator MATHESON.—One of the most peculiar things was this: that directly the critic ceased being funny, and tried to be practical, he fell into the most stupendous errors that any man could possibly have made. He alluded to Captain Creswell's report. Captain Creswell is the expert employed by the Commonwealth to give advice on naval matters to the Minister of Defence. He is our Naval Director. He had written a most interesting pamphlet in, I think, 1901, in which he set out his views as to the naval defence of Australia at that date. Those views have no doubt altered since then. Amongst the things which he advocated was the expenditure of a sum of money in purchasing cruisers of the *Highflyer* type at a cost of £300,000 each and a tonnage of 5,600 tons. These the critic alluded to as "a few miserable cruisers." He said, "What would be the good of spending £300,000 on a few miserable cruisers?" But he was quite unaware that in a report by Sir Lewis Beaumont, who was not so very long ago Admiral on the Australian Station, dated the 6th July, 1901, Sir Lewis advocated that the British Fleet in Australian waters should consist of two first-class cruisers of 8,000 tons each, and four second-class cruisers of the *Highflyer* type, with two more in reserve. That is to say, Sir Lewis Beaumont advocated that we should have six cruisers of the very identical type that the critic alludes to as "miserable cruisers"! There, I submit, is a most startling example of the knowledge—of the great erudition—possessed by this critic.

Senator STANFORTH SMITH.—Either he was wrong or the Admiral was wrong.

Senator MATHESON.—We might have doubts if it were simply a case of a difference between one Admiral and one critic. Our sympathies might then perhaps be equally divided, and some of us might think that the critic was justified. But unfortunately for him, the Admiralty itself took a hand in framing reports, and came forward with a proposal of its own. Its proposal was to leave out the first class cruisers altogether, and have the whole naval defence of Australia left to five second-class cruisers of this very identical type. These were to constitute the Australian Squadron. It is perfectly clear, there-

fore, that Captain Creswell, when he recommended the purchase of cruisers of this specific tonnage for this specific sum, was only suggesting what would have thoroughly recommended itself to the British Admiralty. Captain Creswell, however, had suggested that, in view of the fact that these ships were not required to make long voyages, heavier guns and heavier armour might be supplied. The critic immediately interpreted that into a scheme for putting gun power into craft, which would make the latter unserviceable in a heavy sea, and he also ridiculed the idea of the shortness of the distance from the bases. Captain Creswell had pointed out that these vessels would always be able to get supplies and to refit at the various bases on the coast of Australia—Sydney, Hobart, Melbourne, Adelaide, Albany, Perth, and so on. The critic, however, ridiculed that idea, and suggested, I think most unfairly, that Captain Creswell was solely occupied in an endeavour to provide billets for his friends. I appeal to the Minister of Defence, though I do not know whether the suggestion is possible, to get a report from Captain Creswell, supplementary of his previous report on the general question of naval defence. I have no doubt that Captain Creswell has, since 1901, modified his views considerably, because like all experts, he has to keep pace with the times, there being no finality in either naval or military defence. If the Minister could see his way to call on Captain Creswell for a report of the kind, it would be a most valuable paper. The critic also ridiculed myself at some length, because of certain extracts which he said I had made with some partiality, inasmuch as, in his opinion, I had not given the context. As a matter of fact, when the critic quoted from my words, he, himself, gave no context, though he repeatedly alleged that that was the offence of which I had been guilty.

Senator MULCAHY.—Who is this critic?

Senator MATHESON.—He is a critic on these matters—a so-called expert.

Senator MULCAHY.—What has the Senate to do with his view?

Senator MATHESON.—I call attention to these points in order that the critic's folly and ignorance may be exposed.

Senator MULCAHY.—Is the time of the Senate to be taken up for that purpose?

Senator MATHESON.—I think it is a material advantage that the Senate should have the correct view of the situation put before them, and I do not think the time can possibly be considered wasted, unless, of course, the honorable senator differs from me entirely in the views I express.

Senator MULCAHY.—I agree with a good many of the honorable senator's views, but I do not see why we should be called upon to discuss what some unknown man has said.

Senator MATHESON.—This unknown man is simply the mouth-piece for the expression of the opinions of his class; and I regret to say that there is a very large section in Sydney who look at this matter from a so-called national point of view, in which, however, it is difficult to find anything national. I should now like to quote what I did say when I read a paper on *Australia and Naval Defence* before the Royal Colonial Institute, on 10th March, 1903. I am accused of having garbled the context in an extract which I gave, and I should now like to justify myself by reading what I did say. It must then become apparent that I used the quotation referred to in the most rational and intelligible way. My words were:—

Does any one suppose that a Government would be tolerated for an instant in Great Britain that avowed its intention to send the entire fleet on an offensive expedition against a foreign port, leaving the British coast and commerce in the Channel unprotected, except by fortifications? And if local naval defence is desirable at home and for the mother country, why should it be condemned when Australia is concerned? Take, again, the example of France, and its proposals for the defence of Cochin China. M. Lanessan's scheme provides armoured ships specially designed for the protection of its rivers and coasts, and, in addition, for torpedo boats and gun-boats, in order that the actions of the offensive squadron may be absolutely free, and its base as secure as possible. If this is desirable for the Cochin China coast, why not for the Australian? It must be remembered, too, that M. Lanessan's programme is based on all that is most modern in theoretical naval defence, the very school of which Captain Mahan is the apostle. Why, what does Captain Mahan himself say on the question? He writes as follows:—

"San Francisco and Puget Sound, owing to the width and great depth of the entrances, cannot be effectively protected by torpedoes, and, consequently, as fleets can always pass batteries through an unobstructed channel, they cannot obtain perfect security by means of fortifications only. Valuable as such works will be to them, they must be further garrisoned by coast defence ships, whose part in repelling an enemy will be co-ordinated with that of the batteries.

The sphere of action of such ships should not be permitted to extend far beyond the port to which they are allotted, and of whose defence they form an important part, but within that sweep they will always be a powerful reinforcement to a sea-going navy when the strategic conditions of the war cause hostilities to centre round their port. By sacrificing power to go long distances, the coast defence ship gains proportionate weight of armour guns—that is, of defensive and offensive strength. It further adds an element of unique value to the fleet with which it for the time acts."

That is the complete quotation, and one which I maintain is most suitable to the context. Captain Mahan pointed out that ships for coastal defence would act in conjunction with another fleet, and I think that view completely justified Captain Creswell in the report he made.

Senator DE LARGIE.—Australia is, apparently, the only country in the world not worth defending!

Senator MATHESON. — I think the honorable senator is mistaken in putting the matter in that way. What he should say is that the people of Australia are the only people who fail to appreciate the proper way of defending their country. We are doing our best, according to the lights of the Ministry, and of the majority in Parliament, to defend our country; but I maintain that we are adopting the most irrational and illogical system of defence that could possibly be devised. I am afraid I have taken up the time of the Senate rather unduly this afternoon; but I am most anxious that the Minister of Defence should understand that we are determined, or, at least, a certain number of us are determined, if possible, to have a Bill introduced during the present session, and we shall lose no opportunity to bring pressure to bear on the Government to that end. The Minister of Defence cannot any longer pretend that the matter has not been brought officially under his notice; and he is bound to satisfy himself whether the flagship at present on its way to Australia is according to contract. If the vessel be not according to contract, then the Minister must either deliberately shut his eyes to the fact that a breach is being perpetrated, or he must come to Parliament and get the authority of legislative enactment for the departure.

Senator GIVENS (Queensland).—I desire to bring under the notice of the Committee the contract entered into with the Orient Shipping Company by the late Government. Only during the last few days has a copy of the contract and connected

papers been placed in our hands and I avail myself of the first opportunity to discuss the matter from the point of view of the Commonwealth, and more particularly from the point of view of the State which I have the honour to represent. So far as I can see, we are paying far too high a price for our "whistle." The contract is for three years, and the subsidy amounts to £120,000 per annum. The late Postmaster-General, Mr. Sydney Smith, repeated time and again that the demands of the Orient Company were too high, and he frequently stated, openly and publicly, that £100,000 was the utmost that, in his opinion, the Commonwealth should be called upon to pay. I am reminded that the late Postmaster-General also frequently stated that the demands of the local shipping companies were extortionate, and that the Government could not consider proposals of the kind made. But, like the heroine in Lord Byron's poem, the late Postmaster-General, after swearing he would "ne'er consent, consented."

Senator STANFORTH SMITH.—If the late Postmaster-General had given in to the clamours of a certain section of the press, he would have paid the shipping company £150,000 per annum.

Senator GIVENS.—The late Postmaster-General ultimately consented to give £20,000 over and above the amount which he had said was the utmost the Commonwealth should be called upon to pay. The interjection of Senator Smith reminds me of the fact that the then Government "caved in" to the clamour raised by an interested section of the press and the public, and were willing to pay, not only £120,000, but, if necessary, £150,000 per annum, in order to placate those by whom the clamour was raised. It is common knowledge that the shipping companies trading to Australia, and almost all parts of the world, are in a combine, and if the Government once submit, there are no lengths to which we may not be forced to go in the way of extravagant expenditure for similar services. It was quite evident that the Orient Company were bluffing when they demanded such extortionate terms. They would not otherwise have reduced their demand as they did. If the Postmaster-General at the time had kept a stiff upper lip, he might have secured much better terms than he did. There was a way by which the Go-

vernment could have brought the company to terms if they had had sufficient backbone to adopt the proper course.

Senator Lt.-Col. GOULD.—What course was that?

Senator GIVENS. — If necessary they could have done what the State Premier of Victoria did in dealing with the brick companies in Melbourne. They could have proposed to start business on their own account.

Senator GUTHRIE.—Or what the Queensland Government did in regard to the carriage of their northern mails.

Senator GIVENS.—Or what Mr. Seddon, the Premier of New Zealand, publicly threatened to do if the demands of the shipping companies were not moderated very considerably. I should like to see the Government of the Commonwealth adopt a similar attitude in order to protect the interests of the people of Australia. If we "cave in" to bluff of this sort on one occasion, there will be no end to it; we shall encourage the shipping companies to adopt the same course on all similar occasions. In common with a great many other people, I should like to know what reason induced the late Government to accede to the demands of the Orient Company after openly stating that they were excessive. There is nothing in the papers connected with this contract to account for so sudden and radical a change of opinion, and it would be exceedingly interesting if we were given some inkling of the forces at work behind the scenes which induced the late Government to do what, a little time previously, they had declared they never would do, and never ought to be done.

Senator Lt.-Col. GOULD.—I think the influence at work was public opinion.

Senator GIVENS.—The public opinion of a few interested traders, and not of the mercantile community generally, and the taxpayers who have to find the money. I point out that this contract is entirely unconstitutional. Although Mr. Reid and his party are continually prating about their desire to safeguard the Constitution, and to protect the rights of the States, they have gone entirely behind the Constitution in this contract. I shall show that that is so before I sit down.

Senator Lt.-Col. GOULD. — The honorable senator has a Gould.

Senator GIVENS.—I have not a task which is beyond any one who can read plain

English, as it is set out in the Constitution. What are the facts with regard to the service that we have at the present time? Are we any better off under the new system than we were under the poundage system? Not a whit. We have no more steamers coming to Australia, and those that are coming are not better fitted up, and do not offer any improved facilities. The principal point we have to consider in this connexion is whether we are getting a more advantageous mail service, and I submit that we are not. We got our mails carried as expeditiously and as frequently under the poundage system. It is a very perfunctory service indeed that we are getting for this enormous subsidy. The mails on one occasion were, I believe, three days late. It is impossible for merchants and others receiving letters by the Orient service to study their correspondence and prepare a reply in time for the next mail.

Senator GUTHRIE.—The mail arrived last Wednesday, and left on Wednesday again.

Senator Lt.-Col. GOULD.—It is worse at the Sydney end.

Senator GIVENS.—That kind of thing frequently happens. We had no worse conditions under the poundage system, which was not costing us a tithe of what we are paying under the contract. Senator Gould maintains that it is impossible to prove that this contract is unconstitutional.

Senator Lt.-Col. GOULD.—No; I asked the honorable senator to prove it.

Senator GIVENS.—The honorable senator said that I had an impossible task.

Senator Lt.-Col. GOULD.—I said that the honorable senator had a task.

Senator GIVENS.—I always notice that in dealing with a lawyer one requires to have a sworn shorthand writer to take down his words, otherwise he will try to go behind them. Whether the task is impossible or not, I mean to essay it. I ask Senator Gould, or any one else who has studied the Constitution, whether it is not a fact that the Commonwealth Parliament, or the Government acting for the Commonwealth Parliament, have not the power to enter into any arrangement which discriminates as between State and State, and places one State at a disadvantage as compared with the others. The provision dealing with the matter is sub-section III. of section 51 of the Constitution.

Senator Lt.-Col. GOULD.—Now for the discrimination.

Senator GIVENS.—I shall show where it comes in. Under this contract it is necessary only that the mails shall be landed at Adelaide. The service might end there, because the mails are landed there and are despatched by rail from Adelaide to every other part of the Commonwealth, with the exception of Western Australia. Vessels coming here with mails from the old country call first at Fremantle, and it is necessary that they should do so, because there is no railway communication between the eastern States and Western Australia. Then they call at Adelaide, and, as a matter of fact, all the mails are put ashore at that place and are distributed throughout the Commonwealth from that centre.

Senator GUTHRIE.—Not all the mails; parcels are not put ashore at Adelaide.

Senator GIVENS.—All except parcels, and there is no reason why parcels should not also be put ashore there.

Senator GUTHRIE.—It would mean heavy railway freights.

Senator GIVENS.—I shall deal with that aspect of the question later. What are the conditions of the contract? It is provided that after a vessel has landed her mails at Adelaide she must proceed to Melbourne and Sydney. This is where the discrimination comes in: That while these trading facilities, entirely apart from the mail service, are to be given to Victoria and New South Wales, the two States of Queensland and Tasmania are entirely left out of the arrangement. This is where I say the contract is unconstitutional. We find, under clause 8 of this precious contract, that the mail ships are to be provided with insulated spaces and refrigerating machinery. What for? To insulate the mails and keep them in a frozen condition whilst they are being carried between this country and England? Will Senator Gould, or any one else, contend that for a moment? When these conditions that there shall be insulated spaces and refrigerating machinery kept in constant order on those vessels are put into this contract, it is for some purpose other than the carriage of mails. When it is made a condition of the contract that, after landing the mails at Adelaide, the vessel shall go on to Melbourne and Sydney, it is for some purpose other than the carriage of mails. What is this purpose? Is it not to afford trading facilities

to the trading community of Melbourne and Sydney, and to provide proper means for the carriage of perishable produce from those ports between Australia and England?

Senator Lt.-Col. GOULD.—The honorable senator is aware that the vessels go down to Hobart sometimes.

Senator GUTHRIE.—Only for apples.

Senator Lt.-Col. GOULD.—Whenever cargo is available.

Senator GIVENS.—I shall come to that in a minute. I say that if these vessels do go to Hobart, or to Brisbane, they will do so without regard to this contract. It is no part of the duty of the Commonwealth Government to provide trading facilities for the benefit of any one or more States, and to the disadvantage of other States. There can be no doubt that this contract does that, and I am perfectly satisfied that if it is ever taken before the High Court it will be disallowed. There is another point I should like to emphasize in this connexion. It is provided that the contractors, the shipping company, shall be at liberty to proceed beyond Sydney in the outward voyage, after calling there, and begin the return voyage from a further port, provided the vessels call at Sydney. It is not provided that they must call also at Melbourne, and I think the Melbourne people have rather overlooked this provision. I shall read the clause, which is clause 3 of the contract—

The contractors shall be at liberty, at their option, to continue the outward voyage, that is from the United Kingdom, of any mailship beyond Sydney, after calling at Sydney, and to commence the homeward voyage, that is to the United Kingdom, of the said mailship from any port provided she calls at Sydney.

Why is there no proviso that she shall also call at Melbourne on the return voyage?

Senator GUTHRIE.—Or at Adelaide?

Senator GIVENS.—She must call there to take on the outwards mails, but if it were not necessary, that she should call at Adelaide for that purpose, that port would evidently have been overlooked also in this clause. I contend that it is altogether wrong for the Commonwealth Government to discriminate as between State and State. Section 51 of the Constitution provides that such a thing shall not be done, or shall be illegal, and of no account if it is done. I said a little while ago that there was a

way out of the difficulty in dealing with the shipping companies, if the last Government had had only a little back-bone and courage. I believe that these matters will never be satisfactorily settled until the people of Australia decide to own their own ships for the carriage of their mails and produce, just as they own their railways. It seems to be that there is no earthly reason why the people of Australia should not own their own ships, as they now own their railways. We have railways extending into almost every corner of the Commonwealth owned by the people, and it would be only a step further, and equally justifiable to provide ships for our own use. I said that this is no new proposal, and that the Premier of New Zealand made a similar proposal some years ago. I propose now to read an extract from the New Zealand *Hansard* for 1901, page 91, where it is recorded that Mr. Seddon said—

The land is there, and our policy should be that men, women, and children should live on it, and that closer settlement is demanded, and we should meet that demand in a fair and equitable manner. Then we should have to have Government steamers. It is plain to me—and it is all in this statement—it is as plain to me as noonday, that if we have to meet the requirements of the people of the Colony, and place the producers of the Colony in a proper position, we must have steamers that will carry our products to the various ports of the world. We can afford to build or purchase steamers; and we can get our money as cheaply as any shipbuilding company in the world. I say, these ships can be manned and maintained by the Colony equally as well as they can by private enterprise; and if you carry your produce at the lowest possible rates, aiding and assisting your railways on the land, the result will be that your producers will be masters of the situation, instead of, as at the present time, being first under the thumbs of the shipping rings, and, secondly, in the hands of the middlemen. Then, there is no provision made at the present time for meeting the necessities when our produce gets to London and the other markets; and, as I said here last session, it would be money well spent to establish cool stores at the Cape, and it would be a wise and judicious expenditure to meet the requirements in the mother country, and to have New Zealand produce put before the consumers of the old world on such terms and conditions as will do justice to our producers. Sir, I say it follows, as a natural consequence. We have laid down the foundation. We put people on the land. We give facilities by roads and by railways. We give the settlers cheap money. We do all that is possible to promote settlement, and to increase the number of producers. Our exports for last year are a record for the Colony. But, I say, whilst you are doing all this you must let your producers have the benefit of their toil. You must allow the State to profit by what you have

done at home, and the only way you can do that is to break down these monopolies and see that your producers get justice abroad.

That is the way in which I should like to hear the Commonwealth Government speak in a matter of this kind, instead of weakly bending the knee at the beck and call of any shipping combine or any monopoly. If they adopted an attitude of that kind they would, I think, overcome the bluffing tactics to which, apparently, they caved in. It has been pointed out by Senator Guthrie that the contract provides that after the mails are landed the parcels which constitute a portion of the mails are to be carried on to Melbourne and Sydney by the boats in order to save the expense of carrying them by railway. That is another reason why the contract is unconstitutional. If it is necessary to do that in regard to Melbourne and Sydney, it is equally necessary to do it in regard to Queensland.

Senator MATHESON.—Why not carry the parcels right on to Townsville, and up the coast, too?

Senator GUTHRIE.—To Port Darwin?

Senator MATHESON.—Yes.

Senator GIVENS.—That is entirely begging the question.

Senator MATHESON.—No, that is logical.

Senator GIVENS.—It is not. The grounds I take are that under the Constitution the Commonwealth cannot discriminate between State and State. If these vessels went on to Queensland, then it would be getting the same facilities as all the other States, and every one of them but Tasmania would be satisfied. But I contend that Tasmania should not be left out in the cold any more than Queensland or any other State. So long as trading facilities are contracted for in this direction, undoubtedly the contract is unconstitutional unless every State be given equal facilities. The sending of the vessels on to Melbourne and Sydney has no connexion with the mail contract, because, as a matter of fact, a vessel lands all her mails, excepting the parcels, at Adelaide, and thence the mails are distributed to every portion of the Commonwealth. If it is quite opposed to the mail aspect of the question to ask the vessels to go on to Melbourne and Sydney, why are they compelled to go to those ports, and to have insulated chambers and refrigerating machinery? Evidently it is required for trade purposes. The inclusion of these conditions in the contract for the benefit of

Melbourne and Sydney amounts to a trade bounty, which is unconstitutional.

Senator Lt.-Col. GOULD.—The exporters in any of the other States can send by the ships if they see fit.

Senator WALKER.—Is the Vancouver mail-boat to go all round the coast too?

Senator GIVENS.—Undoubtedly, if there is any trade service the Vancouver mail-boat ought to go all round the coast, but as a matter of fact it is paid for as a mail service only. Moreover, Sydney gets another advantage which is altogether wrong. A bounty of £12,000 a year is paid by the Commonwealth to a particular line of steamers trading to the New Hebrides, and owned by Burns, Philp, and Company. To call that a mail service is a mere subterfuge, because the quantity of mails taken by the boats is infinitesimal, compared with the quantity of mails carried by other vessels. Let me show where the evil of the thing comes in. Rockhampton, or Townsville, or Brisbane—especially Rockhampton—is much nearer to the New Hebrides than is Sydney, which gets the benefit of that bounty. Before the session closes, I hope to make some remarks on this subject. Why should not a port in Queensland, which is much nearer to the New Hebrides, and which has railway facilities for the quick despatch and distribution of mails, be made the first port of call and the last port of departure for that service?

Senator WALKER.—Why not?

Senator GIVENS.—That is what I want to know, unless it is for the glorification of Sydney.

Senator Lt.-Col. GOULD.—But Queensland has the benefit of the Vancouver mail service.

Senator GIVENS.—Queensland has the benefit of the Vancouver mail service simply because the nearest port of call is in that State. I have no objection to the boats of the Orient Steam Navigation Company running to Fremantle and Adelaide, because they are engaged in a mail service and it is necessary that they should call at those ports for the proper discharge of their mail functions. It is wholly unnecessary, however, that these boats should call at other ports. In order to overcome the disadvantageous position in which Queensland was placed by the mail contract, it was compelled to give an annual subsidy of £26,000 to the Orient Steam Navigation Company for the purpose of getting their boats to call at Brisbane. That

is manifestly unfair and unjust. If this Parliament intends to ratify the mail contract with that company, then undoubtedly it should make good that sum to Queensland. I have no fault to find with the mail contract in itself, but when conditions are imposed which are equivalent to a trade bounty for the benefit of certain States to the exclusion of others, then I submit that it is an iniquitous contract which should not be ratified; and if it is ratified, then Queensland should be refunded her expenditure of £26,000. What is true of Queensland is equally true of Tasmania, and I hope that the representatives of the latter State will stand up for her rights in this regard.

Senator GUTHRIE.—The Government of Queensland in their contract stipulated that the boats shall carry passengers. Surely that State does not expect the Commonwealth to pay for that stipulation?

Senator GIVENS.—We in Queensland have a perfect right to expect the Commonwealth to pay for any stipulation we like to make when its Government and Parliament go outside the terms of the Constitution and make special arrangements with regard to certain ports which they had no right to make.

Senator GUTHRIE.—Then Queensland has a right to do an unconstitutional thing?

Senator GIVENS.—No, the Parliament of Queensland has the power to do anything it likes in that direction.

Senator GUTHRIE.—But it has no power to ask the Commonwealth Parliament to pay the money.

Senator GIVENS.—No; but Queensland has the right to demand that an unjust contract shall not be made unduly favoring other States, and leaving it out in the cold. I feel perfectly satisfied that if the point were raised the High Court would disallow the contract, because it is manifestly in contravention of section 51 of the Constitution. For these reasons I have availed myself of the first opportunity after the contract has been tabled to ventilate the matter. I do not know when the Parliament will be asked to ratify the contract, but when the question is raised I hope that it will be thoroughly threshed out, and that the Government will be induced to forego these obnoxious provisions which discriminate between State and State to the disadvantage and injury of Queensland and Tasmania.

Senator PULSFORD (New South Wales).—After the remarks which Senator Givens has made on the subject of the Orient Steam Navigation Company, I think that honorable senators may be gratified to know that a Select Committee is taking evidence with regard to the advantages or disadvantages of the scheme he proposes, namely, the substitution of State-owned vessels for the ordinary mail service.

Senator GIVENS.—There is no Committee sitting for that purpose just now.

Senator PULSFORD.—I believe that the result of the investigation of the Committee which is known as Mr. Thomas' Committee will be to show that the cost of running mail steamers far exceeds that which is ordinarily believed by honorable senators to be the case. It will be well perhaps for honorable senators to remember that within the last year or so a vessel belonging to the Peninsular and Oriental Steam Navigation Company, and worth £250,000, and a vessel belonging to the Orient Steam Navigation Company, and worth, I suppose, £150,000, have been lost on our coast. That loss of £400,000 is one which the States, had they been the owners, would have had to face. It must also be borne in mind that the profits made by the steam-ship companies are in almost inverse proportion to the speed of their vessels. For instance, the Peninsular and Oriental Steam Navigation Company will tell us that the main profits on their lines are earned by the vessels which carry cargo, and have not to run at high rates of speed. To run a vessel an extra knot per hour is to increase the cost very much indeed. When we recollect that for many years the Orient Steam Navigation Company paid practically nothing, how can we expect that they will be willing to go on losing money, or, what is pretty much the same thing, to work without profit.

Senator GIVENS.—We must be philanthropists, and pay the profits.

Senator STANFORTH SMITH.—That is owing to bad management. It is the worst-managed line in the world.

Senator PULSFORD. — There is no doubt that people go on running businesses in the hope of times improving and profits arising. The Peninsular and Oriental Company, in 1893, lost £50,000 on its Australian trade, but owing to the profits made in its large Eastern trade, the company was, as a whole, able to pay a substantial dividend.

Senator STANFORTH SMITH.—The company is now building four new vessels.

Senator PULSFORD.—It is having a number of cargo vessels constructed. The company is depending rather on the cargo-carrying trade than on the passenger and mail trade for its profits. It must always be remembered that to run vessels at a high speed is very costly. If we did not desire to have our mails carried at a high speed, there would be no occasion to pay anything over and above ordinary cargo rates. We could send them almost free of cost. But for years past it has been the policy of every civilized country of any importance, whether it is run on a protectionist or a free-trade policy, to try to get its oversea mails carried as quickly as possible, and most countries are prepared to pay, and do pay, very large sums of money for such services. The money that Australia is paying is not at all extravagant in proportion to what other countries are paying. It is quite certain that if the Commonwealth had not come to terms with the Orient Company, that company would not have given up the trade, but it would have discontinued running its high-speed steamers, and would have run a cargo line, which probably would have returned a greater amount of money than the company had any chance of making out of the mail service.

Senator STANFORTH SMITH. — Then it would have lost the whole of its passenger traffic.

Senator PULSFORD.—I have a good deal of sympathy with the contention that we should not, in our mail contracts, impose conditions for services other than the conveyance of mails. When Senator Drake was Postmaster-General some four years ago, I stated that the contracts for the conveyance of mails ought on no occasion to be loaded up with other services. It is not fair to the steam-ship companies, and to the general taxpayer, and it may lead—and, indeed, does lead—to trouble between State and State. It would be very desirable in future that we should arrange for the conveyance of our mails quite apart from the conveyance of cargo. I have a few words to say with regard to Senator Matheson's speech as to naval policy. It requires considerable hardihood on the part of any senator to call the British Government to account for alleged neglect of an Australian contract or of Australian interests. The amount of

money that Australia is contributing towards the cost of the most gigantic and costly navy in the world is so small that, as I say, it requires a good deal of hardihood for any one to rise in his place here and to cavil at the action of the British Government.

Senator STANFORTH SMITH.—Does that justify the British Government in deliberately breaking its contract?

Senator PULSFORD.—I do not dream for a moment that the British Government has, in fact, deliberately broken any contract, or would do so.

Senator STANFORTH SMITH.—Read the agreement.

Senator PULSFORD.—Look at the evidence that has come before us. Consider the evidence of the last few days about the new naval base at Singapore. It shows that the British Government has had the interests of Australian trade in mind in what it has determined to do there. It is, I think, very unfair, very uncalled for, and very unchivalrous that remarks such as have been made this afternoon, should be made. At the same time, I have on previous occasions expressed the opinion in the Senate that Australia should not be content with making a contribution towards the maintenance of the British Navy. She should also do something to look after the defence of her own coasts. I think that on one occasion I said that it would be well if we could have subsidies paid to some of the leading Australian steam-ship companies for specially swift vessels that might be turned into cruisers—because I do not at all believe in the whole of the Naval Forces of Australia going away from our shores, leaving our ports quite defenceless in time of war. I am entirely at one with Senator Matheson as regards the importance of some means of defence for our coasts and ports. Senator Playford will remember that a few weeks ago I spoke to him about forty torpedoes which I happened to know were lying in Sydney, more or less useless. They have been in store for about eighteen years, the valves have perished, and want renewing. I quite agree that the coastal defence of Australia requires looking after, in addition to what we are doing in connexion with the subsidy to the Royal Navy. I shall always be ready to assist Senator Matheson, or any other senator, or any Government, in bringing about a state of affairs in relation to defence that will be more satisfactory to the Commonwealth. We must remember that if the whole

of the Naval Forces in these waters were removed, even for a short period, it would be a direct inducement to some solitary cruiser of an enemy to come down to our seas, and sweep all before it. I also wish to call attention to some facts which are brought out in the papers distributed in connexion with the Budget speech this year. Honorable senators are aware that, speaking generally, the finances of the States are showing some improvement. They are showing increases of revenue. But those increases are in respect of revenue collected by the States Governments themselves. When I turn to the Commonwealth accounts, I find that within the last two or three years there was also a substantial improvement in the revenue of the Post and Telegraph Department. In the current year it is anticipated that the revenue will be such as to show an increase of £309,000 on three years ago. That is a substantial increase. It shows that there is some movement in Australia—that some expansion of business is going on. But when I leave that, I have done. When I turn to the main sources of revenue of the Commonwealth—Customs and Excise—what do I find? The following is something like the case: I take the figures for 1902-3, and deduct from them £570,000 that was specially collected on grain duties, and was quite apart from the ordinary revenue. After taking off that sum, and comparing the money received then with the money estimated to be received in the current year, I find that there is a decrease of £292,000. But there is worse than that. Because the Government does not debit the revenue with the amount paid for bonuses on sugar. That is to say,

the Government credits the revenue with all the receipts from Excise duties, but does not deduct the sum of money which is returned as bonuses.

Senator PLAYFORD.—The revenue is credited with all the Customs and Excise duties, and the bonuses are debited against the consolidated revenue.

Senator PULSFORD.—If the money returned as bonuses be taken off the sugar revenue, we find that there is a decrease of £350,000 in the current year's revenue, as compared with the revenue of the year 1902-3. During those three years there has been an increase of population. If we estimate what the revenue ought to be on the population of to-day at the rate of three years ago, we find that instead of a falling off of £350,000 there really is a falling off of no less than about £700,000. This is further added to by the great increase in the amount of bonuses paid. So that there is in the current financial year a falling off of £790,000 in the revenue collected under the same Tariff in the year 1905-6 as compared with what was collected three years ago. In connexion with this, I must call attention to what is occurring in regard to sugar. We find there the combined effects of the policy of protection and the White Australia policy. I want honorable senators to note carefully the exact cost of this policy to Australia, and they will see that it is responsible for the falling away in the revenue which I have noted. I have taken some figures from page 8 of the financial papers distributed by the Treasurer. The following table will illustrate my argument:—

—	Consumed.	Revenue Received.	Bounties Paid.	Real Net Revenue.	Taxation Paid by the People.	Moneys taken by the Industry.
	Tons.	£	£	£	£	£
1902-3 ...	176,328	780,448	60,827	719,621	1,057,968	338,347 or 32%
1903-4 ...	182,629	789,646	97,045	692,601	1,095,774	403,173 or 37%
1904-5 ...	180,356	628,511	128,165	500,346	1,082,136	581,790 or 54%
1905-6 ...	187,000	607,500	151,670	455,830	1,122,000	666,170 or 59%

It will be seen that in 1902-3 the real net revenue was £719,621, in 1903-4 it was £692,601, in 1904-5 it was £500,346, and this year it is expected to be £455,830. Both protectionists and free-traders admit that every ounce of sugar consumed in Australia is increased in cost to

the consumer by every farthing of the duty of £6 per ton. In 1902-3 the total amount paid by the people in the way of taxation was £1,057,968, in 1903-4 it was £1,095,774, in 1904-5 it was £1,082,136, while this year on the estimates of consumption it will be £1,122,000. When I deduct

from these amounts the actual sum received by the Treasurer, I find that the sugar industry of Australia has obtained the following moneys from the people:—In 1902-3 the amount was £338,347, or 32 per cent. of the total; in 1903-4 it was £403,173, or 37 per cent. of the total; in 1904-5 it was £581,790, or 54 per cent. of the total; while this year, according to the figures published by the Government, the amount will be £666,170, or 59 per cent. of the total taxation. It must be remembered that, if there was no black labour employed, the bonus paid would mean an addition of £220,000, so that black labour saves the revenue to that extent. But for a certain amount of black labour, the amount received by the Government from the sugar industry would be only £235,000, while the industry would absorb no less than 79 per cent. of the taxation. That is an immense amount, and I ask honorable senators to seriously consider what these figures mean, especially to States which are suffering much from the burden of taxation. I ask honorable senators to investigate the matter for themselves, and ascertain what each individual State is losing by these enormous payments to the sugar industry. Is the game worth the candle? The falling off in the revenue of the States to which I have referred is very largely accounted for by the position of the sugar industry. No doubt, there is, in addition, a great deal of weakness and uncertainty in trade and commerce; there is not that expansion and strength which we might have expected after five years of Commonwealth rule. Those of us who represent the larger States are, I think, willing to confess that, although we enjoy a larger share than before of the trade of the smaller States, business with us is not so brilliant as we should like it to be. Then, representatives of the smaller States are bound to confess that those States are losing revenue to the larger States; and where, it may be asked, is there a State which can be satisfied with the present position of affairs? I now desire to draw attention to some of the figures which appear in the distributed papers with regard to exports and imports, because I find the position to be very singular. In one of those papers a comparison is made between the condition of trade in Australia and in Canada. I do not know why the Minister, in having that comparison instituted, did not take care to procure the latest figures in regard to Can-

Senator Pulsford.

ada; but I have done so, and I think I shall be able to give the Senate some very interesting facts. We just now hear a great deal about the prosperity of Canada, while we know, as I have said, that business is not very bright in Australia. From our import and export returns for last year we find that there was an excess of exports, which we may call an outgo of money over receipts, of £20,500,000. That sum covered not only all that Australia owes in the matter of interest, but also a few millions of capital, which was clearly going out of country. It represented about £5 per head of the population, or equal to between £25 and £26 for every ordinary family of five persons. In Canada, for the year ending 30th June last, there was no excess of exports, but, on the other hand, a large excess of imports, amounting to £14,500,000, or £2 11s. per head, representing nearly £13 for every family of five persons.

Senator MILLEN.—Does the honorable senator know whether there were any extensive loan operations in Canada last year?

Senator PULSFORD.—No doubt public and private loan operations may have been carried out during the year. What I desire to draw attention to is the remarkable fact that while Australia parted with nearly £26 per family of five, Canada received nearly £13 per family of five, showing a difference of £39 per family in favour of Canada. In the "eighties," the amount of money coming into Australia was immensely more per family than that now going into Canada. We were paying our interest, but over and above that, millions were pouring into this country. The position now is wholly changed, largely, of course, owing to the fact that Canada is now enjoying a boom, while we are suffering a relative depression.

Senator FRASER.—Our exports are greater than those of Canada.

Senator PULSFORD.—That is so, but after we have paid for our imports, £20,500,000 goes to pay interest and to return money borrowed.

Senator FRASER.—That is a very good thing.

Senator PULSFORD.—Of course it is, but every one will admit that paying away a lot of money is very different from receiving a lot. It may be said that while Canada is getting into debt, Australia is getting out of it, and that the latter is an advantage.

Senator FRASER.—Does the honorable senator classify imports as money coming into the country?

Senator PULSFORD.—In the case of Canada, the excess of £14,500,000 of imports does represent money coming into the country.

Senator FRASER.—I do not think so.

Senator PULSFORD.—I have no doubt at all on the point, nor have I any doubt that about twenty years ago, when Victoria, in one or two years, actually imported £10,000,000 more than she exported, the difference undoubtedly meant the arrival of money; and a similar view is true to-day in regard to Canada.

Senator FRASER.—Immigrants arriving in Canada with capital are not represented in the imports.

Senator PULSFORD.—If an immigrant goes to Canada with £500 he does not carry with him 500 sovereigns, but has the money conveyed by the banks, where it is represented in the exchanges. If the immigrant, on the other hand, carries his money in his pocket, the amount of new money is increased to that extent, so that the case I am presenting is strengthened. Canada is booming along by reason of the large amount of money arriving with immigrants and for investment in one form of enterprise and another. It appears to me, too, that conditions are strengthening in Australia. In spite of business being uncomfortably stringent just now, I think there are some signs of improvement, and that before long we shall have a brighter outlook. I notice that within the last ten years Australia has exported about £100,000,000 worth of goods in excess of imports. That is a marvellous turn in the tide, when we consider the state of things some time ago, when there was great inflation in the business life of Australia. Adding the deposits in the banks and the savings banks together, as given in the Government returns, I find that in 1894 they amounted to £106,000,000, at which figure they practically remained for the next three years. In 1899 these deposits amounted to £109,000,000, whereas on the 30th of June, this year, they had risen to £131,000,000.

Senator MILLEN.—May that not be regarded as indicating the closing of ordinary avenues of investment for persons with a small amount of capital.

Senator PULSFORD.—To some extent that is so. I for one have never used bank

deposits, and especially savings bank figures, as indicative of the whole position of a country, because I am quite sure that sometimes a man puts money into a bank because he has no avenue for its employment. But I want to say that money is going into the banks, and that there is a large amount deposited there. It has increased since 1894 by £25,000,000. It appears to me that the position is an improving one, and, with the continuance of fair seasons and good prices, and especially if the Commonwealth is reasonable in its legislation, we shall have very much improved times before long in Australia. With regard to the subject of preference, it is stated by believers in the policy that the whole of the trade of Australia, or, at any rate, too large a proportion of it, is gradually going to the foreigner. Here are the figures given in the table published in these papers. In the year 1901 the proportion of imports from foreign countries was 27.06; in 1902, 27.13; in 1903, 29.89; in 1904, 26.15. So that in 1904 the proportion was less than in 1901. For my part, I am surprised that the proportion of imports from foreign countries is not larger than it is in view of the fact, which is sufficiently well established, that foreign countries are buying much more of our produce than is the United Kingdom. With regard to this subject of preference to which, I understand, the Government are pledged—

Senator PLAYFORD.—Hear, hear.

Senator MILLEN.—Is the Government pledged to anything?

Senator PULSFORD.—I should like to point out that, although the policy of preference had its origin in Canada, within the last week, very much to my surprise, we had a cable message from that country to the effect that the Labour Congress of Canada has denounced the preference proposals of Mr. Chamberlain. It is a very singular thing, too, that if our Government is enamoured of the policy of preference, and of trying to do good to the rest of the Empire, that they should have so pronouncedly taken advantage of some opportunities to aim a very great blow at the industries of Canada. There is no doubt that they have aimed a great blow at the industries of that country in the steps they have taken in the matter of the importations of agricultural machinery. I believe they have now to defend an action brought by the Massey-Harris Company for the

recovery of payments which they forced the company to make, and which the company disputes. The Government, by their method of altering the valuation of imports, and by refusing to accept the valuation of goods manufactured in inland portions of Canada, and demanding in their place seaport valuations, are compelling the people of that country to send their goods through the United States.

Senator MILLEN.—They went beyond seaport valuations, and adopted arbitrary valuations.

Senator PULSFORD.—I know they are capable of doing anything in that line. What I desire honorable senators to see is that the policy of preference which they claim will do much good to the Empire, is one which they do not at all believe in if it costs them anything. I should like to say a word about population and immigration, which are burning questions in Australia. We should strive by all the means in our power to increase our population. It is admitted all round that it would be profitable for the Commonwealth and the States to introduce people to Australia. If it pays to do that, and so to increase our population, it should pay the States to make it less burdensome for people in the country to bring up large families. I put this forward as worthy of the consideration of the States Treasurers. I think they should strive, as far as they can, to lessen the burden of families. They should make education free. I believe in free education.

Senator PLAYFORD.—It is free.

Senator PULSFORD.—It is free in some States, and not in others. It is not free in New South Wales, where there is a charge per head per week for education. I think it is desirable, with a view to lessening the burden of children to parents, quite apart from the value of education itself, that education should be made free. I go further than that. The various States of Australia own their railways, and, in some States, the tramways also are owned by the Government. In my opinion, the States Governments should be prepared to make some concessions to children travelling on railways and tramways.

Senator PLAYFORD.—So they do.

Senator PULSFORD.—I am aware that they make certain small concessions.

Senator STEWART.—They carry them free in Queensland.

Senator PULSFORD.—They carry them free to school, and mainly on the trams, but that is all. These concessions might be further extended. So far as the Commonwealth is concerned, there is a way in which we could help in the matter, but to adopt it would be to raise the fiscal question. It would be by a revision of the Tariff, which would tend to make the cost of living less than it is at present. I do not know whether even a protectionist Government might not be inclined to lighten the burden of Customs duties, which especially affect the cost of bringing up children. Some three or four years ago, when the Immigration Restriction Bill was before us, and the precious contract clause was submitted, I proposed in the Senate to omit the sub-clause. Then I proposed to limit its operation to cases where labour was brought in at less than the current rates of wages. But I could not get my proposed amendment carried. I understand that, to-day, the powers that be are willing to accept such an amendment. If it had been adopted when originally proposed, it would have saved Australia a very great amount of disgrace.

Senator CROFT.—Due to misrepresentation.

Senator PULSFORD.—I am glad to know that there is now a probability that the proposal which I made may be adopted.

Senator PEARCE.—The pamphlet published by the honorable senator has been a greater disgrace to Australia than has the Immigration Restriction Act.

Senator PULSFORD.—I hope that this Parliament will be generous, and, instead of trying to hedge such an amendment about with various provisions and limitations, will simply sweep the sub-section away altogether. The risk of the introduction of contract labour during a strike or anything of that sort is infinitesimal, and it would be a generous and a wise thing on the part of the Commonwealth Government to sweep this sub-section away absolutely. Now, with regard to the sections of the Act by which the coloured races are affected, I say without hesitation that this subject overshadows in importance any to which I have referred to-day, and any matter of legislation now before either House of the Federal Parliament. It is not creditable to Australia that she should have taken up the position she has assumed in this matter. Australia has been playing the fool with the kingdoms of Asia—with

Japan, with China, and with India—and it is time she gave this up. As I have already shown in the Senate, and in a little pamphlet recently published, the Empire of Japan offered Australia everything she could want, in the form of an agreement which would have been honorable to Japan and Australia.

Senator PEARCE.—The honorable senator ought to be impeached for the publication of the pamphlet to which he refers.

Senator MILLEN.—These are the advocates of freedom of opinion.

Senator PULSFORD.—The agreement offered by Japan was treated with contempt. I ask honorable senators to give heed to what I say. Japan existed many long centuries before the Christian era. For an immense period the Japanese have been a great, an educated, a cultivated, and a refined people. China has been a great country. India has been, and is to-day, a great country. It is not reasonable, fair, or in consonance with the beliefs and prestige of the Empire that we should treat the peoples of those countries as if they were dirt, and as if we were superior people. It is not to be borne with that legislation such as we have carried should endure much longer. I earnestly beg of every member of the Senate to look very carefully into this matter, and to remember not only the position of those countries in the past, and their position to-day, but more particularly to consider their position as it will develop in the near future. There is no doubt at all that Japan is a great power to-day, and will be a greater power in the future. Japan will be our friend if we want her to be our friend.

Senator FRASER.—She is our friend now.

Senator PULSFORD.—She is our friend to-day, and will be in the future. It may happen that we shall yet find a Japanese fleet off our shores, sent here to help to defend us. Japan is the ally of the Empire, and it is reasonable and proper that we should remember that we have passed legislation which the Japanese look upon as insulting to them.

Senator PLAYFORD.—No, no.

Senator PULSFORD.—How can the honorable senator say "No, no," when the Japanese representatives say that it is so. It is of no use for honorable senators to delude themselves with any such idea. I say that the Japanese do consider that some of our legislation involves a gross insult to Japan.

Senator PLAYFORD.—When have they said so?

Senator PULSFORD.—They have said so continually.

Senator PLAYFORD.—When have they said so officially?

Senator PULSFORD.—They have made official representations repeatedly to the Government of Australia, and to the Colonial Office in London. I submit that this matter overshadows in importance any question now before this Parliament. I hope that no amendment of our Immigration Restriction Act will be attempted without an effort being made at the same time to do justice to the Empires of Asia.

Senator STEWART (Queensland).—I have listened with very great respect, and not without a little amusement—to the very exhaustive address which Senator Pulsford has delivered. He seems to me to have run almost the whole gamut of the subject. He has presented Australia in a light in which I am sure a great number of us can hardly recognise her. I agree with him that the policy of a White Australia undoubtedly overshadows every other question which can possibly come before this Parliament; but I do not agree with him that the policy deliberately adopted by the people of this Continent, with regard to the coloured nations of Asia, should be reversed. If I understood him aright, he pleads for the admission of the Indian, the Chinaman, and the Japanese to the Commonwealth.

Senator PULSFORD.—I did not plead for the free admission of the Asiatic races. What I said was that Japan offered all that Australia wanted when she expressed her willingness to make an agreement which would regulate the whole matter, but asked not to be included in any legislation such as was proposed.

Senator STEWART.—In any case, I understood the honorable senator to plead for the admission of these people into this country. If he does not wish them to be admitted here, why should he trouble about our legislation? If one kind of legislation will keep them out just the same as another kind of legislation, where is the need to make any change? My honest opinion is that it will be a very bad day indeed for Australia when, for any reason whatever, when even for the reason of a hostile fleet appearing off our shores, she consents to allow the inhabitants of any of these countries to come here. I look upon our

White Australia policy as being irreversible—as something which the people of Australia will never abandon or desert. I do not think it is necessary to say very much on that point, but I desire to say a few words on the subject of population. This seems now to be a most fashionable topic. Every one has discovered that the one thing which Australia needs is population. I agree that we want more population. We have, as has been pointed out by numberless speakers and writers, a huge territory inhabited by a mere handful of people contiguous to the coloured millions in Asia. If we desire to keep Australia white, democratic, and free, and to maintain our institutions, it is imperative that we should quadruple our population if we possibly can. I shall be with any member of the Senate or any person who will propose a feasible means of increasing our population. The first thing to do is to improve the conditions of the people here. If we are to begin with the people here, why should we not begin with our infants? Look at the infant death-rate in Australia! Is it not something enormous, appalling? Every year we are offering a huge sacrifice of human life to bad conditions, which ought to be saved.

Senator DE LARGIE.—How can we legislate to prevent that?

Senator STEWART.—I am not very sure that we cannot legislate for that purpose. There is a necessity for something to be done, and I think we ought to begin as I have suggested. What is the great foe to our infant life? The great enemy to its growth is land monopoly. I am sure that a large number of my honorable friends here will scout that idea. No doubt Melbourne is a well laid-out town. As you go up and down its streets you see how wide, straight, and clean they are. But when you go into the houses, what do you find? I live in probably one of the most respectable streets in East Melbourne, and I can assure honorable senators that in the house there is not a room into which the sun finds entrance for more than half-an-hour a day. I am told that exactly the same conditions prevail in nine-tenths of the dwellings of Melbourne. Is it possible for persons to be healthy and happy in houses from which the health-bestowing influence of the sun is excluded?

Senator MULCAHY.—Let them go to Tasmania.

Senator STEWART.—I should like my honorable friend to be serious. There is

very little sunshine in Tasmania, and the evils of land monopoly are much more rampant there than anywhere else. How does it come about that nine-tenths of the people of a city in a country where there is so much sunlight are compelled to live in houses from which the sunshine is practically excluded? There is only one answer to the question, and that is land monopoly.

Senator FRASER.—The honorable senator might say one-tenth, not nine-tenths.

Senator STEWART.—The proposition is nine-tenths, and I instanced one of the best streets in East Melbourne. But go down to Collingwood, or to any of the suburbs of Melbourne, and it will be found that the conditions are infinitely worse. The sanitary arrangements in East Melbourne are fairly good, but let some of my honorable friends take a trip by the railway through Collingwood, and look down upon the wretched little huts, without sanitary appliances, without comfort, without any of the ordinary decencies of life, and ask himself whether it is possible to rear a healthy, happy, vigorous race of people in such places? If these conditions are cutting down our infant life, let us begin with the population question by attacking this land monopoly which is slaying them every year in tens of thousands. Again, let us look at our young men and young women. No doubt many of the arrangements of to-day are vastly superior to those of a few years ago; but they are not nearly what they ought to be. I believe I am within the truth when I say that in Melbourne there are thousands of persons who have to work below the surface with the aid of artificial light during the whole day.

Senator MULCAHY.—That is common to every big city.

Senator STEWART.—There would really be no necessity for that in this country but for land monopoly. At every turn we bump up against this evil. Although Australia comprises an area of 4,000,000 square miles, and carries a little more than a human being to the square mile, persons are compelled, from want of room, because land is so dear owing to the accursed land monopoly, to work underground. Again, how many of our shops and factories are ventilated and lighted as they ought to be?

Senator Sir WILLIAM ZEAL.—Every one of them.

Senator FRASER. — Our workshops are under statute law.

Senator STEWART.—Yes; but in a great number of cases they are much more deficient in sanitation, lighting, ventilation, and conveniences, which are absolutely necessary if health is to be maintained, than they ought to be.

Senator Sir WILLIAM ZEAL.—That is not the case in Melbourne.

Senator STEWART.—I am talking of Melbourne. I am not sure about Brisbane, but I think I am within the truth in saying that, so far as these conditions are concerned, Melbourne is very much in advance of Sydney. It is not, however, what it ought to be. All these conditions affect the health of our people, and consequently the death-rate and the increase of population. If we abolish this great standing evil of land monopoly, we shall not only preserve the infants in greater number than we do, but we shall add to the adult population, and in that way increase the number of our people very much more rapidly than is being done. I know that these sentiments do not fit in with the ideas of a number of honorable senators; but they have to remember that we are continually advancing—that what was thought to be Gospel truth twenty years ago is now discovered to be the merest humbug. The fact that a large number of persons are huddled into close and insanitary dwellings in a country where there is so much land unused, and all owing to land monopoly, is a state of affairs which ought to be attacked and abolished.

Senator Sir WILLIAM ZEAL. — Can the honorable senator mention one factory in Melbourne which comes under that head?

Senator STEWART.—I am not going to descend to particulars to-day, because we are talking generally. If my statements as a whole are incorrect, and my conclusions are wrong, it is quite open to the honorable senator to pick as many holes in them as he pleases. I am not going to come down to individual cases. In Melbourne, the factories are very superior to those of Sydney. But they are even better in New Zealand. I went through a number of factories in Dunedin, Wellington, Christchurch, and Auckland, and I can assure the Senate that I never before saw operatives working under such favorable conditions. The factories were all well ventilated, well lighted, and well appointed

in every way, and those conditions reflected themselves in the faces and in the work of the people employed.

Senator DOBSON.—The same conditions exist here.

Senator STEWART.—I do not say that the conditions in Victoria are as bad as they are in some other States, but even here they are not as good as they ought to be. As to the population question, we find that land monopoly is the great bar to progress in the cities. When we go into the country, we find that the same is the case, even in a worse degree. Victoria is actually losing population for no other reason than that vast areas of her best lands are monopolized by people who will neither sell nor use it themselves. It is monstrous that a young country like Victoria should be losing population. There is not a spectacle like it anywhere else in the civilized world.

Senator PEARCE.—But she is keeping her Chirnshides and Clarkes.

Senator STEWART.—Oh, yes; but if that state of things were happening in any other country except Australia, we should have the Australian press crying out that that country was groaning under bad Government. I do not believe that we have another example, in any part of the world, of a young country that is losing population in a greater ratio than her numbers are increasing. It is a most melancholy circumstance—and I direct the attention of the Senate to it—that it is only under the British flag that you find that the population of any country is diminishing. Take Ireland, a country that has lost half its people during the last half century.

Senator MILLEN.—What about France?

Senator STEWART. — Take Victoria, one of the finest portions of Australia, and, I believe, one of the best of the civilized world. The people are actually being driven out by land monopoly. Senator Millen talks about France. There is not a country in the world where the people are as well off as they are in France.

Senator MILLEN.—Why does the honorable senator jump about like that? He was speaking of the population; now he is referring to the material condition of the people.

Senator STEWART.—I say that the material condition of the people of France is better than that of any other country in the world.

Senator MILLEN. — But the honorable senator said that it was only under the British flag that the population of countries was decreasing.

Senator STEWART. — The population of France is not decreasing. But we need not go all over the universe. We are concerned with Australia, and we are at present in Victoria. In this country, as has been shown in the *Age*, the *Tocsin*, and, I suppose, in other newspapers, there are millions of acres of excellent land waiting for the plough and ready for the hand of the cultivator.

Senator GIVENS. — There is room in Victoria for the entire population of the Commonwealth.

Senator STEWART. — Yes; and every one of them, under good and wise government, would be better settled in Victoria than spread over the entire area of the Commonwealth. In attacking abuses and bringing about reforms, let us begin here. What is the reason why this country is losing population? The only answer that can be given is that it is because of land monopoly.

Senator Sir WILLIAM ZEAL. — What remedy would the honorable senator propose?

Senator STEWART. — I would break up the land monopoly by a land values tax. I put this to honorable senators, who are patriotic, who say that they are desirous of promoting the welfare and prosperity of Australia, and desire to protect her against invasion—whether 10,000 settlers between here and Geelong would not serve her better in her day of trial, if war ever came to her shores, than all the Clarkes and Chirnsides, and people of that description? I ask whether 10,000 rifles in the hands of 10,000 trusty yeomen would not be of more service to Australia than a few big land monopolists? If honorable senators are truly anxious for the welfare of Australia they will help in every possible way to break down this land monopoly, which is lying on the fair face of this land like a blight. It is worse than drought, or fire, or famine.

Senator GIVENS. — Or pestilence!

Senator STEWART. — Yes, or pestilence. The breaking up of the land monopoly is the one thing that is absolutely necessary at the present moment to protect our country. We talk about bringing population from other countries. Why should people come here? Where is the land for them if they do come? General Booth talks of sending

out 5,000 families. If they came here tomorrow I should be prepared to make a sporting wager of £100 to one that the States could find no land upon which to settle them.

Senator MATHESON. — Which States?

Senator STEWART. — The whole of them.

Senator MATHESON. — There is lots of room for them in Western Australia.

Senator STEWART. — Oh, yes; and there is any amount of room in the desert of Sahara. But what they want is good land near to railway lines, and they want it cheap. When I was living in Scotland I used to read the hand-books issued by the various Colonies—Canada, New Zealand, and the Australian Colonies; and the chief inducement held out to me, as I believe to others who have ever lived in the old country, was that if I came out here or went to Canada I could get a holding of my own for next to nothing, and that I should be my own landlord.

Senator DE LARGIE. — We can give land in Western Australia.

Senator STEWART. — I am very pleased to hear that there is any quantity of land available in Western Australia. But nevertheless I venture to say that if these 5,000 families come here, not one of the States—not the whole of them combined—could absorb them in a decent fashion.

Senator FRASER. — Does the honorable senator still want to be his own landlord?

Senator STEWART. — I would rather be my own landlord than be the tenant of the honorable senator or of any one else; though I have no doubt that he would be a most excellent landlord. I do not believe that he would ever put in the bailiff if I did not pay my rent.

Senator FRASER. — I agree with much the honorable senator has said.

Senator STEWART. — I think that we are all pretty well agreed that land monopoly is a crying evil in this Commonwealth. But where we do not agree is as to how the evil is to be remedied. I propose land values taxation; other honorable senators may say, "Let us have compulsory resumption," and so on. I do not believe in compulsory resumption. I believe in land values taxation. But those are details into which, probably, it would not be useful to enter on the present occasion. What we

want to do is to hammer it into the minds of public men, and the people generally, that land monopoly is an evil which must be got rid of—something that is standing in the way of Australia's advancement, even of her safety.

Senator WALKER.—The States have to do with land.

Senator STEWART.—I am quite aware of what the honorable senator says—that the lands of this continent are under the control of the States. But the Federal Parliament has control of the States, and if the Federal Parliament likes, it can either compel the States to impose such direct taxation as will break up the land monopoly, or, in the last resource, can impose that taxation itself. I will tell honorable senators in what way the Federal Parliament holds the whole situation in the hollow of its hand. Some honorable senators are free-traders. Very well; suppose we adopted a real free-trade policy—not a mere revenue Tariff policy. What would be the result? We should immediately destroy the revenue from Customs. What would follow from that? The States would be compelled to raise such an amount of revenue from direct taxation, as would immediately break up this land monopoly. Then, suppose that the Commonwealth adopted a real protectionist policy. That also would destroy revenue. It would create industries, but it would lessen imports. The very same results would follow. The States would be compelled to impose direct taxation. I merely say this to show that what is claimed by a number of honorable senators, that the Commonwealth Parliament has no voice in the matter, is a mere fallacy. We may wait if we choose, until the States move; but if they do not move, we can compel them. They are the oxen in the waggon, and we are the drivers, who have the whip in our hands if we like to use it. If they do not step forward and try to pull Australia out of the mire within a very short time, it will be the duty of the Federal Parliament to do so, because the circumstances demand action at a very early period. I should much prefer the States to do the work; and, personally, I do not wish to interfere with the States rights of taxation. But I put the welfare of Australia before any other consideration. If the people in the States will not do anything to break up the land monopoly, I shall be one to compel them, if I hold a seat in this Chamber.

Senator DOBSON.—It appears to me that the honorable senator is advocating confiscation by taxation.

Senator STEWART.—I am advocating nothing of the kind; and I have never yet advocated theft, robbery, or confiscation.

Senator PEARCE.—It is restitution.

Senator STEWART. — As Senator Pearce says, I advocate restitution. The people of the States in the past have permitted themselves to be defrauded of their just rights; and we have come to the conclusion that this cannot be allowed any longer. We are in the position of a business man who finds himself robbed to such an extent year after year that he has either to stop the robberies or become bankrupt. If we allow the private tax-gatherer to go round and calmly annex millions year after year, while the States have to go begging and borrowing for money for public works, bankruptcy will be the fate of the Australian Continent. I was going also to say—and probably this may give rise to some little division of opinion—that if we want more population we ought to do something which will encourage the growth of industries in our midst. We ought, in short, to inaugurate a stronger protectionist policy than we have at present. Here we produce wool in greater quantities than any other country under the sun. Why, instead of exporting that wool to the ends of the earth, should we not encourage woollen manufactures here? Some hundreds of years ago, Great Britain occupied relatively to some of the European countries the same position as Australia occupies to-day. Britain grew wool, and produced various metals, which were exported to the Continent, and received back in the shape of cloth, tools, and so forth. But there were wise people even in those days who asked themselves the all-important question whether it was not very foolish to continue such a system?

Senator PULSFORD.—That is going back to the dark ages.

Senator STEWART.—There was just as much light in those days as now; and, at any rate, it is not very many centuries ago since that state of things prevailed. The people of that time did just what a great majority, I believe, of the people of Australia desire to do to-day—they not only imposed a protective duty on imports, but a duty on the export of wool.

Indeed, the people of that time went a great deal further, and encouraged large numbers of artificers from Europe to settle down in England, and in that way established the supremacy which England enjoys as a manufacturing country to-day. We might do a great deal worse than follow the example then set by Britain and impose a much more highly protective Tariff than that in existence at the present time. In that way industries would be created, employment provided, and wealth circulated. Work would be found for our people, and we should be more nearly self-supporting, and, undoubtedly, a much more self-reliant community than we are at present. We are all agreed, I think, that we require more population; and to attain that end we must first break up the land monopoly, and then enter upon such a fiscal policy as will not only maintain existing industries, but create new enterprises. Senator Pulsford seems to be very much alarmed about the revenue falling. I do not share the honorable senator's fears, because the falling of revenue shows me clearly that Australia is producing more to-day within her own borders than ever before. To me that is one of the most promising signs I could wish to see, and, so far from regarding with alarm a decline in the Customs revenue, any move in that direction ought to inspire us with hope for the future. The honorable senator also seems to be much concerned about the duty on sugar, and what the States are losing in consequence of the bonus. I make no appeal to the honorable senator, because I know that to do so would be useless; but I ask honorable senators generally—no matter if they do not approve of the bonus—to consider whether it is not better to pay a bonus which establishes an important industry, than to pay taxation on sugar, in order to save the skins of the land monopolists in the various States. In New South Wales and also in Victoria there were duties on sugar before Federation, and for what purpose? To raise revenue—to save the land-grabber. The people of those States are now paying the same duty, but they are paying it in order to keep Australia white.

Senator MILLEN.—And giving the money to the land-owner.

Senator STEWART.—The money goes to maintain an industry. I concur with very much that Senator Millen says, and probably he and I are nearer in agree-

ment, in regard to the sugar bonus, than he imagines.

Senator MILLEN.—Then I must be careful!

Senator STEWART.—I admit that affairs in connexion with the sugar industry are extremely unsatisfactory; but we cannot remedy everything in a single day. I hope that within a very few years this industry will be in such a position as to be able to live without a bonus. That is my hope, expressed freely as a Queenslander, and I know that other Queensland senators agree with me. Senator Pulsford seems to be further concerned because our exports are much greater than our imports; in other words, it appears to me that Senator Pulsford would be in the seventh financial heaven if we were producing nothing and borrowing largely, for only then could the ideal conditions which he seems to desire present themselves. I am glad that I cannot agree with the honorable senator as to the desirability of our imports exceeding our exports. At the present time Australia is in an exceedingly happy position. We are exporting largely, because we are producing largely, and the more we can export and sell and the less we have to buy the more we can save. If I receive a salary of £400, and live on £100, my exports are as £400 to my imports £100; but it does not necessarily follow that I lose the balance of £300.

Senator MILLEN.—The honorable member means that his imports are £400 and his exports £100.

Senator GIVENS.—No; Senator Stewart exports his services, and imports £400.

Senator STEWART.—I sell my commodity, which is my services, and receive £400 per annum, just in the same way as if I had sold hay or potatoes for a like amount. As I was saying, I think Australia is in an exceedingly fortunate position; indeed, so far as I am able to discover, she has not been so well off for a long time, and my only hope is that present conditions may continue for at least twenty years longer.

Senator Sir WILLIAM ZEAL.—With a land monopoly?

Senator STEWART.—Certainly not; but the land question meets us at every turn. If the land monopoly were abolished, not only would our population be very largely increased, but our exports would be much greater than at present. There would be more work for our railways,

which would then be made to pay, and conditions would be better all round. What surprises me is that, the position being so plain and evident, the abolition of the land monopoly does not at once appeal to the vast majority of the members of this Chamber. While I do not approve of the mail contract, in so far as a difference is made between States as to the ports of call, yet I think that, considering the whole of the circumstances, we might do much worse than approve of it. In any case, it appears clear to me that for the present we are in the hands of a shipping ring.

Senator GIVENS.—Which is just as bad as a land monopoly.

Senator STEWART.—Just as bad.

Senator GIVENS.—Yet the honorable senator is not prepared to tackle the shipping ring.

Senator STEWART.—The Commonwealth is not prepared to tackle the shipping ring at the present time. The only way to tackle a combination of this character is by the competition of ships of our own running between Australia and Europe. Senator Fraser laughs at that idea, but why should we run railways throughout the Commonwealth and stop short our efforts at the sea-board? I see nothing impossible in the idea of establishing a Commonwealth line of steamers to run between Australia and Europe. I believe that the producers of this country will never get fair play until we have such a line of steamers. What is more, I believe that when we have to compete with the cheap labour of Russia, India, and South America, we shall find that unless we adopt a policy of collectivism, it will become impossible for us to compete with that labour. We shall have to do one of two things if we wish to retain our command of European markets—we shall have to reduce the price of our labour or we shall have to go in for collectivism. The opinion prevailing at present in Australia is that we should keep up our standard of labour and press on with the collective idea.

Senator MILLEN.—Is it not possible to reduce the cost of production without reducing the cost of labour?

Senator STEWART.—I might of course have referred to interest, rent, and other things.

Senator MILLEN.—And to methods of production.

Senator STEWART.—Yes, to labour-saving machinery, and so forth. But we find that the advantage of improvements in machinery under existing conditions is mopped up by the land monopolist. There were other matters on which I desired to say a few words, but as the hour is getting late, and I have had a fair innings, I shall make way for some one else.

Senator FRASER (Victoria).—I have listened with some pleasure to Senator Stewart. I agree with many of the honorable senator's statements, but from others I totally dissent. I give the honorable senator credit for believing that his nostrums would be of great benefit, but it would take only a short reference to the history of any country to prove that their effect would not be what he assumes. Senator Pulsford made some reference to Canada, and I may say that I know Canada very well. I have great reason to be grateful that I was reared in Canada, because I think I developed there a spirit of thrift, and perhaps of persistency. I say, however, that with all its advancement, its increasing population, and general prosperity, Canada is not to be compared with Australia in regard to its prospects. I know both countries intimately, and I have been through Canada several times within the last fifteen or twenty years. I say that there is no comparison between the prospects of production in the two countries. It is sufficient to mention a few facts to make that quite clear. Canada suffers from the disadvantage of a very long and severe winter, when production is almost entirely at a standstill, except, perhaps, in the mining and timber industries. People there have to house their stock for nearly half the year. Where they had 2,500,000 sheep, we had, before the drought in Australia, 100,000,000. The exports of Canada are not to be compared with our exports. I think that our exports are greater per head of population than are those of any other country on the face of God's earth. If the exports of a country are great, its imports will also be great, because exports regulate imports.

Senator PLAYFORD.—Not necessarily.

Senator FRASER.—Without exports there will be no imports. I will commit myself to that statement. This, of course does not apply to a country like England, whose people have lent enormous sums of money to all the nations of the earth. In such a case there may be imports without apparently any shipping exports, but that

is a phase of finance which is not usually considered in dealing with exports and imports.

Senator MILLEN.—We have not reached that stage yet.

Senator FRASER.—No, we have not. I have a great opinion of the prospects of Australia. I have reason to be grateful, and I acknowledge that I am very thankful for my good luck. I would be the last man on earth to say one word against Canada, and I will say this in favour of that country, as against Australia: You can travel the whole length and breadth of Canada, and you will not find a loafer.

Senator O'KEEFE.—Are there no unemployed?

Senator FRASER.—There are very few unemployed in Canada.

Senator PEARCE.—Are there no millionaires there?

Senator FRASER.—Yes, there are some millionaires in Canada. There are many men who have made large fortunes in that country, but they work, and the loafer has no show in Canada.

Senator PEARCE.—There must be loafers there, if there are millionaires.

Senator FRASER.—Unfortunately, the natural conditions in Australia lend themselves to loafers. Its climate is congenial, and loafers are apparently a penalty we have to pay in a country like this for great natural advantages. There is no reason, unless, perhaps, that of misfortune, why people should not get on well here. The concentration of our people in the large cities of the Commonwealth is a very great misfortune, and every member of Parliament should strive to do what he can to drive the people out of the towns into the country. I regret to say that for the last forty years we have been legislating rather in the other direction. We have been enticing people to come into the large cities, with the result that 42 per cent. of the people of Victoria are living in and around Melbourne. That is a most unhealthy condition of affairs, and the condition of affairs in New South Wales in this respect is nearly as bad. It is a terrible drawback to the prosperity of Victoria that so many of her people should be concentrated in Melbourne. I do not mean to say that all the people resident in the large cities are not producers. The man who makes ploughs and harrows is as much a producer as is the farmer.

Senator PLAYFORD.—The man who makes clothes is also a producer.

Senator FRASER.—That may be so, but it is not a great many years since clothes were made on the farm. It would no doubt be a backward step, but I am not sure that it would not be an advantage in some respects even now to return to that state of affairs. We have 42 per cent. of our population resident in Melbourne, and we have millions of acres of land lying comparatively idle. I agree that the people should be placed on the land, and I will do nothing to obstruct or oppose any measure designed to achieve that end.

Senator PEARCE.—What about Senator Stewart's remedy for land monopoly?

Senator FRASER.—I say there is no land monopoly, and I think I can prove that statement. I remember the time when one could get into a coach in Geelong, travel to Colac, Camperdown, Warrnambool, Belfast, and other towns, and pass through a number of very large estates.

Senator PEARCE.—There are scores of them there still.

Senator FRASER.—They have nearly all been cut up. I speak from absolute personal knowledge when I say that hundreds of them have been cut up.

Senator PEARCE.—If the honorable senator's statement is correct, how does he explain the fact that in the district to which he has referred the population has decreased since 1871 by no less than 10,000 persons.

Senator FRASER.—That is a statement to which I am unable to say yea or nay, but the statement I have made cannot be contradicted. Warrnambool and Colac are now large thriving towns.

Senator DE LARGIE.—There are no mining districts out that way.

Senator FRASER.—I am not speaking of mining districts, but of broad acres. I am replying to Senator Stewart's references to land monopoly. The honorable senator is a brainy man, and I have great respect for many of his arguments. I am able to say that, passing through the districts to which I have referred, to-day you will find that many big estates have been cut up, which were there twenty years ago. In some instances the owners have died, and the properties have been distributed. I can mention the Robertsons of Colac, a family greatly respected many years ago. Land was forced on them by the Crown.

Senator GIVENS.—How could it be forced on them?

Senator PLAYFORD. By taking their leases away and putting the land up to auction.

Senator GIVENS.—They were not chained to a log and made to buy.

Senator FRASER.—I can mention an instance in connexion with which honorable senators from Queensland will be able to bear out my statement. Some three months ago a friend of mine bought 40,000 acres on the Barcoo. The Government were wanting the money, and they got it in exchange for land.

Senator WALKER.—Was it at 10s. an acre?

Senator FRASER.—Yes, they got 10s. an acre for it. They pressed it on the purchasers, and immediately after the purchase was concluded they brought in a Bill providing for a land tax, or what I may term a bursting-up tax. I think that even Senator Stewart will not contend that that was a fair proceeding. Take the Western District of this State. I could name many men who have left large estates which have since been broken up by their families. Take the case of the Robertsons of Colac, the Manifolds, and the Blacks. Mr. Neil Black died years ago, and his estates have all been cut up. If you, sir, will travel through that country—and it is a very pleasant trip indeed—instead of finding huge estates, occupied by half-bred shorthorns or cattle of other breeds, you will see dairy cattle grazing everywhere, and lambs being fattened for the London market. Take the country right through from Geelong to Belfast, and the condition is the same. The Moffat estate, for example, has been cut up. If time permitted I could give the names of many men who are willing to cut up their estates. I am concerned in some properties which belong to a financial institution. We are begging of men to go and take up this land, which has a rainfall of thirty inches, is situated in a beautiful climate, and is fit for dairying, wheat-growing, tobacco-growing, and producing lambs for export, but the people will not leave the city.

Senator GUTHRIE.—At what price is the land offered?

Senator FRASER.—At £2 odd per acre.

Senator STANFORTH SMITH. — Is it heavily timbered?

Senator FRASER.—No; it is occupied by graziers. In Australia there is no land monopoly. Even on the Darling Downs, which I know as well as do the representatives of Queensland, men have cut up their estates right and left, and are anxious to do so.

Senator GIVENS.—How much land does the honorable senator monopolize?

Senator FRASER.—I have 400 acres near Brisbane, where I intend to establish a dairy factory when my boy is twenty-two or twenty-four years of age; he is too young yet to go there. I have no more there than these 400 acres.

Senator GIVENS.—Nowhere?

Senator FRASER.—Of course, I have a lot of land in Queensland, which I shall be glad to get rid of for less than I paid to the Crown. I bought land at Aramac for 12s. 6d. per acre, and was very glad to get 10s. per acre for it. In Victoria I bought from the Crown land which I am willing to sell to any honorable senator for less than what it cost me. I am prepared to show my transactions with that land during the fifteen years it has been in my possession.

Senator GIVENS.—Does the honorable senator mean to say that, on the whole, he has never made any profit out of land transactions?

Senator MILLEN.—That is another matter.

Senator GIVENS.—Why should he cite an individual case?

Senator FRASER. — In New South Wales I own some property, which I bought—it was at a time when no one else would look at it—through a respectable firm in Melbourne, at public auction, or at any rate the day after the auction was held. Is there anything about that remark for honorable senators to laugh at? Nineteenths of the properties which are sold are disposed of in that way. It is very rarely indeed that a property is sold at an auction. In nine cases out of ten the sale is made after the auction is held. Any way, I bought this property in public competition. Of course I have suffered great losses from droughts, but I flatter myself that I worked it very well. I am anxious to sell it if I can get what I paid for it, namely, 32s. 6d. per acre. I admit that it has paid very well; I believe it is the best improved place in the district, and my employes will always vote against the Socialists.

Senator PEARCE.—Is that a condition of the employment?

Senator FRASER.—No.

Senator GIVENS.—I shall read a letter from an employé of the honorable senator some day.

Senator FRASER.—The honorable senator is welcome to read any letter he likes. I could read hundreds of letters from men who were in my employment forty years ago, and who have become nearly as wealthy as I am, simply by reason of their thrift and industry. It is not by sitting on the stones of this building, and asking honorable senators to do this or that for him that a man will put money into his pocket. It is only by hard work and thrift that wealth is attained. The Savings Bank of Victoria has not received deposits to the amount of £10,000,000, and the Savings Bank of New South Wales has not received deposits to the amount of £12,000,000, as the result of men agitating, and trying to burst up big estates, or of Socialism or of Trades-Hallism, but as the result of what I might call Canadian thrift.

Senator MULCAHY.—Caledonian thrift?

Senator FRASER.—Yes; that term is equally good. It will be remembered that when the question of the sugar bounty was being considered here, I strongly opposed the proposal of the then Government as a very foolish one. It will continue to be a foolish policy, because we have made a hideous blunder. Had we simply left the industry alone, as the State, which knew better than we did, had dealt with it—

Senator PEARCE.—Queensland asked us not to leave the sugar industry alone.

Senator GIVENS.—The State is almost unanimously in favour of the sugar bounty.

Senator FRASER.—Had we left the sugar industry alone as the State had dealt with it, we should now have been in a very happy position. The industry was making headway by leaps and bounds. It was becoming one of the most important industries of Australia, being natural to the soil and the climate. It was associated with the great fruit industry, which is almost, if not quite, as large, and which, perhaps, may be larger in time. We have gone crazy on the White Australia question. Let honorable senators not forget that I am for a White Australia.

Senator PLAYFORD.—Oh, that will not do.

Senator FRASER.—Did the Government of Queensland believe in a black Australia? The Government and the people of that State were just as true to the policy of a White Australia before we had any connexion with the sugar industry as we are. Had the system been continued there was no danger of a piebald people arising in Australia. But what did we do? We raised the price of sugar considerably, and thus permanently handicapped the fruit industry. When we commence to export the price will go down a great deal, and the fruit industry will not be handicapped so heavily as it is. In any case, a large and full rebate ought to be allowed upon the sugar which is used in the jam industry.

Senator PLAYFORD.—So it is when the manufacturers export their jam.

Senator DOBSON.—But not when it is sold for home consumption.

Senator FRASER.—The bounty has raised the price of sugar permanently.

Senator PLAYFORD.—We make just as much jam as ever we did.

Senator FRASER.—No. I know that some jam factories have been closed. Senator Stewart talked about our high death-rate. But there is no country on God's earth where so many of the people have their own houses as in Victoria. If you travel east, west, north, or south, you will find that the head of a family who is getting, perhaps, only 30s. per week, will have his own little cottage.

Senator GUTHRIE.—Yes; but with a fly-blister upon it.

Senator DOBSON.—Thousands of them have not a mortgage.

Senator GIVENS.—On 30s. per week? The idea is ridiculous.

Senator FRASER.—I did not say that it could be done by a man on 30s. a week. I said that it could be done by a man getting even as low as 30s. per week. Many men are getting £3, £4, £5, or £6 per week.

Senator GIVENS.—What about the man getting 30s. per week?

Senator FRASER.—I said that even some of these men had their own little cottage. I know a widow who has been saving money out of 30s. per week, earned by washing.

Senator GIVENS.—They must have saved the money at the expense of proper living.

Senator FRASER.—There is no town anywhere which has a lower death-rate than

Melbourne. Now that it is sewered, together with the suburbs, the death-rate is comparatively low. In other parts of the world you will find families huddled together in attics or garrets, stories high. Let honorable senators consider the liberty, the freedom, the back yards and the front gardens, which the people of Victoria, and no doubt of New South Wales and other States, have in comparison with the people of the old country.

Senator GIVENS.—A handkerchief could not be spread out in a number of the back yards in Melbourne.

Senator FRASER.—That is nonsense. Senator Stewart said that nine-tenths of the people of this city are huddled together in huts.

Senator GIVENS.—He did not say anything of the kind.

Senator FRASER.—My honorable friend said that nine-tenths of the people of Melbourne are living in places where the sunshine does not enter. But there is no country in which the people have more sunshine than in Australia. I think that the sunshine should enter every room in which a human being has to live.

Senator GIVENS.—I call attention to the state of the Senate. [*Quorum formed.*]

Senator FRASER.—The case of the widow who earns 30s. a week is, of course, an extreme one. I realize that a man earning only 30s. a week would not be able to save any money. I am truly anxious that the wages paid in this country shall be high, that every worker shall be well paid for his labour, and that prosperity shall be general.

Senator GIVENS.—How are the millionaires to make their profits if the workers are all well paid?

Senator FRASER.—Profits can only come out of production. If our farmers, wool-growers, wheat-growers, those engaged in the freezing industry, and in dairying, our coal-miners, and our gold-miners, are not prospering, the country cannot prosper. Prosperity depends upon production, whether from below or above the soil. The people of Melbourne thoroughly realize that. The cure for evils that are pointed out is to encourage men to go on the land. Were I a young man, if I could not go on the land alone, I would try to induce a number of my friends to join me in forming a co-operative company.

Senator HIGGS.—The honorable senator would want to be at the head of the company.

Senator FRASER.—Well, some person must be at the head. Senator Higgs is at the head of our Committees. I am sure that he does not wish to detract from his own position; he got it honorably enough. Senator Pearce has said that the population of the Victorian Western District has decreased.

Senator PEARCE.—I referred to three counties.

Senator FRASER.—I cannot give absolute data for my contradiction of his assertion, but I will give facts that are within my own knowledge. I know intimately all the towns in the Western District, starting from Geelong, and going through Colac, Terang, Camperdown, and Warrnambool, to Belfast, not to mention a number of smaller places. Colac has now four times the population that it had twenty years ago, and is a most prosperous place.

Senator GUTHRIE.—As the result of the Labour Party's legislation.

Senator FRASER.—No, as the result of the butter industry, and in spite of the legislation of the labour crowd. My friends of the Labour Party will never increase the prosperity of the country. The only thing that will increase prosperity is downright hard work, thrift, and industry. There is no royal way to wealth.

Senator GUTHRIE.—Some people in this country have made wealth out of secret commissions.

Senator FRASER.—And the State Parliament has legislated against them. The Act was passed last week.

Senator GUTHRIE.—It can be evaded.

Senator FRASER.—Almost any Act can be evaded if there is a sufficient number of wrong-doers.

Senator GUTHRIE.—The Labour Party does not evade laws.

Senator FRASER.—Is it more honest than any other party?

Senator GIVENS.—Yes.

Senator FRASER.—There are dishonest men among all classes of society, and I am certainly not going to say that the Labour Party is more dishonest than any other. There is no necessity to talk about bursting up big estates. They are being divided by natural processes. I could mention a number of instances. There is the case of Quatta Quatta, the estate of the late Hon. J. A. Wallace, which was cut up some time ago. The Robertsons, of Colac, the

Moffats, the Blacks, the Manifolds, and scores of others have cut up their estates, which are now occupied by hundreds of thrifty, industrious people. The process is still going on. In a country like this, where we have no law of primogeniture, if the owner of a large estate dies leaving a large family, and if the sons and daughters are married, they naturally want to divide. The process will continue. In Queensland, millions of acres have come into the market, although comparatively speaking there is only a small quantity of freehold there.

Senator GIVENS.—Between 16,000,000 and 17,000,000 acres are freehold.

Senator FRASER.—Not 15 per cent. of the land of Queensland is freehold. Estates on the Darling Downs have been cut up already. The well-known estate of De Burgh Persse was cut up the other day. That is only about forty miles from Brisbane. Much of it is now occupied by dairy farmers.

Senator GIVENS.—And the land sold at £8 per acre.

Senator FRASER.—I deny the honorable senator's statement. I bought some of it myself for my youngest boy at £4 10s. per acre.

Senator MILLEN.—What Senator Givens wants is to take land for nothing which other people have paid for.

Senator FRASER.—Some of the land on the De Burgh Persse estate sold at £6 and £7 an acre, but much of it for less. There is an instance of an estate being cut up voluntarily. I know many other land-owners who are prepared and anxious to do the same. It is nonsense to talk about bursting up a land monopoly that does not exist. In Australia, land is a commodity which is sold in the market every day. Big estates are being divided right and left all over Australia. If a few industrious men choose to put their heads and their purses together, they can buy land that will give them a very handsome return.

Senator HIGGS.—How many men can afford to pay £4 10s. an acre?

Senator FRASER.—If immigrants come here with £100 each, they can put their money together and buy land at £4 an acre that in a little while will return them 25 per cent. By their own labour they will be able to make little fortunes in a few years. Dairying and the breeding of lambs for the frozen meat industry are

money-making businesses in the highest degree.

Senator PLAYFORD.—If men have only £100 each they cannot buy land at £4 an acre.

Senator FRASER.—If ten of them put their money together, £1,000 will buy a good bit of land. They can borrow money on very advantageous terms from insurance societies and other large institutions which are willing to lend for ten years at a low rate of interest. Money is now as cheap as it has been for a considerable time past.

Senator Sir WILLIAM ZEAL.—They can borrow under the *Crédit Foncier* system in Victoria for as long as twenty years.

Senator FRASER.—That is quite true. I know of farmers who are borrowing at 4 per cent., and making a very handsome profit. To talk of bursting up estates is only to create a scare. There is no need for scares in Australia. We only want people to come here with a little capital, just as they are going to Canada. The more men we put on the land the more labour will be employed in the cities. If there are four times as many workmen in the cities as there is labour for, they cannot all be employed. That is the position to-day. There are too many tradesmen in Melbourne, and not sufficient employment for them. Let some of them go on the land, and there will not be the idleness in the cities that there is to-day. If this Parliament had left the sugar industry alone, Australia would have been in a better position. But of course the Trades Hall crowd forced legislation down our throats right or wrong. They have done a lot of harm. We ought to leave well alone and go on sure lines.

Senator O'KEEFE.—The people of Australia are behind the "labour crowd" more than they are behind the black-labour crowd.

Senator FRASER.—There is no "black-labour crowd." I am just as desirous for a White Australia as is the honorable senator; and, moreover, I do not approve of a law which prevents my brother from coming here.

Senator CROFT.—There is no such section in the Act.

Senator FRASER.—There is such a section in the Act; and if I had a brother in England I could not bring him here under contract without breaking the law.

Senator GIVENS.—Would the honorable senator make a contract with his own brother before bringing him here?

Senator FRASER.—Why not? Is it wrong for a man in England to make sure of a billet before he goes to a new country?

Senator GIVENS.—Could the contract not be made after his arrival?

Senator FRASER.—It is unwise of a man, or a family, to go to a new country unless they are sure of employment.

Senator DE LARGIE.—There is a similar law in Canada and the United States.

Senator FRASER.—I contradict that statement flatly. There is no law in the United States which shuts out United States citizens.

Senator PLAYFORD.—No American law could shut out American citizens.

Senator FRASER.—We in Australia have shut out our own citizens—British subjects. It is un-English, unmanly, and ungenerous to shut out our own kith and kin.

The PRESIDENT.—I do not think the honorable senator is in order in reflecting on an Act of Parliament, unless he proposes to repeal it.

Senator FRASER.—I do propose to repeal the Act.

The PRESIDENT.—The honorable senator cannot propose to repeal the Act by means of this Bill.

Senator FRASER.—As I have already said, this section of the Immigration Restriction Act ought to be repealed.

Senator Lt.-Col. GOULD.—Are we not allowed in this discussion to refer to any matter, however relevant, if it has been dealt with in an Act of Parliament?

The PRESIDENT.—Undoubtedly honorable senators are; but the Standing Orders provide that no honorable senator shall reflect on an Act of Parliament unless he proposes to repeal it.

Senator MILLEN.—Cannot we criticise an Act of Parliament?

The PRESIDENT.—The question before us is the first reading of a Supply Bill, and there cannot now be a discussion as to the advisability, or otherwise, of repealing an Act of Parliament. Of course, on a Supply Bill we may refer to almost any matter; but I do not think an honorable senator ought to stigmatize an Act of Parliament as unfair, unmanly, un-English, or ungenerous, on an occasion like this.

Senator FRASER.—I am very sorry that I have had to use the words, but I cannot withdraw anything I have said.

Senator PLAYFORD.—The honorable senator ought to give some proof; he ought to give the name of some British subject who has been kept out of Australia under this Act.

Senator Lt.-Col. GOULD.—Six British subjects were imprisoned on board ship for several days under the Act.

Senator PLAYFORD.—They were not imprisoned on the ship.

Senator MILLEN.—The Minister's own chief proposes to amend the section.

Senator FRASER.—Six Englishmen were brought to Australia under contract.

Senator PLAYFORD.—They were never kept out of the country.

Senator FRASER.—But they were not at liberty to land.

Senator PLAYFORD.—They did land.

Senator Lt.-Col. GOULD.—Not until several days had elapsed.

Senator FRASER.—When these six men came, the labour crowd interceded with the then Prime Minister, Sir Edmund Barton, and there was a suspense of several days before they were allowed to land. Moreover, the men were admitted to Australia only because the Prime Minister said they were experts in their trade.

Senator MILLEN.—The true value of the section is shown by the fact that the present Prime Minister is pledged to repeal or amend the section.

Senator FRASER.—Exactly; but the labour crowd interviewed the then Prime Minister, or some other Minister, who, in order to comply with the law, declared the men to be experts—otherwise, they would have been sent back whence they came.

Senator PLAYFORD.—The men were not sent back.

Senator O'KEEFE.—It is wonderful that after these events the people should support the "labour crowd"!

Senator PLAYFORD.—Why does Senator Fraser allude to the Labour Party as the "labour crowd"?

Senator DE LARGIE.—We do not object; we are a crowd.

Senator GUTHRIE.—And we shall be a bigger crowd by-and-by.

Senator FRASER.—I withdraw the expression, because it is the furthest thing from my thoughts to be offensive. If I have said one word which is deemed offensive, I withdraw it without the slightest hesitation. However that may be, it was at the instance of the Labour Party that

these six men were subjected to inconvenience and hardship. The other day, the Agent-General of New South Wales had to give a permit to an Englishman to come here in charge of horses; and I do not forget the *Petrianæ* case, when shipwrecked men were kept in a shed under the control of the police or Customs officers.

Senator PEARCE.—I thought that Mr. Deakin and Mr. Watson pushed these men back into the sea!

Senator FRASER.—Both Mr. Watson and Mr. Deakin are humane men, who would not wish to do anything of the sort. I am glad that the socialistic party are prepared to repeal this section, and I hope they will do so quickly. I may say that for the last few days I have been considering whether I should not myself introduce an amending measure, in order to test the question. Leaving that subject, I should like to say that we have woollen factories in Victoria which are doing very well.

Senator STYLES.—I do not think that the factories are doing very well.

Senator FRASER.—I buy blankets by the score, and I know that the factories here turn out cheaper and better goods than are sent from England. The other day the Austin Hospital authorities bought a number of pure woollen blankets at the low price of 13s. These are the kind of industries which ought to go ahead in Australia, and if I were a Tasmanian I should start a mill on a water-course, where no machinery would be wanted. Then, again, wherever butter factories are established prosperity follows, and the value of land rises •

Senator GIVENS.—Of course the value of land rises!

Senator FRASER.—The rise is not caused by land monopolists, but by the establishment of butter factories, as is shown in the instances of Colac, Warrnambool, and Camperdown, where land which a few years ago was worth £1 an acre is now worth £30 or £40 an acre. But, as I say, that rise in value has not been caused by the land monopolists, but by the hard-working dairymen. We do not find land monopolists buying land at £40 an acre.

Senator GIVENS.—No; that is the price at which land monopolists sell.

Senator FRASER.—In very few years the value of the butter exported from Victoria has risen to millions, and my advice is to leave the industry alone to prosper,

and not to drive capital away by means of harassing legislation. I do not say that the capital is being driven away, but a lot is at the present moment lying idle.

Senator GIVENS.—A few years ago there was no money at all in Australia.

Senator FRASER.—Australia is one of the wealthiest countries on God's earth, and what we require is wise legislation, and not Yarra Bank oratory.

Senator Lt.-Col. GOULD (New South Wales).—Honorable senators were, I am sure, pleased to hear some of the views enunciated by Senator Stewart as to the necessity for population. We were quite surprised to hear those opinions from the honorable senator, and we only wondered whether he was expressing the views honestly and earnestly held by our friends of the Labour Party. We are well aware that legislation which has had a very injurious effect on immigration has been attributed to the influence exercised by the Labour Party on Governments of the past from time to time. But Senator Stewart speedily qualified his remarks. He told us that, before any steps were taken towards encouraging immigration, the whole of the landed estates must be "burst up." If the honorable senator is going to wait until every estate has come again into the possession of the Crown, or has been "burst up," he will have to wait a long time.

Senator PEARCE.—The honorable and learned senator does not understand what Senator Stewart meant.

Senator Lt.-Col. GOULD.—I understood what Senator Stewart meant when he held that we ought to do all we can to save the young life of this country, and lower the high death rate, if it be high; and we are all in accord with him in that respect. But we do not desire to wait until all large estates are "burst up" before we try to induce immigration. If honorable senators will carry their thoughts back a few years, when we had a kind of semi-assisted immigration, they will remember that conditions were much better then than they are at the present time.

Senator GUTHRIE.—The States were then borrowing plenty of money.

Senator Lt.-Col. GOULD.—And were spending it at the same time. Many of the immigrants brought money with them, and if we had never abandoned that system it would have been much better for this country. Under that system there were sponsors for every man and woman coming into the

country. Their relatives here paid deposits in respect of their introduction, and as soon as the new-comers arrived, we had an assurance that there would be an opportunity afforded them to earn a decent livelihood. Very many cases might be cited to prove the good that was done by the operation of that system. We have lately heard a good deal concerning General Booth's offer to send 5,000 families to Australia. While I should gladly welcome a large number of immigrants, I should like to be sure that the men coming here are of a suitable class, and that there will be some prospect of their getting on. I should like to be sure also that the States are making preparation to give them when they come here an opportunity to make homes for themselves. I have no doubt that if we had a large number of people dumped on our shores, without any provision being made to meet their requirements, more injury would accrue to Australia than is done even by the policy we are pursuing at the present time. While I believe that the Commonwealth and States Governments should do all they can, in co-operation, to induce immigration to Australia, I hope the matter will be conducted on such lines as will result in marked benefit to the community. No one will deny that a population well employed is of marked benefit to any country. We have heard a great deal to-day with regard to the policy of a White Australia. Senators Pulsford and Fraser have been condemned as though they were not in favour of a White Australia. Every one who is acquainted with those honorable senators must know that they believe in preserving the racial purity of the people of the Commonwealth. Senator Pulsford has warned us against treating certain nations unjustly, as if they were the dregs and scum of the earth. We might say to coloured people that we do not desire an admixture of races, but we ought not to tell them that we consider them so utterly worthless that they will be kicked out of this country if they show their noses in it. We should conduct all these matters decently, and in order. We have a population of 4,000,000 scattered over a vast continent, and yet we are standing up in front of these Asiatic nations, and saying, "There is our law; we shall not allow you to come here under any circumstances whatever." I would ask honorable senators what power it is that enables us to enforce such a law. If we had not

the protection of the British Empire behind us these nations could afford to ignore our laws.

Senator STYLES.—But we have that protection behind us.

Senator Lt.-Col. GOULD.—We have; and how are we recognising it? We believe that the British people are under certain obligations to us, but we forget that we are under very great obligations to them. I think that every citizen of Australia is proud to be a British subject. I am sorry for those who are not. The very fact that we are British subjects accounts for the liberty we enjoy, and even for the licence into which so many would turn that liberty.

Senator STYLES.—If we admitted large numbers of Asiatics, they would have no pride in being British subjects.

Senator Lt.-Col. GOULD.—I am entirely with honorable senators who desire to preserve our racial purity; but there is a proper way in which to do that. We had an opportunity to deal with the Japanese by means of a treaty. Whether it is a good thing or not—and I believe it has been an exceedingly good thing for us—a treaty exists between Japan and Great Britain to-day, and I believe it has been the means of preventing almost all the great nations of the world being involved in the recent war between Russia and Japan. Had it not been for the fact that it was known that Great Britain must intervene if any other nation joined Russia in attacking Japan, it is very likely that nearly all the Continental Powers, and Great Britain herself, would have been involved in that war.

Senator PEARCE.—Is the honorable senator aware that the Queensland Government had a treaty with Japan, and that Japanese were coming into the Colony wholesale under it?

Senator PULSFORD.—That is not correct.

Senator Lt.-Col. GOULD.—I am aware they had a treaty under which the number of Japanese who could come into Queensland was strictly limited.

Senator GIVENS.—To what number?

Senator MILLEN.—That was a detail of the treaty.

Senator Lt.-Col. GOULD.—When we were passing the Immigration Restriction Bill, the Japanese Consul made representations in opposition to what we were doing, and urged that the people of

Japan should not be treated as "undesirables," but should be dealt with by means of a treaty, which the Japanese Government were prepared to enter into, and by means of which any dangerous influx of Japanese could be absolutely prohibited.

Senator PEARCE.—The Queensland treaty did not operate in that way.

Senator Lt.-Col. GOULD. — It would have been very much better if we had adopted that plan. If the treaty at present existing between Great Britain and Japan were to be determined to-morrow, we should have a dangerous situation to confront if the Japanese decided to land a number of their people on the coast of Australia. The Japanese had every right to expect to be treated on terms of equality. In the recent war with Russia they have proved what they are. If there had been any doubt as to their character, or the degree of civilization they have attained, they have certainly proved their humanity, ability, skill, and far-sightedness. They have proved themselves equal as a nation to any other nation on the face of the globe to-day. It is utter madness on our part to attempt to treat them with such disrespect, as some honorable senators are willing to exhibit towards them.

Senator GIVENS.—If the honorable senator is so much in love with them, why does he not go to Japan and live with them.

Senator Lt.-Col. GOULD.—I am not in love with them any more than I am in love with the honorable senator or with his views. I am at the same time perfectly prepared to recognise the honorable senator's right to give expression to any views in which he honestly believes.

Senator STYLES.—Would the honorable senator exclude the Japanese from Australia?

Senator Lt.-Col. GOULD.—I should deal with them by means of a treaty, and I should take care to preserve the racial purity of the people of the Commonwealth.

Senator PLAYFORD.—Then the honorable senator would exclude them.

Senator Lt.-Col. GOULD.—To a large extent, but by means of a treaty, and by dealing with them properly.

Senator MATHESON.—Then the honorable senator does not recognise their equality?

Senator Lt.-Col. GOULD.—I do. It is possible to recognise a man's equality and ability without falling desperately in love with him.

Senator MATHESON.—If the honorable senator recognises a man's equality, he would not object to him as a relation.

Senator Lt.-Col. GOULD.—Not necessarily. I am sure that Senator Matheson may recognise the equality of many men with whom he would not be prepared to associate.

Senator MATHESON.—Nonsense. If I recognised the equality of a man, I should be prepared to admit him as a member of my family.

Senator GIVENS.—Does not Japan impose as severe restrictions on British subjects as we impose on the Japanese?

Senator Lt.-Col. GOULD.—In years gone by I believe they would not have anything to do with them.

Senator STYLES.—If the honorable senator does not wish to associate with the Japanese, would he not object to other white men associating with them?

Senator Lt.-Col. GOULD.—I should not object to white men associating with whomsoever they pleased. I would give to others the freedom of judgment which I claim for myself. Let me bring honorable senators back to the question of immigration. The Minister of Defence wished to know whether any man had been excluded under our present law. In reply, it was pointed out that, although they have not been effective, attempts have been made to exclude people. I have a lively recollection of the circumstances connected with the case of the six hatters. Those men came out here under contract to work at a union rate of wages. They had been members of a union in England, and they came out here to take up work which they were capable of performing. They landed in Melbourne, and were received apparently as brothers by trade unionists in this city. During the time they were here it was ascertained that they had a contract, and then there followed, if my information is correct, one of the meanest things that has ever happened in Australia. As soon as they had turned their backs, the men who had received them as brothers went to the Government and said that they were prohibited immigrants, and called upon the Government to prevent them from landing in Sydney and entering upon the employment which they came out to take up. I say that is one of the meanest tricks that was ever played; and I blame the Government of the day for not having dealt with the matter much more promptly than they did.

I will admit that under the letter of the law the head of the Government was bound to take some action, but it should not have required six days to find out that those men had a perfect right to land in Australia.

Senator PLAYFORD.—It need not have taken six hours if the employer had given the necessary information.

Senator Lt.-Col. GOULD.—It showed want of foresight and knowledge that the Government of the day should have permitted a scandal like that to continue one hour longer than was absolutely necessary. Although those men were ultimately landed, it was only on the representation that they possessed certain skill which was not obtainable in the Commonwealth. I am aware that honorable members in another place have stated that it was never intended that the law should be applied as it was in that case. When the provisions in question were passed, we believed that the intention was to prevent men coming into Australia under contracts at cut-throat wages, or in large numbers, to take the place of men on strike who honestly believed that they were contending for what was right in fighting for better wages and conditions of labour. If the law had been applied only to such cases there would have been no trouble. It is far better that men coming to Australia, or to any new country, should know that they will have an opportunity of earning an honest livelihood, than that there should be a possibility of their becoming paupers and a charge on the State. Even assuming that the difficulty in the instance to which I have referred was due to a fault of administration or a misreading of the law, it is unquestionable that it did this country a great deal of harm. It led people in the old country to believe that we are so self-satisfied that we do not want any one to come here to help us to develop our industries and the vast resources of the Commonwealth.

Senator STYLES.—It was the party press that did all the harm.

Senator Lt.-Col. GOULD.—But we laid the foundation for it by our legislation. It was our fault that a lie was permitted to get a start with its very long legs. I hope that the Government will act promptly and get rid of this objectionable section.

Senator GIVENS.—The Government cannot get rid of it.

Senator Lt.-Col. GOULD.—Parliament can get rid of it, and the Government could introduce a Bill to-morrow for the purpose.

I say that it is important that there should be no delay in dealing with the matter.

Senator HIGGS.—Why did not the Reid Government tackle the question?

Senator Lt.-Col. GOULD.—I am not responsible for the Reid Government any more than I am for the present Government. But let me say for the Reid Government that if they had submitted an amendment of the character I suggest, it would have been jumped on by the Labour Party, who are only now beginning to see the position into which they have driven Australia. If we were to pursue the policy of that Act we should drive the community to the extreme of want and distress. We hear a good deal of the unemployed problem, but it is largely due to the foolishness of the legislation of the Commonwealth, and of some of the States Parliaments. There is nothing like a little difficulty and trouble to open the eyes of men to the nature of the legislation which is being passed. I do not claim for any party in Parliament the ability to foresee everything clearly and distinctly, and I am perfectly willing to believe that the Labour Party, in influencing legislation, have done what they believed to be best in the interests of the country. I am also very glad to recognise the fact that they are beginning to discover that what they thought was the best, was, after all, the worst step which could have been taken. Every man who desires to see Australia a prosperous country, and to preserve her racial purity, ought to do all he can to endeavour to fill it with white men and women. I do not care whether they come from Great Britain or from the Continent, so long as they are suitable, reputable, and decent people. Let us, by all means, make the necessary provision to keep out diseased and criminal persons. We have no room here for such persons. We want men who are strong, energetic, and willing to work; men who will go out and endeavour to make a living on the land, and by that means create employment for all the men who are willing to work but have the misfortune to be amongst the unemployed in the big cities, and many of whom probably are not fit to work in the country. Get the men who are fit to work out of the big cities, and then work will be found for the others. I shall be only too glad to see any legislation which can be regarded as placing obstacles in the way of the immigration of

white people wiped off the statute-book as speedily as possible. At the same time, I am perfectly prepared to take all precautions to stop persons who are criminal, or diseased, or unfit to work, or to be employed in our midst from entering our territory. I know that there is a difficulty with regard to the obtaining of the necessary lands, but I decline to believe that amongst all the broad acres in Australia we cannot find abundance of land for four times the population we have. It may be that there are large estates which are held privately, but we know that many of these estates are being cut up and sold. It may be, as an honorable senator interjected, that £4, £5, £6, £7, or £8 an acre may have to be given for the land, but it will never bring that price unless it is worth it.

Senator PEARCE.—£40 an acre, according to Senator Fraser.

Senator Lt.-Col. GOULD.—I know of farming land which has realized as high as £100 an acre. I should be very sorry to give that price for land; but, at the same time, we know that there is plenty of land for which a man can afford to give £20 or £25 an acre and make money.

Senator PEARCE.—Does it not show that there is fierce competition for the land?

Senator Lt.-Col. GOULD.—It shows that there is competition for the land in favoured localities, and very naturally so. The best land was taken up in the early days when the country was offered for sale, and it is very natural that in the settled districts there should be more land held privately. But I would point out that if you can find suitable land the State has the opportunity of resuming it, or of making arrangements by means of which perhaps the Government may guarantee to the landholders the payment for land taken up by a suitable class of immigrants. That might be done with very great advantage to the community at large. But I decline to believe that Australia, with 4,000,000 people, has a tithe of the population which it ought to have, or, at any rate, ought to have within the next fifteen or twenty years.

Senator GIVENS.—Victoria could hold the whole population of the Commonwealth.

Senator Lt.-Col. GOULD.—I believe that Victoria could not only hold, but support in reasonable comfort, the whole population of the Commonwealth. When we remember that Victoria is a little State, with an area of 87,000 square miles, it is ridiculous for any one to talk about it being

over-populated. In Queensland, not 5 per cent. of the Crown lands have been parted with. Is any one going to tell me that the remaining 95 per cent. of the Crown lands are worthless?

Senator GIVENS.—No; but they are not available for immediate settlement; they are too distant from a market.

Senator Lt.-Col. GOULD.—Many millions of acres of these alienated lands may be far away from a market.

Senator FRASER.—I know that there are millions of acres of agricultural land which are open for settlement at the present time, and which are not far from a railway, either.

Senator Lt.-Col. GOULD.—As the country is settled with people so the railways must go out to them. The natural wealth of the country will cause the railways to be extended. I had a great deal of sympathy with the difficulties which confronted the Government of the day in connexion with the renewal of the mail contract with the Orient Steam Navigation Company. I know that the interruption of the mail service was a matter of very serious moment to the mercantile class, and consequently a matter of serious moment to every man in the community. It might not have mattered to Senator Givens or myself, who wanted to write a few letters, but who were not engaged in large business transactions, whether the mails were delayed for a week or two or not; but it was a matter of very great moment to mercantile men. Whatever the feeling may have been in Queensland, I know that in Victoria and New South Wales the feeling was very strong with regard to the undue delay which mercantile men thought was taking place with regard to the arrangement of the mail services. Under the contract with the Peninsular and Oriental Steam Navigation Company, we had a regular fortnightly service at the time, but we had been used to a weekly service. If it had been determined to pay poundage rates we should have had no control over the dates of departure or arrival of the steamers. That would have practically limited business men to a mail once a fortnight, instead of once a week. It would have been a very serious blow to the community. The Orient Steam Navigation Company had made their arrangements for a monthly service during the slack season instead of a fortnightly one, when they found it was probable that they would not get a mail contract. That

in itself spoke volumes, and although Senator Givens may regard the action of the company as a piece of bluff, still the company might just as well have regarded the action of the Postmaster-General as a piece of bluff. I sympathize with the honorable senator in saying that we should not pay a special sum for the provision of cool storage on the mail steamers, because that, in my opinion, is absolutely distinct from the mail service. Let it be the mail service for which we pay, and if there have to be insulated chambers by all means let them be provided by the vessels catering for that trade. But do not let it be said that, in addition to the money for the mail service, we are paying a sum for the purpose of providing special accommodation for any producers in the country, and I make that observation with every desire to see the producers prosper. When Senator Givens says that the imposition of those conditions in the mail contract is unconstitutional, I cannot concur in his view.

Senator GIVENS.—Of course, not. It does not suit the honorable and learned senator to do so, but it is a fact nevertheless.

Senator Lt.-Col. GOULD.—The cool chambers on the mail boats are available for any one who may wish to use them. It would be quite impossible to provide that the mail boats should call at every port in Australia, because it would be necessary to quadruple the number of mail steamers, and thus materially increase the amount of the subsidy.

Senator GIVENS.—Why did the Government put in a proviso that the mail boats must call at Melbourne and Sydney, when it is not necessary for mail purposes that they should?

Senator Lt.-Col. GOULD.—The parcels have to be taken to Sydney, and, of course, the mail boats call at Melbourne on the way round. Even if there were no other reason, the two great cities that represent this continent so largely, ought to have every opportunity of making their position felt, and their citizens should be afforded the fullest possible advantage which can be given to them in connexion with the mail service.

Senator GIVENS.—Yes, but under the Constitution every other State has the same right. What I object to is that this concession is given to particular States.

Senator Lt.-Col. GOULD.—This does not give an undue preference to particular States within the meaning of the prohibition in the Constitution.

Senator GIVENS.—Undoubtedly, it does.

Senator Lt.-Col. GOULD.—The honorable senator should form a syndicate, and test the point in the High Court.

Senator GIVENS.—I am quite sure that I should win if I did, but who would recoup me my out-of-pocket expenses?

Senator Lt.-Col. GOULD.—Apparently the honorable senator is so satisfied as to the soundness of his opinion that he could afford to take the chance of recovering his expenses. I do not believe, however, that he will take the chance. I concur in the remarks of Senator Pulsford, relating to the sugar bounty. With all our boasted White Australia policy, and our legislation to keep out the kanaka, I find from a return I hold in my hand, that it has not been a marked success after all. In 1892 there were 36,088 acres cultivated by white labour, as against 59,609 cultivated by black labour; in other words, 37.7 per cent. of white labour, as against 62.3 per cent. of black. The estimate, however, for 1895 shows an increase in area and production, yet the increase of white labour does not show any marked increase against the employment of black labour, the proportions being 47,500 acres under white as against 78,000 under black labour, being 37.8 per cent. under white labour, as against 62.2 per cent. under black. According to these figures, the proportion of white labour has increased by .1 per cent.

Senator HIGGS.—But we were told that the industry would be ruined if we passed the sugar legislation.

Senator Lt.-Col. GOULD.—My honorable friends were told that they were seeking after an impossibility if they were trying to get the whole of the sugar-lands cultivated by white labour. I admit that the sugar bounty has been a very good thing for the sugar-growers in the northern districts of New South Wales. Formerly, these men were employing white labour, and now we are giving them a bounty of so many pounds per ton for doing what they previously did. They are very thankful to the Parliament for the legislation, because it is very good business for them.

Senator PEARCE.—May I ask what newspaper the honorable and learned senator quoted the figures from?

Senator Lt.-Col. GOULD. — From a newspaper called the *Journal of Commerce*, published in Melbourne on the 12th September. Possibly the sugar growers in Southern Queensland have also done well out of this legislation. The Queensland Government had great experience with regard to the sugar industry. The State Parliament passed a law to prohibit the employment of kanaka labour, but a few years later it repealed that Act and permitted kanakas to be employed only in field work.

Senator GIVENS.—Which law was never obeyed, but always evaded.

Senator Lt.-Col. GOULD.—I am not in a position to contradict or agree with the honorable senator on that point. Why was that law passed? Because it was recognised that the cultivation of sugar-cane would be increased by the employment of that class of labour, and would, at the same time, give a large amount of additional labour to white men inside the mills. The white men were not to be required to go into the cane-fields and do work which was not fit for them, but they were to do work in the mills, which they could do better than any black man. Although men may say they believed that they were doing a good turn for the white men, who have to labour with their hands, I contend that they made a grave mistake, for it is no kindness to send any man into the cane-fields, where the circumstances are utterly unsuited to his constitution, and may perhaps drive him into his grave many years sooner than would otherwise be the case.

Senator GIVENS.—North Queensland has the best climate of all for a man to work in.

Senator Lt.-Col. GOULD.—I do not think that the honorable senator would like to take on the job of working in the cane fields on the coast of North Queensland, even if he received £600 a year.

Senator STANFORTH SMITH.—Has the honorable and learned senator ever been in any cane-fields in North Queensland?

Senator Lt.-Col. GOULD.—I hope I shall never have to work in these cane-fields.

Senator MILLEN.—If it is so easy to work there, why should we pay this heavy bounty?

Senator STANFORTH SMITH.—It is more expensive.

Senator Lt.-Col. GOULD.—Exactly. Senator Givens wishes to give a bounty of £10 a ton. What are we now paying? We

are now paying hundreds of thousands of pounds a year for the purpose of carrying on an industry for the benefit of a few persons. We have to bolster up an industry for what, after all, is only a fad, and will not make this country one whit more white than it would be if kanaka labour were employed under the conditions which existed in Queensland at the time Federation was inaugurated.

Senator GIVENS.—It was nothing better than slavery.

Senator Lt.-Col. GOULD.—Well, there is a difference of opinion as to what slavery is. We know how this fad has been extended. It is now applied to the ocean. We are going to make the ocean white if we can; to say to the bulk of the people of this world that they are not to earn an honest livelihood, because four millions of people in Australia desire that only white men shall be employed on the broad seas of the world.

Senator GUTHRIE.—Who proposes that?

Senator Lt.-Col. GOULD.—The honorable senator and his friends sitting around him. They forced this policy on a Government, which accepted it, although admitting that it was not a wise policy. In the first instance, no man was more strongly opposed to it than was the first Vice-President of the Executive Council in this Senate. His colleagues in the other House agreed with him, but had to bow down and accept a law which was a disgrace to Australia.

The PRESIDENT. — The honorable and learned senator must not use a word that reflects upon an Act of Parliament.

Senator Lt.-Col. GOULD.—With all respect to you, sir, and without disputing your ruling, I must say that I am very sorry that it is a crime for a senator to express an opinion straightforwardly upon the law as it stands.

Senator HIGGS.—The honorable senator himself was a member of the Committee which recommended the standing order.

The PRESIDENT. — I will read the standing order—

No senator shall use offensive words . . . against any Statute, unless for the purpose of moving for its repeal.

To say that a Statute is disgraceful is to use an offensive word concerning it.

Senator Lt.-Col. GOULD.—I believe that technically the standing order you have just quoted is the rule in most Parliaments.

The PRESIDENT.—In every Parliament that I know of.

Senator MILLEN.—Then the only laws that a senator can refer to are those that he is in favour of?

The PRESIDENT.—No; but it is out of order to use offensive words concerning a Statute.

Senator Lt.-Col. GOULD.—I presume that, so long as the language used is mild, a senator can criticise a Statute as harshly as he likes. However, the law affecting employment on the ocean is another one which I hope will be repealed before long, because it has not improved our position in the opinion of many people outside. And, after all, we depend, to a great extent, upon the good opinions of those people for our prosperity.

Senator HIGGS.—I do not think we need trouble much about the opinions of people outside after the statement that has been published in South Africa, that the letters of Australians may be applied for at the gaols.

Senator Lt.-Col. GOULD. — Strong opinions are often expressed in the radical newspapers, and I suppose that what the honorable senator alludes to is taken from such a source. Senator Matheson spoke very severely with regard to what he considered to be a breach of faith on the part of the Imperial authorities as to naval defence. I am one of those who believe that the Imperial authorities are in no wise desirous of disregarding any agreement they have entered into. I heard the Minister of Defence say the other day that it was understood that there was to be some alteration, but that it would be for the advantage of Australia, and would provide for a more efficient defence. It is very undesirable that we should criticise the Imperial authorities in a tone of grumbling or cavilling. We may be absolutely certain that the Admiralty will fulfil all its obligations. It is one of the misfortunes connected with our contribution of something like £200,000 a year towards the cost of the squadron, that it induces many people to believe that we are paying for the defence of Australia. If the Commonwealth had to defend itself, without any assistance from Great Britain, it would cost us, not thousands, but millions sterling per annum, and even then we should not be safe. I am one of those who would agree to the payment of the whole cost of the maintenance of the fleet on the Australian

Station, which has been set down at £400,000. If ever the time does come when we need defending, we shall, I am satisfied, find that our naval defence is much more effective and efficient than Great Britain has ever promised to make it. Does it not stand to reason that, in order to maintain her prestige as an Imperial power, Great Britain would necessarily do her utmost to defend every portion of her dependencies, even to the most outlying parts?

Senator WALKER.—She gave us all the land we have.

Senator GIVENS.—She did not; we came and took it for ourselves, and the stay-at-homes never had anything to do with it.

Senator Lt.-Col. GOULD.—It does not much matter whether the land of this country was given to us, or whether we came and took it. The fact remains that it was Great Britain that settled Australia, and whether we emigrated to the country, or were born here, we are equally entitled to share in the benefits of British protection. In all these matters we ought not to cavil at the action of the Imperial authorities, unless we are absolutely satisfied that we are not being treated fairly. Senator Matheson alluded to the importance of torpedo defence. I have never been opposed to making provision for the defence of our ports and harbors by torpedo boats and destroyers.

Senator GIVENS.—Especially Sydney.

Senator Lt.-Col. GOULD.—Well, Sydney is the principal harbor in Australia, but I want to see Melbourne, Perth, Brisbane, Hobart, and every other port equally well defended. I should be very glad if the Government could see their way to make suggestions with regard to supplying torpedo boats for completing the defence of our harbors, and I should give them all the assistance I could; but I do not want to do that at the expense of the naval defence we enjoy at present. I do not want to diminish the £200,000 which we pay to the Imperial authorities as our contribution towards the cost of the Navy.

Senator MATHESON.—Does the honorable senator seriously suggest that we should get less defence if we did not pay that subsidy?

Senator Lt.-Col. GOULD.—I do not think we should get less defence, but I certainly think we should be very mean if we did not pay our portion.

Senator HIGGS.—Is Canada mean? Because she refuses to pay a contribution towards the Navy.

Senator Lt.-Col. GOULD.—Canada has an enormous frontier line to defend.

Senator HIGGS.—She pays less for defence than we do.

Senator Lt.-Col. GOULD.—Probably she does.

Senator GIVENS.—The reason the honorable senator is prepared to pay money towards the upkeep of the Navy is, that it is spent in Sydney.

Senator Lt.-Col. GOULD.—I am glad that Senator Givens knows the reasons that actuate some people, but he does not know those that actuate me in this case. I do not propose to detain the Senate any longer. Apparently there is a desire to have a general debate on such matters on Supply Bills. Probably it is just as well that we should have such opportunities.

Senator PEARCE (Western Australia).—After the jeremiads of honorable senators opposite, I think I may be excused for venturing to allude to several of the topics that have been referred to. It is somewhat singular to observe the change in the opinions of some honorable senators. For instance, I can remember, when we were dealing with part of our White Australia legislation, and the Labour Party was a little band of eight sitting in the corner benches, hearing Senator Fraser say almost in tears that if we passed this legislation it would mean the destruction of the sugar industry in Queensland.

Senator FRASER.—I never said anything of the kind.

Senator PEARCE.—He prayed for the unfortunate widows and orphans, whose money was invested in it. But Senator Fraser has lived to see that legislation remain in existence without destruction following in its train. I cannot forget the appeals that he made to me personally.

Senator FRASER.—Will the honorable senator quote *Hansard*? Then I will believe him.

Senator PEARCE.—I remember that he appealed to me, because I was a "level-headed man"—whatever that may mean—who, he said, would not be guilty of the indiscretions of some of my colleagues in the party.

Senator FRASER.—The honorable senator does not remember that, because he does not state what I said correctly.

Senator PEARCE.—I remember also that when the Barton Government was formed, and before its legislation with respect to the kanaka question was introduced, amendments were moved on the Address-in-Reply from the Opposition benches by certain honorable senators in this Chamber.

Senator MILLEN.—Who have not varied the position they then took up.

Senator PEARCE.—I have not said that they have changed. It was Senator Millen, in the Senate, who moved an amendment on the Address-in-Reply, which was practically a no-confidence motion, because the Barton Government had omitted to state definitely what it intended to do in regard to the employment of kanakas in Queensland.

Senator MILLEN.—The same no-confidence I had then I have to-day.

Senator PEARCE.—I quite believe that Senator Millen has no confidence in the present Government, but occupies the same position he did then on the kanaka question. I would point out, however, that the Government on that occasion did not receive pressure from the Labour Party, who were content to wait, but from members of the Opposition, who felt so strongly in the matter that they moved an amendment to the Address-in-Reply.

Senator MILLEN.—Why not be fair to the other members of the Opposition, and say that they did not follow the lead I gave them.

Senator PEARCE.—The man who is now acting-deputy leader in another place—

Senator MILLEN.—His party did not follow him.

Senator PEARCE.—And the honorable senator, who is a prominent member of this Chamber—

Senator MILLEN.—The Opposition were not solid, and did not support the amendment.

Senator PEARCE.—I will accept that statement from the honorable senator, although I was not aware of the fact. I now want to deal with the remarks made to-night by Senator Pulsford. When that honorable senator was speaking, I said that his action in connexion with the Japanese nation was almost sufficient to warrant his impeachment; and I believe that had he lived in earlier days, he would have been impeached for the steps he has taken. While I believe that every citizen should have full liberty to agitate, and endeavour

to educate people on the lines he believes to be right, the circumstances become altogether different when an honorable senator approaches the representative of a foreign power, and uses his position in an endeavour to get pressure brought to bear on the Commonwealth Parliament by that power. I convict Senator Pulsford of that action from his own pamphlet, which is very appropriately circulated with a yellow cover.

Senator MILLEN.—Would Senator Pearce not allow Senator Pulsford to write to anybody he chooses?

Senator PEARCE.—But the honorable senator wrote to the official representative of a foreign power, and practically urged that official, and through him his Government, to press their agitation against Commonwealth legislation, and indicated, or attempted to indicate, that that legislation does not represent the true opinion of the people of Australia. Such a man is not true to his country, and is altogether transgressing the liberty of speech, and press, which is properly allowed in an endeavour to alter the laws. The honorable senator's pamphlet deals with the British Empire, and the relations of Asia and Australasia, and, on page 22, he quotes a letter which he had received from the Japanese Consul in Sydney, in reply to a letter sent by the honorable senator. In the letter to the Japanese Consul, Senator Pulsford said—

I beg you to believe that the people of New South Wales are more liberal and more friendly to Japan than the proposed legislation indicates.

That, is to say, the honorable senator represented that the legislation which is on our statute-book is not there with the consent of the people of New South Wales. I now come to some statements by Senator Fraser, which I took occasion to contradict at the time they were made, as to land monopoly in the Western District of Victoria. I have had the pleasure of visiting the Western District, and spending a fortnight there, and I declare that there is no part of Australia suffering more from land monopoly.

Senator FRASER.—All the places I mentioned have increased enormously in population and wealth.

Senator PEARCE.—No doubt the places mentioned have increased in population, but that only makes the total decrease of population in the district all the more significant. I visited Colac, Camperdown, Terang, and Warrnambool; and no doubt in those places

there has been a considerable increase of population, owing to the cutting up of large estates. But these instances are like the plums in a boarding-house pudding—few and far between—the great bulk of the district still being held in large estates. From 1871 to the present time there has been a gradual decrease of population, which for the whole of the district, from Geelong to the South Australian border, represents 3,500 persons. I am now quoting from the *Victorian Year Book*.

Senator FRASER.—The honorable senator is leaving the towns out of his calculation.

Senator PEARCE.—I am including the towns.

Senator FRASER.—Then the honorable senator is wrong in his figures.

Senator PEARCE.—If the figures are wrong that is the fault of the *Victorian Year Book*. In 1871, in the three rich counties of Hampden, Ripon, and Grenville, there were 82,100 people, who cultivated 123,609 acres, while holding 2,180,000 acres; in 1904 there were 71,160 people, a decrease of over 10,000, who cultivated 122,121 acres, a decrease of over 1,000, while holding 2,287,000 acres, showing an increase of acres held.

Senator FRASER.—That land is all used for the production of butter, and for fattening purposes.

Senator PEARCE.—These latest figures quite disprove Senator Fraser's statement that population has increased. The honorable senator denied a statement contained in an interjection made by Senator Givens, and as the latter gentleman has already spoken, he has asked me to read a letter bearing on the matter. The interjection implied that on a station, of which Senator Fraser has control, the boycotting of men for their political opinions is allowed; and the letter I refer to is dated 21st August of this year, and is written to Mr. James Page, member of the House of Representatives.

Senator MILLEN.—Does Senator Pearce take a statement made by a writer of that kind as conclusive proof?

Senator PEARCE.—Not at all; I merely read the letter on behalf of Senator Givens, in order to show that the interjection was not an idle one, but had some ground.

Senator FRASER.—May I tell the honorable senator that I am the Melbourne chairman of the company referred to, and that,

though I have held the position for many years, I have not been on the property for ten years, and in no way control the management?

Senator PEARCE.—If that be so, of course the honorable senator is only responsible in the sense that he is the chairman of the company which allows this kind of thing.

Senator FRASER.—Allows it! I deny the statement, to begin with.

Senator PEARCE.—The letter is as follows:—

Cunnamulla, 21/8/05.

No doubt you have read some of the debate on the Address in Reply in the State Parliament, and where Mr. Cameron emphatically denied boycotting local men. In reply, I say it is common in this district, and particularly on the station, which Senator Fraser is chairman of directors, to wit, Thurlgorna. The boss, Mr. McVeen, makes a boast of not giving local men shearing. Please show this to Mr. Givens or Stewart. They may be able to reply at some time to Senator Fraser.

Senator FRASER.—It is very improper to make use of such a letter. It is not that I care two straws about the matter, but it is only a one-sided statement, which may be absolutely untrue.

Senator PEARCE.—But Senator Fraser said that Senator Givens had no authority for the interjection.

Senator FRASER.—Nor had he.

Senator PEARCE.—Senator Givens has asked me to read his authority, and I do so for what it is worth.

Senator GIVENS.—The statement in the letter holds good until it is disproved.

Senator PEARCE.—I now come to deal with Senator Gould, and I ask what sort of position does that gentleman take in regard to the White Australia question? I can understand the position of Senator Pulsford, who is opposed to all such legislation *en bloc*, and would repeal it; but Senator Gould was a member of the Chamber when this legislation was under consideration, and I do not remember his making any protest. I can, however, remember Senator Gould extricating the Government from a very difficult position in regard to the Bill. The Labour Party were prepared to accept the national test, but Senator Gould, who seemed concerned about the fate of the Government, raised no objection to the educational test being applied.

Senator Lt.-Col. GOULD.—I failed to make the Labour Party vote for the proposal they had advocated.

Senator PEARCE.—Was the honorable and learned senator opposed to this legislation?

Senator MILLEN.—Why did the Labour Party then vote against the very proposal they had advocated?

Senator PEARCE.—The Labour Party, at any rate, supported the Bill as it appears on the statute-book, and we do so still. If Senator Gould knew of all these objections to the proposed law, and if he knew of some other course which would not offend Japan and other nations concerned, why did he not submit them to us at the time? The honorable and learned senator spoke of some indefinite kind of treaty; but already in Queensland we have had an experience of a treaty with Japan of the sort Senator Pulsford would like. What happened in connexion with that treaty? In the very first year of Federation, when we had our own law, some 400 Japanese were admitted to Queensland under the treaty.

Senator GIVENS.—And Japanese of the very worst type!

Senator PEARCE.—Japanese had been entering Queensland for years under that treaty. Why do honorable senators like Senator Gould not give us some definite understanding of what they mean? I ask honorable senators to remember the example of South Africa. What led to the late war there? Was it not the fact that there had been established in the Boer Republic a colony of Britishers, the presence of which gave the British Government a sort of pre-emptive right to interfere in the affairs of the Republic? Had that British colony not been established I believe the flag of the Republic would have been floating at Johannesburg to-day. But simply because the Uitlanders were there in the heart of the Republic, a pretext was given to the British Government to interfere; and this led to the extinction of the Republic. Let us apply that lesson to Australia. If we have in the heart of this country a colony of Japanese Uitlanders, we at once give the rising and powerful nation of Japan an object and a reason for interfering in the affairs of Australia. There lies the danger of the admission of Japanese, and the more powerful the Asiatic nation the greater necessity there is to keep our lands clear of aliens. I wonder that honorable senators, with this fearful lesson before them, cannot see that

by admitting the Japanese to this country we may be bringing about events which will be as disastrous to our national life as similar circumstances proved to the Transvaal. My firm belief is that far more harm has been done to Australia by endeavours to make political capital out of the administration of the Act than by the administration itself.

Senator MULCAHY.—The Act states most distinctly that men shall not enter this country under contract.

Senator PEARCE.—The administration may be at fault, or the Act may be at fault, but I say that far more harm has been done to Australia than could possibly flow from the Act itself; and this is due to misrepresentations on the part of interested political parties. It is to the credit of the Barton Government that they never showed the slightest fear in the administration of this Act. Their bitterest opponents cannot charge them with showing fear in the administration of the Act.

Senator MILLEN.—They were between two fears.

Senator PEARCE.—Further, I say that every reasonable person will admit that the delay in landing the six hatters in Sydney was due not to the action of the Barton Government, but to the action of their employer, who practically defied the law, and who, when his attention was drawn to it, refused for six days to comply with it.

Senator MILLEN.—Sir Edmund Barton had to strain the law to let them in on the representation that they were skilled labourers such as were not to be found in Australia.

Senator PEARCE.—That is not a fair statement of the case.

Senator MULCAHY.—It is true. There were numbers of such tradesmen in Australia.

Senator PEARCE.—One side in this matter was represented by Mr. Anderson, the employer of the men, and the other by the trade union that lodged the objection to their introduction. Sir Edmund Barton had to be the judge, because he was the administrator of the law. He called on the employer to prove his case, and on those who lodged the objection to prove their case. The trade union brought forward their objection, and the employer, after considerable delay, brought forward his reasons for the admission of the men; and, acting on the evidence before him,

Sir Edmund Barton decided that the men should be admitted. I ask any honorable senator to say whether that is not a fair statement of the case.

Senator HIGGS.—And the six hatters joined the Labour Party after they landed.

Senator PEARCE.—That is the singular feature of the case; and they worked their hardest to secure the rejection of Mr. Reid for East Sydney. Why should there be all this concern about the immigration of people under contract? If it can be shown that the local market cannot supply these people, the law is clear that they can come in. On the other hand, if there is no demand for their labour, and the local labour market can supply the existing demand, these men cannot be imported under contract.

Senator MULCAHY.—Who is given the right to decide?

Senator PEARCE.—The administrator of the Act for the time being, who is responsible to Parliament. I remind honorable senators that the great bulk of the people of the Commonwealth did not come here under contract, but as free men, and there is nothing now in the Immigration Restriction Act to prevent people paying their passages and coming out here if they please.

Senator MILLEN.—Is the honorable senator opposing a modification of the section?

Senator PEARCE.—I am opposing the misrepresentation of the section which has been indulged in this afternoon.

Senator MILLEN.—Then the honorable senator does not object to a modification?

Senator PEARCE.—I cannot say until I see what modification is proposed. The action of Mr. Watson on the question does not bind me.

Senator MILLEN.—It might if the caucus comes to a certain determination.

Senator PEARCE.—It certainly will not, as I have a free hand on the question. I defy anybody to say that the Labour Party has ever opposed the peopling of Australia. Their fondest ideal is the preservation of a White Australia, and they fully recognise that that ideal can never be realized unless white people are induced to come to this country to assist in its defence. They are therefore prepared to assist in carrying out an immigration policy, but, as Senator Stewart has pointed out, they are not prepared to assist in bringing people here to still further flood an overstocked labour market. Of what use is it to bring

people out here if we cannot find employment for those who are here already?

Senator Lt.-Col. GOULD.—If we had more people here we should have more employment.

Senator PEARCE.—That does not follow. There is not the slightest doubt that at the time when an assisted immigration policy was being pursued in some of the States they had a more serious unemployed problem to face than that which we have to face to-day.

Senator MULCAHY.—If we are going to wait until we have no unemployed we shall wait a long time.

Senator PEARCE.—Senator Mulcahy must know that I do not contend that we should wait until we have no unemployed; but I say that we should not bring more people here unless we have work for them to do, or land available for their occupation. When these conditions are observed no one will be more anxious to support any reasonable system of immigration than will the Labour Party. No member of the party has ever spoken on the subject in any other way. I have a few words to say with respect to the mail contract. First of all, I should like to say that in this connexion we have another example of an exploded fable. It was said some time ago that we could not get any company to carry our mails if we insisted on white crews. They are being carried to-day with white crews. It was said that white stokers would get drunk, and that we should not get our mails regularly. We are getting them regularly, there have been no riots, and it has not been necessary to call out the military.

Senator WALKER.—Does the honorable senator say that the Peninsular and Oriental Company employ only white men at the present time?

Senator PEARCE.—I am speaking of the Orient Company, with whom we have a contract for the carriage of our mails. The statement made by Senator Givens seems to me to indicate that the Queensland Government, without consulting the Government as to its details, have entered into a contract with the Orient Company, and the honorable senator now demands—and he invites honorable senators representing Tasmania to join him in his demand—that this Parliament shall ratify the mail contract, and make it one under which the mail boats will run right through to Brisbane. He demands that we shall adopt the con-

tract entered into by the Queensland Government without consultation with the Commonwealth Government, and he says that unless we do he will raise an objection to the mail steamers going beyond Adelaide. The honorable senator further says that he has the Constitution behind him to support his demand. In the first place, when tenders were called for originally, it was not stipulated that the mail steamers should go on to Sydney at all. The tenders called for when Mr. Mahon was Postmaster-General permitted an alternative. The companies might tender for a mail service terminating at Sydney, or for a service between Naples and Adelaide, calling at Fremantle. The tender sent in by the Orient Company for £180,000 made no mention of Sydney. The original tender was for a mail service between Naples and Adelaide, calling at Fremantle. It was the subsequent contract, tendered for at a much lower sum than £180,000, that mentioned calling at Sydney. I believe that contract was drawn up, not by the postal authorities, but by the Orient Company. So that for their own purpose the company agreed that their boats should go on to Sydney. That is a proof that the present contract is due not so much to the postal authorities as to the Orient Company.

Senator GIVENS.—It does not matter to whom it is due, that condition should not be in the contract.

Senator PEARCE.—Does the honorable senator suppose that if that condition were struck out of the contract, the Orient Company would agree to perform the service for £1 less.

Senator PLAYFORD.—It would not make a bit of difference.

Senator PEARCE.—I do not think it would. Let us suppose that the contention submitted by Senator Givens is correct, and that Queensland has a right to demand that the mail boats under the contract should call at Brisbane. What follows? Western Australia will have the right to demand that the boats engaged in the Vancouver service shall go round to Fremantle, and that Burns, Philp and Company's boats engaged in the Island mail service shall also go round to Fremantle.

Senator GIVENS.—Then a mail contract should end at the first port from which the mails can be distributed by rail.

Senator PEARCE.—That proposition would mean that we must have one terminal point for these services, or other-

wise the vessels engaged in them must go all round Australia. What a ridiculous position that would land us in. Do honorable senators seriously believe that the High Court would compel the Government to accept such a position.

Senator HIGGS.—What is the necessity for having cold storage for letters?

Senator PEARCE.—I admit that the present contract is something more than a mail contract. I admit that, to a certain extent, it provides facilities for trade between the old world and Australia.

Senator HIGGS.—Will the honorable senator admit that it provides for a bounty to shipping?

Senator PEARCE.—I do not think we can call it a bounty. I look upon it as a contract for mail and trade purposes, but I do not think it can be said to be a contract for trade purposes between State and State, but rather with respect to trade between Australia, as a whole, and the old world. I shall require some stronger reasons than those advanced by Senator Givens to convince me that I should consent to the extension of the contract to Queensland, and to the addition of £26,000 to the already large sum we are asked to pay under the contract.

Senator GIVENS.—Let it be a mail contract only, and Queensland will have no reason to complain.

Senator PEARCE.—There is one other matter with which I wish to deal. I was twitted with having exaggerated the position with respect to Tasmanian military affairs, in combating the statement of the Premier of Tasmania. One honorable senator from Tasmania accused me of knowing nothing about the position. I take the following paragraph on the Tasmanian Defence Forces from a newspaper published in Launceston:—

TASMANIA'S DEFENCE FORCES.

A little investigation has been enough to explode the State Premier's romance about the increased cost and alleged worse condition of the Tasmanian Defence Forces under the Federal system. The State finance records show that the forces were transferred to the Commonwealth in 1901, with £26,706 expenditure attached to them for that year. The Federal Auditor-General (Mr. J. W. Israel), who was formerly the Tasmanian Auditor-General, and has a personal knowledge of Tasmania's revenue and expenditure, says (page 117 of his last issued annual report), that the Federal Defence expenditure on account of Tasmania for the three financial years 1901-2, 1902-3, 1903-4, was respectively £29,028, £25,376, and £42,128. It has been shown that the addi-

tional expenditure includes a larger contribution to the Navy, the payment for all stores, buildings, equipment, &c., out of revenue instead of borrowed money, the payment of the men enrolled for their services, and so forth. While the actual increase of the cost of the forces is not, as Mr. Evans stated, three times what it was under the old State régime, there are also a few points of difference between the condition of the forces then and now, which bear on the assertion that they are ten times worse. The companies are enrolling up to the full peace strength. Men are joining the colours instead of leaving them. It is no longer necessary to pass uniforms on from one man to another. The line was drawn at asking a man to wear another's pants, but to keep things going it used to be necessary to get them to wear one another's tunics. There is one uniform still in existence, and exhibited as a curio, that did duty for sixteen years. The local officers do not have to buy sugar bags now, service kit bags are issued. Formerly there was not a single set of serviceable up-to-date light horse or infantry equipment. Instead of only one country drill hall, there are now five, but others are wanted, for reports are still received of strange mixtures of drill shed, armoury, and cattle sheds in the country. The State ammunition pouches were so defective that, when the men went out firing, their tracks were marked by trails of lost cartridges. As regards what is described as "a large staff, with nothing to do," when the State handed over the forces in 1901 there were five Staff officers, now there are only three. And instead of running a M.S.S. account and paying for writing paper and other stores out of loan moneys, the Federal system requires payment for everything out of revenue. Altogether, the Premier might well wish that he had not begun to draw comparisons.

When I can quote that statement from a Tasmanian newspaper, it will be admitted that there was justification for the statements I made.

Senator MILLEN (New South Wales).—I have scarcely ever had the pleasure of listening to a debate which has conformed so admirably to the standing order under which it has taken place. The standing order provides that the debate need not be relevant to the subject which originates it, and it must be admitted that we have kept well within the four corners of that standing order. I do not propose to depart from so good an example in the few words I have to say. Senator Pearce has somewhat unfairly stated the attitude adopted by certain honorable senators on this side on the burning question of kanaka and coloured alien immigration. He sought to institute a comparison between my action at the initiation of Federation and the present utterances of certain honorable senators on this side, or between my attitude to-day and their utterances then. Surely, any comparison, to be of

value, must be instituted between the utterances of honorable senators who sit on this side to-day and their utterances then. My action then had nothing to do with what they are doing to-day. So far as my knowledge goes Senator Gould, Senator Fraser, and Senator Pulsford are exactly in the same position with regard to that measure as they were five years ago. I have never varied in my attitude, as Senator Pearce was good enough to admit. It was made manifestly clear that I was not supported by honorable senators who have spoken this evening, or who generally sit on this side. On the subject of the introduction of coloured men, I should like to use an argument which has always appealed to me as showing the necessity for keeping them out. The only argument I have ever used on a platform is that which was put so briefly to-night by Senator Pearce—the undesirability of giving people of any foreign nation a pretext for taking an interest in the internal affairs of this country. I have never yet heard an answer to that argument. It may be that by keeping out these people we retard the development of certain industries, or render them impossible, but we have to balance advantages against disadvantages. In the present state of the development of Australia our course is clear. No matter what the economic cost to ourselves may be, we ought to keep out any representatives of these races who, as far as we know, desire to come here for the simple reason set out by Senator Pearce, namely, that we should not, like the Boer Republic, commit the mistake of allowing the subjects of other powers to come in and settle here, or even come here under treaty, and by so doing give a pretext or possibly occasion for the power to which they belong to interfere in our internal affairs. It is suggestive of the public interest which the question of ordinary immigration has aroused that it has been referred to by almost every speaker to-night. Nearly every public man has expressed a desire to encourage immigration—in fact, it has passed into a platitude. But passing away from that, we come down to the facts of the moment, and these are that a communication has been addressed to the Commonwealth Government by General Booth, intimating that he desires to bring out 5,000 families, and that the Federal Government has sent a reply to him. We have seen the States Premiers practically tumbling over one another in their haste to

Senator Millen.

declare that their respective States can amply provide for all the requirements of this large army. Even Victoria, which, so far as we know, has the smallest area of Crown lands at its disposal, professes to be able to accommodate these families. I do not intend to-night to discuss what lands are available, but, speaking generally, I lay it down that there is not a single State in the Commonwealth which can at a single effort find accommodation for 5,000 families. On a previous occasion, I went into some details as to the lands which are available in the several States. I do not propose to repeat those remarks to-night, but merely to state that there is not a single State which to-day can find an area of land suitable for small settlement, and sufficiently extensive to provide a living for 5,000 families. That being the case, it appears to me that there is a moral obligation resting upon the Federal Government to make known that fact. I admit at once that the disposal of these lands is a matter for the States, but a proposal has been submitted to the Federal Government, who stand forward really as the mouthpiece of the representatives of Australia.

Senator PLAYFORD.—We have told General Booth to go to the Agents-General of the States, and ascertain from them what lands can be obtained.

Senator MILLEN.—Is not that to some extent shirking a responsibility which rests upon the Federal Government?

Senator PLAYFORD.—The Federal Government have no land to offer.

Senator MILLEN.—I know that; but they have something more than land to offer.

Senator PLAYFORD.—What?

Senator MILLEN.—A proposal was made to the Federal Government, and although they see these people being induced to come out under false pretences—

Senator PLAYFORD.—No.

Senator MILLEN.—What the Government are doing is practically to wash their hands of the whole matter.

Senator PLAYFORD.—We cannot interfere with the States if they agree with General Booth. We cannot stop the immigration.

Senator MILLEN.—It appears to me that, since a communication has been addressed to the Federal Government, they

ought to make themselves fully satisfied that conditions exist here which would warrant General Booth in bringing out 5,000 families. If those conditions do not exist, then it is incumbent upon us plainly to tell him that Australia is not ready at this moment to receive that large number of immigrants all at once. If, on the other hand, the conditions do exist, and the Government can satisfy themselves that the States, acting in unison, can provide land, and create openings for them, they would be serving the interests of Australia if they did so address General Booth. I have not the slightest doubt but that any attempt by General Booth or any one else to bring 5,000 families here will simply end in a gigantic failure, ruin the immigrants, and bring lasting discredit to Australia as a whole. It has been pointed out that to-day it is difficult to find land for our own people. I make that statement without wishing in any way to contradict the remarks made by Senator Fraser. Both statements, although apparently in contradiction, are reconcilable. The honorable senator is perfectly correct in saying that there is an ample supply of land in Australia. But, on the other hand, the men who wish to get land are without money. For any man who is in a position to buy at the market price, there is any quantity of land to be had, but the great number of persons in Australia who seek to get land, and probably an equally big percentage of those in Great Britain who may desire to come here, wish to obtain a holding either for a very nominal consideration, or for no consideration at all. It is quite evident that private land-holders cannot treat to any extent with persons in that financial position. It is a matter which, if it has to be faced at all, must be faced by the States. I venture to say that there are only two alternatives. One alternative is the breaking up of large estates by the process of a heavy land tax, or by some other method, all of which I should class under the head of confiscation; and the other is by a general resumption by the States Governments under the nearest approach to the *crédit foncier* system, by which land could be secured at an equitable price, and made available for subdivision on liberal extended terms to the smaller men. That is an alternative which I see in front of us. I do not believe that Australia is prepared to indorse any proposal which savours of confisca-

tion. The other alternative, then, remains as the only one available.

Senator PEARCE.—The honorable senator does not call land values taxation confiscation?

Senator MILLEN.—Land values taxation which is intended to be so heavy as to destroy the values of land is as much confiscation as if the land were taken by Act of Parliament.

Senator PEARCE.—If the tax is of such a character as to cause land to be brought into full use, it is not confiscation.

Senator MILLEN.—If I have a piece of property which is worth £1, and the honorable senator comes along with a proposal to put a tax of 1s. in the £ on my land, he might just as well take the land.

Senator PEARCE.—I would not propose such a tax.

Senator MILLEN.—If the honorable senator, in his spirit of moderation, proposes to impose a tax of 6d. in the £, he will take away half the value of my land, and it will become worth only 10s.

Senator PEARCE.—I would propose a tax which would make it unpayable for the honorable senator to use land for sheep, if it were fit for closer settlement.

Senator MILLEN.—No matter what tax the honorable senator may propose, it must take away a portion of the capital value of my land.

Senator PEARCE.—The experience of New Zealand has shown quite the opposite. Land values have increased there, because of the general prosperity brought about by land settlement.

Senator MILLEN.—Exactly. If my piece of land, which, to-day, is worth £1 an acre, is subjected to a tax of 6d. in the £, and its value jumps to £2 an acre, what will happen? Taxation on the land will go up, and its value will go down. So whatever happens, the tax will take away half the present and prospective value of the land. Seeing that private lands have been purchased under the laws of the State, with the full legal and moral sanction of the community, the only thing to do, if we have made a mistake, is to re-acquire them honestly, as we understand the word, on a reasonable valuation. The sooner we recognise that the lands which are most suitable for small settlement are in private hands, and devise a scheme under which, in fairness to

the present owners, we could make them available to the small men, the sooner we shall be able to bring about that steady stream of immigration which we all desire to see setting towards the shores of Australia.

Senator DOBSON (Tasmania).—Whenever I hear the question of defence discussed, I am struck with the fact that it is a very difficult and complicated one. I hope that when the Conference meets in London, as I presume it will next year, the question will be thoroughly discussed, and that a definite line of policy will be adopted. It involves not only the question of naval defence, but also the question of land defence as regards the whole Empire. I should like Senator Playford to say, as soon as he can, when we shall have an opportunity here to discuss the subjects which are to be debated at that Conference.

Senator PLAYFORD.—I do not know anything about the Conference.

Senator DOBSON. — Apparently my honorable friend has forgotten that I asked him if we should have an opportunity to discuss these matters, and he replied, I think, that we should. I should like him to consult the Prime Minister and make a statement on the point.

Senator PLAYFORD.—Let the honorable and learned senator put a notice on the paper, and I shall arrange. There is a notice about the Defence Act on the paper for the 5th October.

Senator DOBSON.—What I want is a discussion of the questions which may be brought before the Conference, and which include not only the question of defence, but the question of preferential trade, the question of an Imperial Council for the Empire as foreshadowed by Sir Frederick Pollock, and another question which I should like an opportunity to discuss.

Senator PLAYFORD.—The honorable and learned senator can always get a question discussed by putting a notice on the paper. I have no special desire to have it discussed.

Senator DOBSON.—I had an assurance from the honorable senator that an opportunity would be afforded for discussing the question. Am I to understand that the Prime Minister, or the Minister who will go to the Conference, is to have from the Parliament no instruction or guidance as to what the opinion of Australia is?

Senator MATHESON.—That is right. They will do just what they did last time.

Senator DOBSON.—That appears to me to be a slipshod way of doing the business. I was quite right in christening this Ministry the "No-responsible Government," because Senator Playford led me, and every one else, I should think, to suppose that we should have an opportunity to discuss these matters.

Senator PLAYFORD.—So the honorable and learned senator will.

Senator DOBSON.—If the honorable senator is going to eat his words and to tell me—

Senator PLAYFORD.—I never said I was going to put notices of motion on the paper and have these questions discussed. What I said was that the honorable and learned senator would have every opportunity to discuss them.

Senator DOBSON.—I understand now that the Minister wipes his hands of the whole business, and that any one of us who desires to discuss these matters may put a notice of motion on the paper.

Senator PLAYFORD.—I am very sorry.

Senator DOBSON.—It is a very great pity that the honorable senator should have misled, if not the Senate, certainly myself.

Senator PLAYFORD.—I am very sorry.

Senator DOBSON.—I always learn something when I listen to Senator Matheson. I thought that he rather impaired his speech by imputing that the Imperial Government, with the approval of the Commonwealth Government, were deliberately breaking the Naval Agreement, but on referring to what he did say, I found that he did not mean to convey the impression that they were in any way corruptly breaking the agreement, but that owing to their change of policy they desired to slightly, or, if you like, greatly modify the agreement, and that they are doing this quite as much in the interest of the Commonwealth as in their own interest, because we have had the assurance of the Prime Minister that the agreement is being altered to the advantage of Australia. But I quite agree with Senator Matheson that if there is to be any alteration of the agreement, Parliament ought to approve of it. Parliament made the agreement, and I presume that it can be altered or varied if Parliament consents. But I deny the right of Ministers to alter it without the

consent of Parliament. I have a word or two to say in reference to the Federal Capital. As I understand the question, the idea of driving in a peg, and so trespassing upon the land of New South Wales, is hardly considered by the Prime Minister to be sufficient to raise the legal questions which it is desired that the High Court should settle. I gather from what he has said that an Act of Parliament will have to be passed by means of which we can raise the legal issues. I think the Government ought to be exceedingly careful as to what steps they take, if any, to pave the way for any alteration of the decision to which Parliament has come. Parliament, quite as much as the Executive, ought to be a party to any modification that may be proposed. I am of opinion that if the matter goes to the High Court, and the Prime Minister and the Premier of New South Wales seem to think that it ought to go, the High Court will not answer the questions which we desire to have settled. Instead of passing an Act of Parliament to raise those legal questions, I should think that it would be much better to pass an amendment of the Judiciary Act, so as to make it perfectly open for the Commonwealth, or for any State, or for any parties, to state a case for the opinion of the High Court on any question they please. That matter was raised by me on the Judiciary Committee of the Convention in Adelaide, and I gathered from what then took place that in our Federal Judiciary Act we should have power to state a case for the opinion of the High Court.

Senator PEARCE.—There is such power in Canada, I think.

Senator DOBSON.—Yes, and I cannot conceive why we have not such power in the Commonwealth. In Tasmania, under our Equity Procedure Act, there is power to state a case for the opinion of the Court; and I have frequently advised clients, when there has been a suit of a friendly nature, to state a case. Then you can get a case before the Court in one document, to which both sides interested consent. It saves the trouble and expense of filing an application, filing an answer, and going through all the proceedings incidental to an equity suit. It appears to me that it would be much better if we were to amend the Judiciary Act in the way I have stated. I cannot conceive, however, that there is any wisdom in building a Federal Capital until the population and

revenue of the Commonwealth have largely increased. Indeed, it would be a wicked waste of money to think of building another capital while we have a population of only 4,000,000, one-fourth of whom reside in two cities. We should simply have Ministers rushing about from the Federal Capital to the capitals of their States, and causing no end of confusion and annoyance. No single advantage would result to the Commonwealth. If honorable senators are in favour one day of building a Capital at a cost of three or four million pounds, another day building a transcontinental railway at a cost of four or six million pounds, and of paying bonuses to the sugar industry on an artificial basis, it is perfectly idle to talk of economy. We have adopted an exceedingly good plan, which I hope we shall continue, of building our works out of revenue. But what is the use of spending £150,000 a year out of revenue and deliberately refraining from the wretched policy of the States of over-borrowing, if we are going to build a capital and a transcontinental railway, both of which works ought to stand over for a generation or two? I shall oppose any Bill for the appointment of a High Commissioner in every possible way. I cannot conceive of a more extravagant piece of folly than to introduce a Bill for the purpose of paying an enormous salary to one man, who will have an expensive staff under him, until, at any rate, we have arranged to take over the debts of the States, and until the States are prepared to put their Agents-General on a different footing. At the Hobart Conference every Premier objected to the appointment of a High Commissioner at the present stage. Some opposed it altogether. It is idle for the Prime Minister to say that, because the Government is interesting itself in immigration, it is necessary to have a High Commissioner to look after it. It is admitted that we have no land under our control. We have nothing to do with the land laws of the States; and, although the Prime Minister may desire, in order to counteract the injury done by some of the labour legislation to which he has been a party, to increase the population of Australia, that, after all, is more a State than a Federal matter. Does any one pretend that one man can attend to the interests of the States in regard to immigration better than the six Agents-General who are now at home? Those gentlemen have been

asked to defend the credit and honour of Australia, and to prevent us from being slandered and vilified. They are well qualified to render that service. I beg leave to think that those six men, or any six men chosen to represent the States, are able to look after the credit and good name of Australia and to show the proper trend of legislation passed by us, far better than a single man could do. I protest, in the name of my State, and in the name of economy, against this expensive office being created. As for voting a salary of £3,500 a year, I certainly shall oppose any such idea. If the Prime Minister of Australia can give up the whole of his time for £2,000 a year, that is the utmost I should vote for the High Commissioner. I should like to see some arrangement made with the States in regard to the debts before we take steps in this direction. The settlement of that question lies at the root of all our financial schemes for the future. There will be nothing for a High Commissioner to do until the debts question is ripe for settlement. There is no sign at present that the States are prepared to give up their Agents-General. For instance, New South Wales has 1,800,000 acres of land available for settlement. Would the Premier of New South Wales consent to a man from another State, over whom he had no control, selecting immigrants to occupy that land? Furthermore, we know that Mr. Coghlan is doing exceedingly good work for New South Wales and for Australia. No man whom we could possibly send to London would be likely to have at his command Mr. Coghlan's mass of information on all subjects pertaining to this country. Is it likely that Mr. Carruthers or the people of New South Wales would consent to have an admirable representative like Mr. Coghlan supplanted by a High Commissioner? I can quite understand also that the Western Australian people would prefer to manage the settlement of their own lands themselves, and could do it much better through their own Agent-General than through a High Commissioner. The business of such an officer is to look after our finances, and when we have some financial work for him to do let us appoint him, but not before. I hope that when the Imperial Conference meets in England it will come to some arrangement about an Imperial Council for the Empire. Sir Frederick Pollock has suggested a scheme which may be worth

Senator Dobson.

thinking about, especially by our friends who are always complaining that Australia has no representation in the affairs of the Empire, and who give that as one of the reasons for objecting to an Australian contribution to the Navy. But, possibly, if we have a larger voice we shall have to arrange to contribute more in money, in men, or in some other way, and to take upon ourselves a greater share of the burdens than we do now. I should certainly like to hear from Senator Playford that we are to have an opportunity to discuss the question of preferential trade in a thorough manner. I believe, with Mr. Chamberlain, that if we are going to have high duties against Great Britain, and higher duties against other countries, preferential trade is nothing but a mockery. If we are to have a duty of 30 per cent. against the foreigner, and 25 per cent. against the British exporter, there is no preferential trade worthy of the name. The only kind of preferential trade to which I shall consent is a system that will largely reduce duties in favour of Great Britain. If, for instance, our present duty on cotton piece goods is 25 per cent., and we made the duty 15 per cent. against the foreigner, and 5 per cent. against Great Britain, it would be reasonable; but unless we are going to have reciprocal trade, which will, in the long run, tend towards freedom of trade, we should not go in for the system at all. I think that in this matter Mr. Chamberlain has by far the best of the argument. If we cannot bind the Empire together by means of preferential trade or by commerce, then I am absolutely at a loss to know how that object is to be attained. It may be bound together a little by means of defence, but our friends of the Labour Party almost negatived the Naval Agreement; they desire to make no contribution whatever, but that we should have our own Navy. To that view, however, I am opposed, and if that be the policy of the Labour Party, I should like to know how they hope to bind the Empire closer. Do the Labour Party want to see the Empire drift apart? I desire preferential trade, not because it is a question of free-trade or protection, but because it is a matter of binding the Empire together. Let our friends the strict free-traders point out some way in which the object can be gained, and I shall be glad to listen to them. I think that, in regard to our navigation and other proposals, we

shall have to alter our policy, as all the other nations of the world have done, in the direction of protecting ourselves from the unjust and selfish laws of other people. There is not much to be in love with in free-trade, which gives open ports to the whole world, whereas all other nations and States, except one, shut their doors in our face. I hope, therefore, that something will come of Mr. Chamberlain's proposal, and that we shall have an opportunity to discuss this great question. I hope that the delegates who go to the mother country to attend the next Imperial Conference will go with some idea of what the wishes of the people of Australia are, as set forth by their parliamentary representatives. Every time the question is debated at Home there is a dispute between the two sides as to what the Colonies really do desire. No one seems to know in England, and no one seems to know here. Some scout the idea of reducing the duties against Great Britain, while others, like myself, are strongly in favour of that course. It appears to be absolutely essential, if the Conference is to do much good, that there should be a discussion in this Parliament on the questions which remain for settlement, and our delegates must go Home thoroughly understanding what the views of Australia are.

Senator PLAYFORD (South Australia—Minister of Defence).—Senator Dobson always thinks Imperialistically. He has uttered some words of warning about the suggested Imperial Conference. I have some idea that the last Conference in London arrived at something like an understanding, although not a very definite one, that in five, six, or seven years there should be another meeting.

Senator MATHESON.—That is considered as quite definite in England.

Senator PLAYFORD.—The Prime Minister of England has, I understand, said something to the effect that a Conference may be convened; and that is all I know about the matter.

Senator DOBSON.—The Minister of Defence is very ignorant on the point.

Senator PLAYFORD.—I do not know that Senator Dobson has any more information than myself.

Senator DOBSON.—I know that the Conference is going to be held.

Senator PLAYFORD.—But when?

Senator DOBSON.—Next year, I believe.

Senator PLAYFORD.—Not necessarily next year. I do not think that as yet any-

thing definite has been decided; and, under the circumstances, I do not see the use of discussing a number of subjects which may or may not be brought before the Conference.

Senator DOBSON.—The Minister is afraid to discuss those subjects.

Senator PLAYFORD.—Not in the least. The policy of the Ministry on preferential trade is well known, and I can see no use in discussing that matter now.

Senator Lt.-Col. GOULD.—We do not know exactly what the policy of the Government is.

Senator PLAYFORD.—The Government are in favour of preferential trade.

Senator Lt.-Col. GOULD.—With certain restrictions.

Senator DOBSON.—The Government are in favour of raising the duties against every country but England.

Senator PLAYFORD.—I am not going to discuss the details.

Senator DOBSON.—The Minister is afraid of a discussion.

Senator PLAYFORD.—I am not in the least afraid. I can give my own ideas on the subject, but, in doing so, I in no way bind the Government. My own opinion is that we should retain the duties as we have them, so far as Great Britain is concerned, and raise them in the case of all other foreign countries.

Senator MILLEN.—To that Mr. Chamberlain would say, "Thank you for nothing."

Senator PLAYFORD.—It is a proposal that will, at any rate, show Great Britain that we are willing to give her manufactures and productions a preference over those of foreign countries. The preference given by Canada is on the same lines—it is given because England allows Canadian products to enter the old country free.

Senator MILLEN.—We need not discuss those terms, because they would not be accepted by England.

Senator PLAYFORD.—It is impossible on the present occasion to deal with all the various subjects referred to by honorable senators. I came here for the purpose of passing a Supply Bill to provide for the services of the Commonwealth for two months, and that is all I wish to do. I ought, however, to say a few words on the defence matters dealt with by Senator Matheson. The matter of the Naval Agreement is not in my Department, but in that of the Prime Minister; and, therefore, I think the honorable senator might have

given me some hint that he intended to deal with the subject to-day.

Senator MATHESON.—It was only last night that I knew a Supply Bill was to be introduced.

Senator PLAYFORD.—That, of course, is a fair explanation. I think, however, that the honorable senator is altogether mistaken in the view he takes of the intentions of the British Admiralty. The honorable senator has suggested that the Admiralty has in the past, and is likely in the future, to evade the terms and conditions of any contract entered into—that the Admiralty will do something less than they have promised to do. The honorable senator also stated that the flagship *Powerful*, which is on its way out to replace the *Euryalus*, is a much less effective warship than the latter. In the first place, the agreement simply states that there shall be one armoured cruiser, first-class, and the *Powerful* is a vessel of that description.

Senator MATHESON.—If the Minister refers to *Brassey* he will find that the *Powerful* is simply a first-class cruiser, unarmoured.

Senator PLAYFORD.—In the *Age* to-day, in reference to the proposed naval base at Singapore, there is published an interview with Captain Stokes Rees, the officer in charge of Garden Island, Sydney, in which the following occurs:—

Neither in the opinion of Captain Stokes Rees is the fact that an important new base is being established comparatively close to Australia likely to cause any decrease in the Australian fleet. On the contrary, he is just in receipt of plans for readjusting all naval moorings in Port Jackson, with a view of providing more accommodation to replace the vessels which are being taken away. The following ships are to join the squadron:—

Powerful, first class cruiser, 14,200 tons, 25,000 indicated horse power, natural draught, 18 guns.

Encounter, second class cruiser, 5,800 tons, 12,500 indicated horse power, 11 guns.

Cambrian, second class cruiser, 4,360 tons, 7,000 indicated horse power, 10 guns.

Pioneer, third class cruiser, 2,200 tons, 500 indicated horse power, 8 guns.

Pyramis, third class cruiser, 2,135 tons, 5,000 indicated horse power, 8 guns.

The statements that have been furnished to me by the Prime Minister respecting the proposals of the Admiralty, are to the effect that the alterations are to be in the direction of maintaining here an absolutely more powerful fleet than the contract provides for. Certain sloops which have been condemned as

obsolete, are to be replaced by vessels of greater power, and when the whole of the details are finally settled, the matter will be brought before Parliament. It will then be shown that the alterations proposed mean that, instead of the Admiralty trying to evade their obligations, and provide a fleet of less power and capacity than that contracted for, they are going to provide a much superior force.

Senator MATHESON.—I hope the Minister will look into the subject of the flagship, because I propose to ask him a question regarding it to-morrow or Friday?

Senator PLAYFORD.—I shall endeavour in the meantime to get all the necessary information; but what I have stated is all I have at present.

Senator STANFORTH SMITH.—Is the squadron at the present time under contract strength?

Senator PLAYFORD.—As I said before, this matter does not come within my Department, but I believe the squadron is not at present of the exact strength for which the contract provides. I believe that only one sloop is left, but others are coming out to take the places of those which have been removed.

Senator STANFORTH SMITH.—What would have happened if these vessels had been wanted during the Russo-Japanese war?

Senator PLAYFORD.—I do not know, but I suppose that had Great Britain become involved, the British Fleet would have managed to hold its own without the assistance of the Australian Squadron. I find that people who pose as authorities, more or less, are ever at variance on the subject of defence. They are like Kilkenny cats, and one has only to express an opinion to have it contradicted by the other. Of this we have had experience only lately. One gentleman, whose name I need not mention, but who is very well known, and, was, I believe, referred to by Senator Matheson—

Senator MATHESON.—I mentioned no names.

Senator PLAYFORD.—I think the name slipped out once, but, at any rate, we know to whom reference was made. That gentleman would increase the amount of the subsidy to the squadron, and take no steps towards the establishment of an Australian Navy; whereas Senator Matheson takes exactly the opposite view, and advises us not to spend a penny on the

squadron. Senator Matheson takes rather a selfish attitude, I think, when he says that whether we give a subsidy, or not, the British Navy will defend us; and he suggests that the money now given as a subsidy should be devoted to providing torpedo boats and torpedo-boat destroyers to resist any invasion of Australia. But that, as honorable senators will see, is a very big order"; because nothing we could do in the way of providing torpedo boats and destroyers would enable us, with over 8,000 miles of coast-line, to prevent an invasion of any part of Australia.

Senator STANFORTH SMITH.—An enemy could only land at some port.

Senator PLAYFORD.—An enemy could land at a great many places where, though there are no ports, there are bays, and no difficulty would be encountered. Any enemy, with serious intentions of invading Australia, would know exactly what armament they would have to meet, and would make provision accordingly. I intend shortly to make a statement in regard to the whole question of defence, in which I shall deal with the defence policy of the past so far as the land forces are concerned. I shall show to what extent we have carried out the intentions of those who framed the defence scheme. I shall give information as to what we possess in the way of material, armament, ammunition, and so on for our land forces. I shall show how we have provided to meet the requirements of our forces on a peace footing, and also on a war footing. I shall explain to what extent we are deficient so far as regards our armaments. Then, so far as our navy is concerned, I shall give all particulars relating to the *Protector*, *Cerberus*, and one or two other small vessels which we possess. I am prepared to admit that so far as provision for harbor defence is concerned, we are, if anything, worse off now than when we took over those vessels from the States.

Senator MATHESON.—Hear, hear; and who is responsible?

Senator PLAYFORD.—I shall allow the honorable senator, if he is able, to place the responsibility. I have looked into the question. Senator Matheson asked me, so far as our naval defences are concerned, to get a report from Captain Creswell. I have seen that officer, and I have received his report on the subject. I admit frankly and unreservedly now that the statement

made by the honorable senator is absolutely accurate, and that since we took over the defences of the Commonwealth we have done practically nothing in the matter of harbor defence, and are, if anything, in a worse position than when we took over the forts and vessels provided by the States. The principal reason for that is that every year our vessels and guns are becoming more or less obsolete, and though we have replaced a few guns we have done practically nothing to improve the condition of our harbor defences. I shall be prepared to give honorable senators the facts regarding the position of our naval and military forces. At the present time there is great difficulty in arriving at a decision, and I am confident that I shall not be able to outline for the Senate what I consider should be the policy of the Commonwealth with regard to naval defence. I require a more extended opportunity to master the facts. Not only do I find that people outside who make some profession of being experts in the matter are totally at variance on many important points, but amongst the officers of the Department there is precisely the same difference of opinion. I make no pretence of being a military expert in any sense, and I shall enter into the consideration of the matter with a perfectly open mind, and with a desire to arrive at the true state of affairs, in order to suggest a desirable policy. I must deal with the matter with considerable caution, in order that I may be perfectly satisfied as to the wisdom of any proposal I submit to Parliament to improve the existing condition of affairs. In order to suggest what should be done in connexion with our naval defence and the harbor defence of our chief cities, as well as the type of guns we should get in order to replace obsolete weapons, I shall require vastly more information than I have at present. I can, however, say that I believe that it is necessary that we should make a start, in however small or modest a way, to establish the nucleus of an Australian Navy. To what extent we should proceed with the proposal in the meantime, and the period over which we should extend the expenditure necessary, are matters which require careful consideration. We might, for instance, make a start with one vessel this year, and get another one or two years later.

Senator MILLEN.—By the time we got the second or third boat, the first would have become obsolete.

Senator PLAYFORD.—Not necessarily. I am inclined to think, for instance, that that cannot be said of our rifles. I do not see how the present magazine rifle can be greatly improved. It is true that the chamber might be made larger, so that more than ten shots might be fired without putting in a new clip; but that could only be done by making the weapon heavy and cumbersome. With regard to our field guns, I shall get all the information possible, and supply it to honorable senators later on. I do not believe that I shall be able to state what the policy of the Government will be, and what they will recommend Parliament to agree to with respect to the defence of our ports, and the war vessels, as they may be called, which we ought to get. I do not think that I shall be able to say to what extent we should employ torpedo boats or destroyers, or whether we should have one or two very fast cruisers. All these matters will require very careful thinking out. There are three things which we must consider. First of all, we must provide against invasion; then we must provide against a raid which might be made for the purpose of destroying shipping or a portion of a town; and, thirdly, we require to make some provision against the destruction of our commerce by means of fast cruisers despatched to prey upon it. These are the three things we have to provide against, and I shall be prepared to give honorable senators every information on those three heads when I speak, as I hope to be able to do in the course of a fortnight or so. I shall take advantage of the opportunity afforded to lay a paper on the table, and I shall give honorable senators some notice beforehand as to the day on which I shall make this statement regarding the whole defence scheme of the Commonwealth.

Senator MATHESON.—Can we see the reports from Commander Creswell which the honorable senator speaks of?

Senator PLAYFORD.—No. They are absolutely confidential, and I do not propose to lay them on the table or to publish them at the present time.

Question resolved in the affirmative.

Bill read a first time.

Motion (by Senator PLAYFORD) proposed—

That the Standing Orders be suspended to enable the Bill to pass through all its stages without delay.

Senator MILLEN. — I wish to raise a point of order with regard to this motion. Standing order 98 provides :—

Notice of motion shall be given by the Senator stating its terms to the Senate, and delivering at the table a copy of such notice, fairly written, signed by himself, and showing the day proposed for bringing on such motion.

I take it that there is nothing known to our Standing Orders by the name of a "Contingent Notice of Motion." The standing order which I have quoted is the only one we have which deals with the giving of notice of a motion. I wish particularly to direct attention to the fact that under standing order 98 a notice of motion must state the date on which it is proposed to bring on the motion. The notice given in this case only states that the motion is to be moved contingent upon something happening.

The PRESIDENT.—Will the honorable senator look at standing order 108?

Senator MILLEN.—I proposed to refer to it, but it gives no direction as to the way in which a contingent notice of motion shall be given. It merely provides that—

No notice or contingent notice shall have effect for the day on which it is given.

That gives no direction as to the way in which an honorable senator is to give a contingent notice of motion. The only standing order which gives such direction is standing order 98, which I have already quoted, and which distinctly lays it down that the notice of motion must state the day on which the motion is to be proceeded with. I submit that a contingent notice of motion is merely a courtesy notice, which one can give with a view to informing the Senate as to the course which he proposes to take; and a contingent notice of motion would cover such a motion as one might move in Committee without notice. I do not say that the motion submitted by the Minister of Defence is one which could be moved in Committee, but that a contingent notice of motion is a courtesy notice on the part of the honorable senator, giving it as it would cover just such an amendment of a Bill as might be brought on in Committee without any notice at all. In this particular case it is quite obvious that the motion proposed could not have been brought on without some notice. I go back to standing order 98, and I repeat that it provides that a notice of motion must state the day on which it is to be proceeded with.

Senator KEATING.—I submit that the reading of standing order No. 98 by Senator Millen is not one that should be adhered to.

Senator MILLEN.—That is another matter.

Senator KEATING.—I submit that it should not be adhered to, because it is not correct. The words on which he relied in support of his contention are the words "showing the day for bringing on such a motion." I submit that these words are not to be read as requiring the specification of a particular date of the month. The wording of the notice in this case is—

The Minister for Defence :—To move (contingent on the receipt of a Supply Bill from the House of Representatives)—That the Standing Orders be suspended—

and so on. If the Supply Bill is received on a particular day, that is the day on which the motion will be moved, in accordance with the notice which is given in advance of the receipt of the Bill. When the Supply Bill has been received the contingency contemplated has happened, and then, in accordance with the notice given, I submit that the motion may be moved. Standing order No. 98 does not prescribe that a particular day or date shall be specified, but that the notice of motion shall show the day on which the business is to be brought on. The Minister, instead of saying that he proposed to submit this motion on the 27th of September, indicates that he proposes to move it on the day on which the Supply Bill is received from the House of Representatives. I submit that that sufficiently marks the day, in accordance with the requirements of standing order 98.

Senator Lt.-Col. GOULD.—I should like to say that a contingent motion is a motion to be moved contingent upon a certain thing happening; but it should specify the day in this way: The Minister, for instance, might have given notice on last Friday, that he would, "on Wednesday next," contingent upon a certain thing happening, move the suspension of the Standing Orders, and if when the date mentioned arrived the Bill had not been received fresh notice could be given for the following or some later day.

Senator KEATING.—The Bill might come up too late to enable fresh notice to be given in that way.

Senator Lt.-Col. GOULD.—That is possible; but the standing order to which Senator Millen has directed attention provides that the notice of motion shall show the day proposed for bringing on such motion, and I submit that the true construction of that standing order is that a particular day should be named, on which the motion of which notice is given is to be considered. The object is to enable honorable senators to know the day on which they may expect that a particular motion will be debated. This motion could not come on unless a certain contingency happened. Suppose the Minister had put his contingent notice of motion in this way—

The Minister of Defence :—To move, on Wednesday, 27th of September, 1905 (contingent on the receipt of a Supply Bill from the House of Representatives)—That the Standing Orders be suspended to enable the Bill to pass through all its stages without delay.

There could be no question if he had said that he would move the motion contingent upon something happening. If I choose to give notice of a motion for a matter to be dealt with on Wednesday that is a definite notice, but if I say that contingent upon the President being in the chair I shall move a motion, he may not be in the chair on that day. The contingency is that the motion will be moved on a particular day if another thing happens on that day. That, I submit, is the true construction of the standing order, although it may be a very technical one. The object in giving the contingent notice is to let honorable senators know on what day a matter will be discussed.

Senator HIGGS.—I think that when there is no standing order providing that the course outlined by Senator Millen should be followed, we should take a common-sense view. The standing order states that notice shall be given, and the Minister has given notice of his intention to move that the Standing Orders be suspended. I submit that he has followed, as far as he could, the intention of standing order 98 in stating the date by using these words—

To move (contingent on the receipt of a Supply Bill from the House of Representatives).

There are two other standing orders which deal with this question of suspension. Standing order 434 reads—

When a motion for the suspension of any Standing or Sessional Order or orders appears on the notice-paper, such motion may be carried by a majority of voices.

This motion to suspend the Standing Orders does appear on the notice-paper, and therefore honorable senators have received due notice. Standing order 434 says—

The suspension of Standing Orders shall be limited in its operation to the particular purpose for which such suspension has been sought.

That standing order is also complied with, because the notice of motion proposes—

That the Standing Orders be suspended to enable the Bill to pass through all its stages without delay.

The PRESIDENT.—I am not prepared to give to the standing order the narrow and restricted interpretation which Senator Milten thinks ought to be given. In the first place, a standing order similar to No. 433 will, I think, be found in the Standing Orders of every House of Parliament in Australia. I know that it is to be found in the Standing Orders of each House of the Parliament of South Australia, where the practice always was to permit a notice of motion to be given in the same manner as the one which has been given by Senator Playford. Standing order 108 may have no direct bearing on this question, but undoubtedly it recognises that a contingent notice of motion may be given, because it says—

No notice or contingent notice shall have effect for the day on which it is given.

How can a contingent notice of motion be given for a day when the honorable senator concerned does not know, and in some instances cannot know, the day on which the matter respecting which he is giving the notice will come on? I ask honorable senators to look at standing order 188, in reference to the second reading of a Bill. It says—

After the second reading, unless it be moved, "That this Bill be referred to a Select Committee," or unless notice of an instruction has been given—

How can notice of an instruction be given for a particular date when the honorable senator concerned does not know the date on which the Bill will be read a second time? He must give the notice contingent upon the Bill being read a second time. In addition to that, there is the invariable practice of the Senate of not specifying in contingent notices of motion the particular dates on which they were to come on. They have always been given contingent upon the second reading of the Bill, or upon the Bill being received from the other House, or

upon some other incident. It would be manifestly inconvenient—in fact, it would be impossible in some instances—for an honorable senator, when giving a contingent notice of motion, to specify a date for it to come on. Therefore, I rule that the motion is in order.

Senator MILLEN (New South Wales).—I would now suggest to Senator Playford that he should take steps to amend the phraseology of his motion. He proposes that all the Standing Orders be suspended, but what he wants to do, I think, is to suspend so much of them as would preclude the passage of the Bill through all its stages without delay.

Senator PLAYFORD.—That is always understood.

Senator MILLEN.—That is a very lax way of doing the business.

Senator PLAYFORD.—Look at standing order 435.

Senator MILLEN.—I only look at the wording of the motion.

Senator PLAYFORD.—That standing order limits the suspension of the Standing Orders to the particular purpose for which it has been sought.

Senator MILLEN.—Surely it is not desired to suspend the President's right to control the Senate? If all the Standing Orders be suspended it will not enable the Bill to be put through, because it will suspend the machinery which is necessary to enable the Chamber to carry on the business.

Senator HIGGS.—Will the honorable senator allow the Minister to amend the motion?

Senator MILLEN.—Undoubtedly; and I appeal to the experience of every honorable senator as to whether the form I suggest is not that which prevails in every Legislative Assembly.

Senator PLAYFORD.—The honorable senator might allow the motion to go through to-night, and it will be moved in an altered form in the future.

Senator MILLEN.—If the Minister who leads the Senate is content to go on in this slovenly fashion that is his affair. I have done my duty in calling attention to the fact.

Senator PLAYFORD (South Australia—Minister of Defence).—I do not know that it is a slovenly fashion. It has been adopted for the last five years. It cannot be so slovenly as the honorable senator suggests, otherwise it would have

been altered before. It is really a question of the difference between tweedledum and tweedledee, because, although the notice of motion is worded in this way, its operation is governed by standing order 435, which limits the suspension of the Standing Orders to the purpose for which it was sought. We only desire to suspend so much of the Standing Orders as will enable the Bill to pass through all its stages without delay. No other standing orders will be suspended if the motion is carried.

The PRESIDENT.—The whole of this discussion is rather irregular.

Question—That the Standing Orders be suspended—put. The Senate divided.

Ayes ...	...	...	14
Noes ...	...	...	4
Majority ...			10

AYES.

Dawson, A.	Pearce, G. F.
de Largie, H.	Playford, T.
Drake, J. G.	Smith, M. S. C.
Givens, T.	Stewart, J. C.
Guthrie, R. S.	Walker, J. T.
Henderson, G.	
Higgs, W. G.	
O'Keefe, D. J.	

Teller:

Keating, J. H.

NOES.

Baker, Sir R. C.	
Gould, A. J.	
Pulsford, E.	

Teller:

Millen, E. W.

Question so resolved in the affirmative.

Motion (by Senator PLAYFORD) proposed—

That the Bill be now read a second time.

Senator Lt.-Col. GOULD (New South Wales). — We have had no explanation from the Minister with regard to this Bill. Are the salaries included in it upon the same basis as those to be voted in the Appropriation Bill at the end of the session, and are there any additional votes apart from such as are necessary for carrying on the services of government? It appears to me that, under this system, the Senate is quite unable to exercise any effective control over expenditure. It is quite true that Estimates of Expenditure are submitted and are debated in the other Chamber, but there is no opportunity for the Senate to consider them, or to suggest reductions, until such time as the Government can tell us that the money has been spent.

Senator PLAYFORD.—Can the honorable senator suggest a better way of dealing with such Bills?

Senator Lt.-Col. GOULD. — Yes; by passing the Estimates before the end of

the year. That could be done without passing the Appropriation Bill. That course would give us an opportunity of controlling expenditure such as does not exist under the present practice.

Senator WALKER (New South Wales). —Do I understand that this Bill will enable the Government to carry on until the end of October?

Senator PLAYFORD. — Yes; for two months.

Senator MILLEN (New South Wales). —We are told that this is merely a Supply Bill, but really that is the key to the whole position. From the very beginning of this Parliament the Senate has never been properly recognised in reference to Bills of this character. We have never had an opportunity of exercising control over expenditure.

Senator DAWSON.—Does not the honorable senator see that it is necessary to pass this Bill in order that those who have earned their salaries may be paid?

Senator MILLEN.—That has nothing to do with the question whether the Senate ought to exercise proper control over expenditure. What prevented the Government from introducing this Bill in the other House a week earlier, in order that it might be brought before the Senate without a suspension of the Standing Orders? It is evident that the Senate must do one of two things. Either we must go on pretending that we are exercising control, although we allow Government after Government to suspend the Standing Orders; or we must insist upon our rights, even though it involves the public servants being deprived of their salaries for a little while after the end of the month. Some inconvenience would arise from following the latter course but if we did it once the Government would never again make the mistake of slighting the Senate as successive Governments have done in the past. Apparently, however, honorable senators are not prepared to indulge even in the mild dose of heroics which would be necessary to make a protest worthy of the name.

Senator DAWSON.—When I raised a protest long ago, where was the honorable senator? On the other side.

Senator MILLEN.—Fortunately I have been able to look up my facts, and am therefore able to say that if there was a backslider in the Dawson-Millen party it was not Senator Millen. I appeal to the recollection of honorable senators as to

whether we have ever been able to get from Ministers in charge of Supply Bills a clear and definite statement concerning the expenditure proposed. We are usually told by the Minister that he does not know anything about the items, and cannot tell us anything. If we are prepared in this irregular fashion to pass Bills when the Minister admits that he cannot give information as to details, does it not make the whole proceeding a farce? The Minister of Defence has asked Senator Gould whether he could suggest a better course. It would have been more pertinent if he had asked whether a worse one could possibly be suggested, for I cannot conceive of a worse course being followed than the one which we are following to-day, or one more likely to lead to a frittering away of the rights and privileges of the Senate. It is rather curious, I may remark, that the Minister should have seen fit to ask this question, seeing that it was he who a month ago, when we were discussing this procedure, said, in answer to a statement of Senator Symon, that a better course had been suggested, and that he proposed to confer with his colleagues as to taking it. He added that, personally, he was strongly in favour of it.

Senator PLAYFORD.—What course was that?

Senator MILLEN.—Has the honorable senator forgotten it so soon?

Senator PLAYFORD.—Yes, absolutely forgotten it. All that Senator Symon said was that Sir George Turner had stated that he thought he could suggest a course that would give us a better opportunity of dealing with financial matters. That, however, was not in regard to Supply Bills, but in regard to the expenditure for the year. I do not know exactly what Sir George Turner's idea was, and I venture to say that Senator Symon did not know himself.

Senator MILLEN.—The Minister has shown that he does know what the course proposed was, and if he will refer to *Hansard*, which I am not at liberty to quote, he will see that he actually promised to inquire further into the matter.

Senator PLAYFORD.—So I have done, and I find that the thing cannot be done. Until supply has been passed by the other House, it is impossible for the Senate to consider it. It is impossible for the two Houses to consider the Estimates at the same time.

Senator MILLEN.—This shows that the Minister did know what the matter was, though just now he said he did not know!

Senator PLAYFORD.—I did not know the exact scheme, but I guessed it, and found that it could not be carried out.

Senator MILLEN.—So that we have the spectacle of a Minister inquiring into something, he does not know what, and finding out that what he does not know is not practicable.

Senator PLAYFORD.—I inquired whether it was practicable to do a certain thing.

Senator MILLEN.—The Minister has inquired into something, and therefore he must have known what it was before he started. He tells us that he has found that it was not practicable.

Senator PLAYFORD.—I did not know exactly what Senator Symon meant, but I guessed.

Senator MILLEN.—I consider it my duty to protest against a system which becomes more firmly established every time it is attempted. I have no desire to hamper the Government in any way, but when the present procedure is followed, I shall always take the same stand. I am in no way making a personal matter of this, and I must explain that it was owing to ill-health that I was unable to attend towards the close of last year. Whenever present, however, I have always protested against the ignoring of the rights of this Chamber in this respect.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1 agreed to.

Clauses 2, 3, and 4 postponed.

Schedule—

Senator MILLEN (New South Wales).—I see under the head of the High Court two items, viz., salaries, £260, and contingencies, £350. Is this ordinary expenditure for two months?

Senator PLAYFORD (South Australia—Minister of Defence).—This is the ordinary expenditure for two months, and includes travelling expenses, which may, I imagine, be heavier in one month than in another.

Senator MILLEN (New South Wales).—The Minister is again giving us information, which he imagines to be facts. Why should the honorable gentleman pretend to

answer the questions, if he has not the information? There is a perfect army of officials, who ought to be prepared to give him the facts, and the honorable senator ought to be prepared with them before he asks us to vote money. I am sure there is no honorable senator who will contradict me when I say that this Chamber ought not to pass a single item until it is satisfied that the expenditure is justified.

Senator PLAYFORD (South Australia—Minister of Defence).—The honorable senator knows that it is impossible for a Minister to be able to answer any question on the spur of the moment, in regard to the hundreds of items here. It has never been usual, nor is it likely to be, to have notes prepared against every item, as in the case of ordinary Estimates. This Bill is simply to provide for the ordinary services for two months, and is based on the Estimates of last year, which have already been approved by both Houses of Parliament. Not a penny is provided in excess of what was previously approved.

Senator MILLEN.—The Minister should not tie himself down to that statement, because I can show items.

Senator PLAYFORD.—I am speaking only in general terms, and if there are any extra items my attention has not been called to them, as it should have been. The ordinary salaries for two months are considerably in excess of £260, but the explanation is that in the previous Supply Bill, an amount in excess was voted, which has now been carried forward. I am informed that £350 for contingencies is one-sixth of the sum voted on last year's Estimates.

Senator MILLEN (New South Wales).—The Minister lays down the extraordinary doctrine that Supply Bills, in contradistinction to ordinary Estimates, are to be passed without information. If that be so, why not simply ask for a lump sum? Honorable senators have a right to be informed as to any item in the schedule; but if the Minister says he cannot carry all the information in his head, I am sure the Committee will believe him, and the suggestion is that he ought to have the assistance of his officers. I never knew a Minister under similar circumstances to be without an officer at hand to advise him. If it be implied that the officer cannot supply the information, the Committee will sympathize with the Minister, but the fact would be a serious reflection on the officers. I cannot be-

lieve that to be the case, and it only comes to the same point again, that we are asked to vote moneys without knowing what they are for, or, indeed, without that Minister knowing what they are for.

Senator PLAYFORD.—I do know.

Senator MILLEN.—I asked for information as to contingencies, and I am given a reply as to salaries.

Senator PLAYFORD.—The contingencies include travelling expenses, telegrams, postages, and so forth, and I think the honorable member is hypercritical.

Senator MILLEN.—What I want to know is, whether the vote for contingencies is abnormal, or whether it represents one-sixth of the year's expenditure under this heading?

Senator KEATING.—The amount for the year is £2,665, as shown in the Estimates where the details are set forth.

Senator WALKER (New South Wales).—I should like some information as to the item "Other expenditure, £1,300," under works and buildings in the Department of Home Affairs.

Senator Lt.-Col. GOULD (New South Wales).—Under the same heading, there is an item of £11,030 for works and buildings in the several States, and that certainly cannot represent ordinary contingencies and salaries, or be an amount which was passed last year. I should like some information as to the proposed expenditure. There is no objection to passing a Supply Bill to pay public servants, but there should be no attempt to smuggle in expenditure for public works.

Senator PLAYFORD (South Australia—Minister of Defence).—The whole of the details of this proposed expenditure may be found on the Estimates for the year ending June, 1906, page 28. All the works have been approved by both Houses, and this vote is to enable the works to be carried on.

Senator MILLEN.—If these works have already been provided for, why are we asked to vote the moneys again?

Senator Lt.-Col. GOULD (New South Wales).—If the Minister will refer to the Bill which we passed here the other day, and which had been passed by the House of Representatives, he will find that it makes provision for the appropriation out of the consolidated revenue fund of the sum of £416,911, and then follows a

schedule of the different works to be carried out. So that absolutely the money required for those works has been appropriated, and this cannot by any possibility be a re-appropriation of the same money. This must be a new provision for expenditure.

Senator PLAYFORD (South Australia—Minister of Defence).—I was wrong when I said that this vote was for new works. It is for the maintenance of works and buildings taken over, but the expenditure provided for in these votes is at the same rate as in previous Estimates. With respect to the question asked about the vote of £1,300, I may say that "other" expenditure is distributed on a *per capita* basis.

Senator MILLEN (New South Wales).—I should like some information with respect to the item of £7,000 in connexion with the administration of the Electoral Act. Are we to understand that in a normal year, when no election takes place, it costs £42,000 to administer the Electoral Act? If that is not so, there must be some extraordinary expenditure to be provided for out of this vote, and I should like some information on the subject.

Senator PLAYFORD (South Australia—Minister of Defence).—The information is that £3,000 must be spent immediately in the printing of rolls, and £4,000 is the ordinary expenditure of the Department.

Schedule agreed to.

Postponed clauses 2, 3, and 4, and title agreed to.

Bill reported without request; report adopted.

Bill read a third time.

REPRESENTATION BILL.

Bill received from the House of Representatives, and (on motion by Senator PLAYFORD) read a first time.

PAPERS.

MINISTERS laid upon the table the following papers:—

Agreement between the Queensland Government and the Orient Steam Navigation Company Limited for the company's mail-ships to extend their voyages from Sydney to Brisbane.

Additions to regulations under the Post and Telegraph Act 1901 as to prepaid replies to telegrams within the Commonwealth, Statutory Rules 1905, No. 51; and regulation No. 4a as to Value Payable Post, Statutory Rules 1905, No. 52.

Senate adjourned at 11.25 p.m.

House of Representatives.

Wednesday, 27 September, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PROPOSED CHANGE OF THE NAME OF THE COMMONWEALTH.

Mr. CROUCH.—Has the attention of the Prime Minister been directed to a paragraph which appears in the *Sydney Morning Herald* of 23rd September, in which it is stated that the right honorable member for East Sydney, when appealed to on the subject, said that he would consider a proposal that, in commemoration of the practical services of the Royal House of Brunswick to the Empire, the name of Australia should be changed to Brunswickland, and the Federal Capital be called Guelph?

Mr. DEAKIN.—The consideration of the right honorable member for East Sydney is within his own command, and must remain so.

STATEMENTS BY THE GOVERNOR OF SOUTH AUSTRALIA.

Mr. BATCHELOR.—Can the Prime Minister inform the House what action was taken by the Governor of South Australia in reference to the English mail contract during the period when the mail steamers were passing Adelaide?

Mr. DEAKIN.—As I informed the honorable member for Hindmarsh last night, there are amongst the papers appeals from the Government, the Chamber of Commerce, and various public bodies in South Australia, of a date prior to the time when the mail steamers were actually passing Adelaide, but no representation appears to have been made by any person or body during that period.

Mr. BATCHELOR.—Then am I to understand that the Governor of South Australia took no action officially.

Mr. DEAKIN.—So far as I understood His Excellency's statement, it referred to a communication, not with the Government of the Commonwealth, but with some high Federal authority, who may or may not have been a member of the Parliament, or of the Government of the Commonwealth.

SOUTH AFRICAN WAR DISTINCTIONS.

Mr. GLYNN.—When will the medals and certificates for distinguished service in South Africa be given to the officers entitled to them?

Mr. EWING.—The honorable and learned member directed my attention to this matter some days ago, and I have received the following information from the Minister of Defence:—

Apparently all the medals due to South African Contingents sent from Australia have been received by the various Commandants. If any man who is entitled to a medal sends full particulars to the nearest Military Commandant, that officer would tell him what he should do. In some cases, if he belonged to an irregular corps, he would have to apply to South Africa, but in any case the Commandant would be able to put him in the right way to obtain the medal.

I presume that this answer covers certificates as well as medals.

FLOGGING IN IMPERIAL NAVY.

Mr. CROUCH asked the Prime Minister, *upon notice*—

If he will cause inquiries to be made as to whether flogging in any shape is still used as a form of punishment on board that part of the Imperial Navy which is subsidized by Australian money, and will he report the result of such inquiries to the House?

Mr. DEAKIN.—I will have pleasure in having inquiries made.

BURSTING OF RIFLES.

Mr. CHANTER asked the Minister representing the Minister of Defence, *upon notice*—

1. Whether his attention has been called to the paragraph in the *Age* newspaper of the 26th inst., in regard to the bursting of a rifle at the Echuca Rifle Club Range; also to a statement in the *Riverina Herald*, Echuca, of the 25th inst., reporting the same matter?

2. Will he take immediate steps to have the remaining rifles properly tested, with a view to having all faulty ones destroyed and replaced by safe rifles?

Mr. EWING.—I am informed—

1. Yes.

2. Inquiries are being made, but are not yet sufficiently advanced to enable a definite and final reply to be made.

REPRESENTATION BILL.

THIRD READING.

Motion (by Mr. GROOM) proposed —

That the Bill be now read a third time.

Mr. GLYNN (Angas).—I understand that it is intended, if possible, to provide by the Electoral Bill which is now under

consideration in another place, that the electoral rolls collected by the States shall be made to fit in with the rolls used for the Federal elections. If that is done, it may eventually lead to the adoption of the suggestion which I made about two years ago, that the Federal electorates should be multiples of the States electorates. But if we have redistributions of seats at short intervals, what is aimed at in the Electoral Bill will be impossible, because there will be so many redistributions that the rolls for the States electorates will not do for Federal purposes. I mention the matter now so that the Minister may consider the desire expressed by several honorable members that, instead of having enumerations for the purpose of redistributions every five years, as this Bill contemplates, there shall be an enumeration every ten years.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—All the States will not of necessity be affected by an enumeration; the representation of only one State may be altered. We hope that the Electoral Bill, after it has passed through Parliament, will be framed in such a way that the rolls of the States will fit in for Federal elections, and that the State electorates will be, as it were, parts of the Federal electorates. We have considered whether an enumeration shall be taken every five or every ten years, and we have come to the conclusion that it is best, in the interests of both the States and the Commonwealth, to have an enumeration every five years.

Question resolved in the affirmative.

Bill read a third time.

COMMERCE BILL (No. 2).

Motion (by Sir WILLIAM LYNE) proposed—

That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clause 10 in regard to the following proposed amendment, viz.:—Sub-section 2, omit "shall be," and insert "may be detained by the collector, and may, by direction of the Minister, be seized as," and clause 13 in regard to the following proposed amendment, viz.:—Omit the words "any word, figure, or mark for the purpose of indicating the quality, class, or grade of the goods," and insert "the prescribed trade description," and for the consideration of new clauses 7A, 7B, and 13A.

Mr. REID (East Sydney).—The effect of the motion will be that, when we get into Committee, we shall have no opportunity to deal with any amendments on clauses 10 and 13 other than those proposed by the Minister, though it is usual when

clauses are recommitted to allow honorable members to deal with the proposals of the Government in regard to them, and with any other proposals which may be made. The Minister asks us to limit the consideration of the Committee to the proposals made by him.

Sir WILLIAM LYNE.—Not with regard to the new clauses.

Mr. REID.—With regard to the amendment of clauses 10 and 13, and I think that we shall be prevented from inserting other new clauses.

Mr. SPEAKER.—The House can recommit the Bill for as much or as little alteration as it pleases. Should the motion be carried as it stands, it will be possible for the Committee to consider only the Minister's proposed amendments of clauses 10 and 13, and the new clauses 7A, 7B, and 13A. If the House desires that the Committee shall have more liberty, it must say so.

Mr. REID.—As I was not here when the Bill was going through Committee, I am not aware whether a larger recommitment was promised than is now proposed.

Mr. McCAY.—The promise was a little larger than the present proposal.

Mr. WEBSTER.—I think that the Minister has extended his promise.

Mr. REID.—I prefer that some honorable member who was present during the Committee proceedings shall deal with that matter, and will content myself with pointing out that, if the motion is carried as it stands, it will be impossible for the Committee to consider anything but the amendments mentioned in it.

Sir WILLIAM LYNE.—I obtained a copy of the *Hansard* report, and went through it, to see what promises were made.

Mr. McCAY (Corinella).—I have not had an opportunity to do what the Minister says he has done, but I recollect that when we were dealing with clause 10, it was urged that the exporter who had made an innocent mistake should have a right to the return of goods which had been seized, instead of leaving it to the discretion of the Minister to return them, and the honorable member said—I do not remember his exact words—that he would see if he could find suitable words to make some such provision. Now, the Minister proposes to recommit the clause for the purpose of making a specific amendment which, so far as I know, is not in print, and which he read rapidly, so that I was unable to follow it.

If the motion is passed as it stands, and the Bill is recommitted as the Minister proposes, we shall be confined to the Minister's amendments, although the whole Committee may see an obviously better way of achieving the object aimed at.

Mr. WATSON.—Let us have the whole Bill dealt with over again.

Mr. McCAY.—That is not my desire. The interjection was not justified, because I have never shown any wish to delay business, nor do I speak except to what I conceive to be the subject under discussion. I do not desire to discuss clause 10 all over again, but merely wish to insure that the exporter who makes an innocent mistake shall be better protected. The amendment suggested by the Minister may be the best to adopt, but as it is not before us in print we cannot form any judgment upon that point. If the proposed amendment is made in clause 10 a distinction will at once be drawn between an innocent exporter and an innocent importer. Clauses 7 and 10 are upon exactly the same footing and are intended to achieve the same object, and, therefore, if clause 10 is modified a similar alteration should be made in clause 7.

Sir WILLIAM LYNE.—Although the conditions are not quite the same, I have no objection to make a similar amendment in clause 7 if the honorable and learned member so desires.

Mr. McCAY.—I am not championing the cause of either side, but I think that in passing a Bill of this kind we should place both importers and exporters on the same footing, because on the surface it would appear to be unjust to make the conditions more rigid for one class than for the other. I would ask the Minister to recommit the class in a general form. I do not think that the adoption of that course would involve any waste of time. All we desire to do is to insure that the objects of the clause shall be effectively carried out. Honorable members on both sides of the Chamber are agreed that some modification should be made.

Mr. CROUCH.—The recommitment of clause 10 as a whole was definitely agreed to by the Minister.

Mr. McCAY.—I certainly understood so, and, therefore, I think that the Minister would be only fulfilling his promise if he acceded to my request.

Mr. SPEAKER.—I would remind the honorable and learned member that we are

not in Committee, and that the Minister, having moved a motion, cannot alter its terms. If it be desired to change the form of the motion, some other honorable member will have to move an amendment.

Mr. McCAY.—I move—

That the motion be amended by the addition of the words "clause 7," and by the omission of the limitations imposed in respect to the amendment of clauses 10 and 13.

Sir WILLIAM LYNE.—If there is any impression that I promised to recommit the whole of clause 10, I am willing to fulfil that undertaking. But nothing to that effect appears in *Hansard*.

Mr. McCAY.—It was certainly desired to effect a certain object, and not merely to consider a certain set of words.

Mr. WILSON (Corangamite).—With regard to clause 5, the honorable and learned member for Northern Melbourne raised a question as to whether the Commonwealth had power, under the Constitution, to authorize its officers to break open and enter any place for the purpose of examining goods entered for export. The Minister promised that the clause should be recommitted.

Sir WILLIAM LYNE.—I said that if the honorable and learned member for Northern Melbourne specially requested that the clause should be recommitted, I would agree to that course being adopted. I also promised to consult the Attorney-General upon the point raised, and I have done so. The Attorney-General and the Parliamentary Draftsman are of opinion that we have full power to carry out the provisions contained in the clause.

Mr. WILSON.—Has that information been conveyed to the honorable and learned member for Northern Melbourne?

Sir WILLIAM LYNE.—No; I have not seen him.

Mr. WILSON.—The matter is of some importance, because if the provision in sub-clause 3 of clause 5 should prove to be *ultra vires*, the whole Bill will be rendered worthless, so far as the export trade is concerned.

Sir WILLIAM LYNE.—If the honorable and learned member who raised the objection wishes the clause to be recommitted, I shall be perfectly willing to adopt that course; but I think that he will be satisfied with the result of my inquiries.

Mr. GLYNN (Angas).—I do not altogether like to propose that the whole Bill should be recommitted, but I think it would be advantageous if that course were fol-

lowed. The Minister promised to bring down a clause declaring that the measure should apply to only certain classes of goods.

Sir WILLIAM LYNE.—That is provided for in the proposed new clause, clause 13A.

Mr. GLYNN.—It appears to me that the Bill has been crudely drafted and insufficiently considered. It has been framed as if the principle of the English Act had been embodied. We all know that the English Act merely provides against false or misleading descriptions being attached to goods, whereas under the Bill the Minister has power to prescribe that a particular trade description shall be used. In the latter part of clause 3 the wording of the English Act in regard to "the custom of the trade or common repute" is adopted. Those words are applicable in the English Act, but not to the present measure, because the Minister has absolute power to decide by regulation what description shall be adopted. This slavish following of the wording of the English Act, without reference to the fact that the principle of the measure is absolutely different from that of the Imperial Statute, shows how crudely the measure has been drafted. I think also that clause 13 (b) should be recommitted. Provision is made that the regulations under clauses 7 and 10 shall not prescribe a trade description which discloses trade secrets unless "in the opinion of the Governor-General" its disclosure is necessary for the protection of the health and welfare of the public, but no provision is made as to the way in which the opinion of the Governor-General shall be ascertained. It is not for me to recast these provisions, but, in order that the Bill may assume some appearance of respectability, several of them should be entirely remodelled.

Mr. KNOX (Kooyong).—I think that the suggestion made by the honorable and learned member for Angas is worthy of consideration. Honorable members on this side of the Chamber do not desire to offer any factious opposition, but merely wish to make the measure workable. As it stands, the Bill is pregnant with annoyances, and is unlikely to prove effective. The proposal of the Minister that the regulations framed by him should be enforceable immediately they are published in the *Government Gazette*, and remain operative, despite a resolution of this House

condemning them, caused the utmost consternation, and there are several matters connected with the power proposed to be conferred upon the Minister in regard to making regulations to which I wish to refer. I think that, in view of the circumstances under which the discussion of clause 14 was curtailed on Friday afternoon, the fullest consideration should be given to any representations that may now be made in regard to it. I have already shown the Minister that a whole series of difficulties will arise in connexion with the application of any regulations which may be framed under this Bill to the importation of tea. I purposely avoided making specific reference to this matter upon Friday last, because of my intention to bring it forward to-day. I therefore move—

That the motion be further amended by the addition of the words "and clause 14."

Mr. KELLY (Wentworth).—Whilst I am anxious that this Bill should be passed in as workable a form as possible, I do not know that any useful purpose will be served by recommitting it in its entirety. At the same time, I think that some opportunity should be afforded us of submitting such consequential new clauses as our deliberations in Committee may necessitate. We know that even upon the Government side of the House considerable alarm is experienced lest the provisions of the measure may prove hurtful to our export trade. If we merely agree to the recommitment of specific clauses, it is quite conceivable that a lot of time will be wasted, since each of those clauses may have to be amended in a way one new clause in itself might secure. For that reason I urge the Minister to consider the advisability of amending his motion by the addition of the words "and other new clauses." The honorable gentleman can accept my assurance that this suggestion is not put forward with the idea of delaying the progress of the Bill. My present objections to the measure relate chiefly to the provisions affecting the export trade. If the motion proposed by the Minister be agreed to, we shall have no opportunity in Committee of dealing with the general question of exports. I do not suggest that we should necessarily re-open the whole question, but I contend that we ought to have an opportunity of making such consequential amendments in the Bill as will effectually safeguard the principles

that we embody in it. I have no desire to obstruct the passage of the measure. I have fought it to the best of my humble ability; but the House has definitely accepted certain principles, and I do not think it is of any use to speak at any further length upon it in Committee. I would point out to the Minister that endless discussion will ensue if his proposal be adopted. I should be glad to receive an intimation from the honorable gentleman as to whether he will favorably consider my suggestion.

Sir WILLIAM LYNE.—I cannot accept it.

Mr. KELLY.—That being so, I move—

That the motion be further amended by the addition of the words "and other new clauses."

Mr. CONROY (Werriwa).—I should be very glad if the Minister could see his way to recommit the whole Bill, because I think the discussion which has already taken place has shown that time would be saved by the adoption of that course. I would ask the honorable member for Bland whether he is of opinion that the Bill should be passed in its present form? Let me refer, for instance, to its provisions as they affect the export of fat lambs. We are all hopeful that such a trade will be developed in the export of Australian lamb as will considerably add to the wealth of the country. As honorable members are aware, this class of lamb from South Australia has realized as much as 21s. per carcass in the London market. Under the Bill, however, I presume that lamb from Western Australia will be classed simply as "Australian" lamb. That would aim a blow at South Australian lamb, without in the slightest degree conferring any advantage upon the trade in Western Australian lamb. In the constituency which is represented by the honorable member for Bland—

Mr. WATSON.—My constituents are not afraid of this Bill.

Mr. CONROY.—They would be, if they understood its provisions. The farmers in the constituency which is represented by the honorable member are going in very largely for the cultivation of wheat. We all know that in a good season lambs which are fed upon wheat lands reach a state of perfection which cannot be approached upon other pastures. But under the measure lambs coming from poorer country would be placed, for the purposes of export, in the same category as our best lambs. Honorable members are aware that the way in which lambs are reared makes a considerable difference to their quality.

Unless we recommit the entire Bill, we cannot so amend it as to provide that the mark "Australian" shall be applied only to articles of a certain quality.

Mr. DAVID THOMSON.—Does the honorable and learned member believe that the Bill makes provision for grading?

Mr. CONROY.—I am sorry to say that the Bill will injure the poor man very considerably. If the grading system be successfully adopted, it is evident that all the articles which do not reach a certain standard of quality will cease to have any value whatever. If we cannot export wheat because it does not come up to a certain quality, its value will fall by 3d. or 4d. per bushel, and it will be practically a waste product, save for fodder purposes. At the present time, however, we export such wheat, which is not of the best quality, but which, nevertheless, possesses a certain commercial value. Surely, if its export is to be prohibited, because it does not comply with particular trade requirements which attach to the first-class article, we shall absolutely ruin the smaller agriculturists. On the face of it that is a dangerous provision to retain in the Bill. Occasionally we all experience annoyance when we see unscrupulous traders obtaining certain advantages; but in legislating to check their opportunities for the enjoyment of those advantages, we require to be careful that we do not affect the prices which the great bulk of the farmers would receive for their produce. When the honorable member for Bland and others of his party urged the desirableness of passing a measure that would prevent any advantage being gained by unscrupulous traders, I am sure that they had the hearty sympathy of the Opposition. It seems to me, however, that the Bill as it stands will not carry out the object we have in view, and I therefore urge the House to call on the Minister to recommit it. I have already pointed out the serious effect that it is likely to have on the export of wheat and lambs. We are all anxious that there shall be some sort of grading in connexion with the export of butter, but surely we are not going to say that inferior butter which, although unsuitable for human consumption, might be otherwise utilized, shall not be allowed to be exported. I wish to propose one or two amendments, but shall not be able to do so unless the whole Bill is recommitted. It is a matter of vital

importance that we should proceed on sound and reasonable lines. In its general scope, the Bill is a departure from anything that has yet been attempted in this direction. If we agree to it as it stands, it will prevent the export of goods that are below a certain grade. That is certainly undesirable. During the drought much of the wheat produced in New South Wales was of inferior quality, but was, nevertheless, allowed to be exported. Is it to be said that because wheat produced in times of drought is not up to the standard, of that grown in good seasons, it shall not be sent out of the Commonwealth?

Mr. HUTCHISON.—The Bill will not prevent the export of wheat of various grades.

Mr. CONROY.—It appears that under the Bill as it stands, all wheat exported must be of one grade.

Mr. HUTCHISON.—Does the honorable member suggest that the desire of the Minister is to destroy trade?

Mr. CONROY.—Certainly not. All that I say is that the Minister charged with the administration of this measure may have no special knowledge of these matters. Even if he had, he could not be expected to personally supervise the grading of exports. As the House has assented to the principle of the Bill, I do not wish to oppose it. My only desire is that it shall be so framed as to be capable of being administered with the least possible friction. I am very loth to submit what may be deemed a hostile amendment, but if the Minister does not see his way to agree to my proposal, I shall feel it incumbent on me to move that the remaining clauses be recommitted. By consenting to this amendment, the Minister would show that he had a genuine desire to make the Bill as perfect as possible, and I feel satisfied that it would obviate a prolonged debate.

Mr. BAMFORD.—It would be a precedent for the recommitment of any Bill simply because an honorable member had been absent during its consideration in Committee.

Mr. CONROY.—On a previous occasion I pointed out the objectionable features of the Bill, but, unfortunately, many of the amendments which I suggested have not been made. The discussion upon it, however, has been productive of good. As the Bill has passed through the Committee stage it can no longer be said to be a party measure, and I fail to see how the amendments necessary to carry out what appears to be the desire of the Minister can be

made without the recommittal of the remaining clauses. In these circumstances, I move—

That the motion be further amended by the addition of the words "and the remaining clauses."

Mr. BATCHELOR (Boothby).—Although I intend to vote for the motion as proposed to be amended by the honorable and learned member for Corinella, I certainly shall not support the recommittal of the whole Bill. The able arguments that have been advanced by the honorable and learned member for Werriwa were put before the Committee last week, and I must confess that I was very much disappointed at the result of the appeals then made by certain honorable members to the Minister. I feel that while the Bill may be effectively used as an instrument of annoyance, it will be powerless to protect the community. Much that is proposed to be done is already being carried out by the States authorities far better than we could hope to do it under the Bill as it stands; but as nearly every amendment that has been proposed has been defeated by a substantial majority, I think that it is hardly worth while offering any further opposition to it. I intend to support the amendments that have been suggested, and to concentrate my opposition to the measure as a whole.

Mr. SPEAKER.—Several amendments have been submitted, and I think that business will be facilitated if I at once put all of them, with the exception of that proposed by the honorable and learned member for Werriwa. On that amendment honorable members will be able to discuss the general question, and the limitation of the debate which the other amendments would impose will then be avoided.

HONORABLE MEMBERS.—Hear, hear.

Question—"That the words 'and clause 7' be added, and that the words limiting the further consideration of clauses 10 and 13 be left out" resolved in the affirmative.

Question—That the words "and clause 14" be added—put, but there being no tellers on the side of the ayes, resolved in the negative.

Question—That the words "and other new clauses" be added—resolved in the negative.

Mr. Conroy's amendment, by leave, withdrawn.

Amendment (by Mr. GLYNN) proposed—

That the motion be further amended by the addition of the words "and clause 13b."

Mr. G. B. EDWARDS.—Is the amendment in order, the House having dealt with clause 14?

Mr. SPEAKER.—I do not think that there is anything in parliamentary practice, or in any Standing Orders, which requires that these clauses shall be dealt with consecutively. I think that they can be ordered to be recommitted in any sequence of which the House pleases to approve.

Question—That the words proposed to be added be so added—put. The House divided.

Ayes	...	...	...	19
Noes	...	...	...	23
Majority				4

AYES.

Batchelor, E. L.	McCay, J. W.
Bonython, Sir J. L.	McLean, A.
Cameron, D. N.	McWilliams, W. J.
Conroy, A. H. B.	Reid, G. H.
Edwards, G. B.	Skene, T.
Gibb, J.	Thomson, D.
Glynn, P. McM.	Wilson, J. G.
Knox, W.	<i>Tellers:</i>
Liddell, F.	Crouch, R. A.
Lonsdale, E.	Kelly, W. H.

NOES.

Bamford, F. W.	O'Malley, King
Brown, T.	Ronald, J. B.
Carpenter, W. H.	Salmon, C. C.
Chanter, J. M.	Storrer, D.
Chapman, A.	Thomas, J.
Deakin, A.	Thomson, D. A.
Ewing, T. T.	Tudor, F. G.
Forrest, Sir J.	Watson, J. C.
Frazer, C. E.	Wilkinson, J.
Groom, L. E.	<i>Tellers:</i>
Hutchison, J.	Cook, Hume
Lyne, Sir W. J.	Poynton, A.

Question so resolved in the negative.

Amendment negatived.

Mr. CONROY (Werriwa).—In view of the opinion expressed by the division just taken, I shall not again move my amendment; but I regret that the Minister did not accept my proposal. Twice as much alteration will now be necessary as would have been required had the amendment been agreed to.

Mr. DUGALD THOMSON (North Sydney).—I move—

That the motion be further amended by the addition of the words "and clause 2."

This clause provides that the Act shall be incorporated and read as one with the Customs Act of 1901. The Fraudulent Trade Marks Bill, which is the original of this measure, was to be read with section 52 of the Customs Act; but it is now proposed that this Bill, which is supposed to be much

less drastic than the Fraudulent Trade Marks Bill, shall be incorporated and read with all the exceedingly drastic provisions of the Customs Act, including that under which an accused person is to be held guilty until he has proved his innocence. I do not see that that is necessary. In my opinion, it would be sufficient to incorporate and read this Bill with section 52 of the Customs Act. I do not think that the Minister has shown the necessity for the provision to which I am objecting, and he was a member of the Government which drafted the Fraudulent Trade Marks Bill. In my opinion, the provision is undesirable. We are dealing in this Bill with both imports and exports, and the distinction between accurate and inaccurate descriptions, between true descriptions and prescribed descriptions, may be very fine. I ask the Minister if he does not think that the power asked for in the Fraudulent Trade Marks Bill is not sufficient, and if it will not be enough to incorporate and read this Bill with section 52 of the Customs Act? I do not think that we should make it more objectionable. All that is necessary is to provide sufficiently against fraud.

Mr. McCAY (Corinella).—I hope that the Minister will accept the amendment.

Sir WILLIAM LYNE.—If agreed to, it would jeopardise the Bill.

Mr. McCAY.—No. I ask honorable members on both sides of the Chamber to remember that if the Bill is carried as it stands, the exporter whose description is not technically accurate may be required to prove his innocence in order to avoid punishment. It is difficult sometimes to say exactly what the words "incorporated and read as one" imply; but certainly, at first sight, they would seem to imply what I have indicated, and all the honorable member for North Sydney asks is that we should have an opportunity to consider that point. The question is a very serious one. Is it right that an exporter who is said not to have upon his goods the exact brand prescribed by the Minister should be treated as guilty until he proves his innocence? That is not the way to help our Australian export trade. All we want to do is to make sure that there shall be machinery in existence to bring the Act into operation. I believe that that is the object of the clause, but it has gone too far. If the Minister consults his colleagues, I am sure that they will tell him that the clause covers more

than is necessary. This matter is so serious that it ought to be further considered in Committee.

Mr. LONSDALE (New England).—I trust that the Minister will allow the clause to be recommitted. Throughout the discussion on this Bill I have pointed out the position in which the exporter may be placed if he affixes to his goods some mark which, in the opinion of the Minister or his officers, does not truly represent their character. The Minister desires to adopt a star-chamber method of dealing with exporters and importers, and I object to any such proposal. No man should be treated as if he were guilty until he is proved to be so. I think that we should make the conditions as easy as possible for our exporters, and that no attempt should be made to prevent our trade from expanding in every direction. In many cases the Minister will find it impossible to prescribe trade descriptions of a suitable character. One honorable member, who knew what he was talking about, told us that at one season of the year half-ripe apples are exported from Tasmania to catch the London market at a time when the market was bare, and the highest prices were obtained for them. Surely it would puzzle the Minister to apply to such goods a description that would convey to the purchaser in London a true idea of their character. Should they be described as "unripe apples" or "fruit not properly matured"? In many other cases a similar difficulty would arise, and I think that, apart from section 52, which the Minister considered quite sufficient to enable him to do all that was necessary under the Trade Marks Act, it would be undesirable to apply to the conditions of our export trade the very drastic provisions of the Customs Act.

Mr. CONROY (Werriwa).—I would ask the Minister to seriously consider the request that has been made. The matter is so serious that I feel sure that when it is fully represented to the Minister he will realize the necessity for some change. Under sections 20 and 21 of the Customs Act, the Minister would have power to seize goods intended for export whilst they were in transit by rail. The owner of the goods could be brought before the Court, and under section 257, if he were proved to be guilty, the justice before whom he was tried would have no option but to impose the minimum penalty. It is not left to the

magistrate to determine what the penalty shall be. Even though the ends of justice might be met by imposing a fine of 1s., he would be compelled to inflict the minimum penalty of £5. The Customs Act was strictly drawn to enable full control to be exercised over imports; but in dealing with goods within our own borders, we do not need to bring such stringent laws into operation. It is all very well to say that the powers conferred under the Customs Act will never be brought into operation in connexion with our export trade. It was stated some years ago that the powers given to the Minister of Mines and the Minister of Lands in New South Wales would in time become the subject of abuses, and I leave honorable members to judge whether or not that prophecy has been fulfilled. We should guard against similar possibilities in this case. Under section 255 of the Customs Act it is provided—

In every Customs prosecution, the averment of the prosecutor or plaintiff contained in the information, declaration, or claim, shall be deemed to be proved in the absence of proof to the contrary.

That is to say, that the mere *ex parte* statement made by a Customs official shall be taken to be proved unless it can be disproved. It is proposed that some unfortunate farmer, whose goods are condemned as unfit for export, shall be hauled from his farm, hundreds of miles away in the country, to Melbourne or Sydney, at the sweet will of the Minister, and subjected to serious inconvenience and loss. If a Customs officer considers that a farmer's goods are not up to the mark, his statement will be held as proof sufficient for the purposes of the prosecution. The goods may have been all right at the time they left the farm. We have often heard of cases in which goods have been damaged in transit; but the farmer would have to prove that they were so damaged, and would probably be put to considerable expense in conducting his defence. Are these unfortunate men to be made criminals by Act of Parliament? The majority of honorable members do not seem to realize what terrible weapons the powers proposed to be conferred might become in the hands of a Minister, or the extent to which our producers might be prejudicially affected. Does the honorable member for Bland claim for a moment that the averment of the prosecutor should be deemed to be proved in the absence of proof to the contrary?

— Conroy

Mr. WATSON.—I am not going to help the "stone-wall."

Mr. CONROY.—Does the honorable member think that I am "stone-walling" when I point out that the most serious consequences may follow from the inclusion of this provision in the Bill? The honorable member, by his silence, has sufficiently answered me. He has shown that he is afraid to reply. I have made an assertion, and I am justified in concluding that he believes that such a provision as I have indicated should not be introduced into the Bill. As I have made that assertion, it must be deemed to be proved in the absence of proof to the contrary. I am thus applying the principle contained in section 255 of the Customs Act to the position of the honorable member at this moment, in order to show him how unjustly it might operate. If matters are to go on in this way, the sooner the public hustle some of their representatives out of this House the better. We are rapidly gaining experience of some of these heaven-born legislators, who decline to listen to argument, and who are quite incapable of understanding it, because I must presume that they are not evil-minded.

Mr. SPEAKER.—I ask the honorable and learned member not to discuss that matter, but to confine his remarks to the motion before the Chair.

Mr. CONROY.—To my mind, it is perfectly clear that the effect of this clause is not understood by honorable members. If it were, I cannot conceive that they would silently assent to it. If the Bill be passed in its present form, it must be read in conjunction with the Customs Act of 1901. That Act was framed by a gentleman whose state of health did not allow him to understand the full effect of its provisions.

Mr. WATSON.—It is a very good Bill, notwithstanding. The honorable and learned member will never be able to draft as good a measure.

Mr. CONROY.—I am aware that if I were weighed in the mental balance of the honorable member, I should probably be found wanting. It is our duty to recognise what may happen under the operation of this Bill. When the Customs Act was under consideration, I pointed out that, in time to come, we might have a gentleman filling the office of Minister of Trade and Customs who would impose valuations upon imports without paying any regard whatever

to evidence. In the opinion of many competent judges, that condition of affairs has already arisen. By passing this measure in its present form, we shall be placing in the hands of the Minister a weapon of offence the effect of which will be to make people pay to secure non-interference, because if they cannot obtain peace in one way they will do so in another. As a result, we shall open the door to all sorts of fraud and corruption, such as is prevalent at the present time in America.

Mr. ROBINSON (Wannon).—I trust that the Minister will allow this particular clause to be recommitted. During the second-reading debate upon the Bill, only incidental reference was made to that provision, and its possible results were not fully perceived. Further, its effect when read in conjunction with the Customs Act was not debated in Committee. The primary object of the Customs Act of 1901 is to protect the revenue, and for that purpose very stringent provisions are included in it. This Bill, however, deals not only with imports, but also with exports, and I happen to represent a constituency which is composed almost entirely of exporters. Under the measure, as it now stands, I find that the Government are prepared to confiscate the productions of the soil, if they do not bear certain marks, or if they technically infringe any regulations which may be framed by the Minister. Further, it is sufficient for the Minister to charge a producer with having been guilty of a breach of the regulations, when the onus will be thrown upon the latter to prove his innocence. The fact that this legislation will affect the producers of the country in a way in which no other legislation has affected them, is of itself a sufficient reason for the recommitment of the clause. The various States Acts which relate to the export of produce were referred to by the Minister in the debate which took place last week, and I challenge him to point to a single provision in any of those statutes which allows the produce of our farmers to be confiscated, or which permits the mere statement of a prosecutor to be regarded as proof of a crime, until the accused has established his innocence. As one who represents a producing district, I urge the Government to recommit the clause. In passing, I may mention that by refusing to do so, they are merely making a rod for their own backs, because I shall take every opportunity of impressing

on my constituents the fact that the legislation which the Government desire to enact, aims at confiscating the produce of the farmers besides treating them as criminals upon the mere averment of a Customs officer. Nobody wishes to take up an attitude of that kind at election time, but I shall most certainly do so if the Ministry persist in their refusal to recommit this clause.

Mr. KELLY (Wentworth).—It is a painful commentary upon the usefulness of this Chamber that the Government are not prepared to accept the suggestion to recommit clause 2. It has been clearly shown that when that provision was debated in Committee, its far-reaching character, which makes us read this Bill in conjunction with the Customs Act of 1901, was not fully appreciated. I challenge honorable members who oppose the recommitment of that clause to say that they have read the Customs Act with a view to seeing how it will operate upon this Bill. I ask the honorable member for Carpentaria whether he has considered that aspect of the question? Has he reflected what burdens may be imposed upon the exporters of Queensland under the operation of this Bill? I put a similar question to the honorable member for Grey. How would this clause affect, for example, the export of salt, in which his constituency is so vitally concerned?

Mr. POYNTON.—There is no salt exported from the district which I represent.

Mr. KELLY.—I have always understood that salt is a staple product of South Australia, and I suppose the honorable member will not deny that he is in some measure also the representative of the State from which he comes. I ask the honorable member for Riverina whether he has considered the effect of this Bill, when its provisions are read in conjunction with the Customs Act of 1901.

Mr. CHANTER.—Yes, and I believe in the principles which are embodied in it.

Mr. KELLY.—Then why is the honorable member not prepared to allow us an opportunity of acquiring some of his wisdom? I challenge him to show, in Committee, that he is fully seized of the importance of this matter.

Mr. CHANTER.—I am fully seized of the importance of getting on with the public business.

Mr. KELLY.—Is the honorable member prepared, then, to shackle the export

trade of his own constituency? Then I appeal to the honorable member for Laanecoorie to say whether he is so regardless of the export trade of his constituents that he does not care how the proposal to incorporate the Customs Act with the Commerce Bill will operate.

Mr. HUTCHISON.—The honorable member is not receiving many replies.

Mr. KELLY.—No replies are possible, except from the honorable member for Riverina. He is the only honorable member who has been bold enough to say that he has considered the innumerable sections of the Customs Act in their relation to this measure. Honorable members have seriously neglected their duty in this respect, and the people will have cause for astonishment if the House passes the clause without very serious consideration. I finally ask the Minister to consider the advisableness of recommitting the clause.

Sir WILLIAM LYNE.—I did not think that we should have this long debate after a fortnight's consideration of the Bill in Committee.

Mr. McWILLIAMS (Franklin).—I regard this measure as one of the most important and dangerous that we have ever been called upon to consider. Instead of being entitled a "Bill for an Act relating to Commerce," it should be described as a "Bill for an Act to harass and strangle the export trade of Australia." To my mind, the clause by which it is proposed to incorporate with the Bill the provisions of the Customs Act will have a very serious effect upon the export trade of the Commonwealth. And yet the protests of those whose expert knowledge entitles them to say that such will be the effect of the provision are received in solemn silence. An attempt is being made to bulldoze the Bill through the House.

Mr. SPEAKER.—The honorable member must not charge the Government with attempting to "bulldoze" a Bill through the House.

Mr. McWILLIAMS. — If the word "bulldoze" be unparliamentary, Mr. Speaker, I withdraw it. I repeat that every legitimate argument advanced against the passing of the Bill has been received in silence, although many honorable members opposite privately admit that our contentions are sound. They troop in like a flock of sheep to vote against any amendment of the Bill, no matter how vital it may be.

Sir WILLIAM LYNE.—One of the honorable member's constituents has done more to cripple the export trade in apples than has any other man.

Mr. McWILLIAMS.—I do not know to whom the Minister is alluding, but I say, without hesitation, that the Bill, if passed as it stands, will certainly cripple the export trade in Tasmanian apples.

Sir WILLIAM LYNE.—Nonsense.

Mr. McWILLIAMS. — Throughout the consideration of this measure the Minister has shown that he knows nothing whatever of the purport of its provisions. The report of the Comptroller-General, to which reference was made by the honorable gentleman, contains a paragraph that he did not read. The paragraph in question shows that, when a similar Bill was before the Victorian State Parliament, it was pointed out that one of its clauses would very seriously affect the export of fruit. The result was that the provision was not pressed, and that the Bill was not applied to the export trade in fruit.

Sir WILLIAM LYNE.—I think that I read the whole statement made by the Comptroller-General.

Mr. McWILLIAMS.—I have been unable to find in *Hansard* any reference to the paragraph to which I have referred. So far as the export of fruit from Tasmania is concerned, I may say that the whole system is altered. There are now few large buyers; the fruit is shipped almost wholly by the growers. Many of these are small men, and are not in a position to become seized of the technicalities of the regulations that may be issued under this measure. And yet, because they are unable to comply with the terminology of the regulations, they will be held under the Customs Act to have committed a criminal offence, and the onus of proving their innocence will be thrown upon themselves. Surely no one can say that we are likely to encourage the export trade in this way. Much has been said about the desirableness of fostering that trade, and of assisting immigration, and yet it is proposed to pass a Bill that will shackle the very men whom honorable members opposite profess a desire to assist. We have no right to impose a provision of this kind upon the class of men affected. Their life-long training and occupation does not fit them to readily grasp the technicalities of complex regulations. Those who have spent a life-time in making homes for themselves in

rural districts, and in building up our export trade, sometimes have not the education and training necessary to enable them to comply readily with the conditions now sought to be imposed, and they will be forced in many cases to make long journeys to the capital in order to prove their innocence of charges laid against them under this Bill. I hope that the Minister will allow the clause to be recommitted, and will not bring the exporters of Australia under the stringent and drastic provisions of the Customs Act. If he will not accede to our request, I trust that a division will be taken, so that a clear line of distinction may be drawn between those who are honestly attempting to assist the producers, and those who, whilst professing a desire to encourage them, are seeking to bind them hand and foot by means of regulations that will have a serious effect upon, even if they do not ruin, the export trade of the Commonwealth.

Mr. REID (East Sydney).—I do not think that there could be a more striking proof of the demoralized condition of the House than the impatience which has been shown in connexion with the proposition now before us. I understand that in Committee the clause, which it is desired to recommit, was allowed to pass practically without any discussion. What is the request? Those who have spoken have not called upon the Government to alter their policy. They have simply preferred a request that a particular clause shall be reconsidered in Committee. If, after that reconsideration, no good cause is shown for an amendment, the clause will remain as it stands. But what does the clause mean? By two or three lines of clause 2 a vast mass of legislation, consisting of 277 sections of the Customs Act, are made part of this Bill. The Customs Act is a highly penal measure. In some quarters, there is a hatred of persons who import goods, but the Opposition are not to-night standing up for the importer. The Customs Act which was intended to deal with the despised class to which I have referred, was drafted and administered in such an unfair and barbarous spirit that, unpopular as this class was, the force of public opinion became such that the Ministry had to absolutely vary their policy, and to abandon the system of persecution which they had established under it. I said a little while ago that a Court in New South Wales absolutely refused to give effect to

one of these monstrous provisions, which are contrary to even the rudimentary ideas of British justice. The case in question was brought under the Commonwealth Distillation Act, which provides that the words of an information shall be deemed to be proven until the contrary is shown. A police magistrate adjudicated, and a Government inspector put in the information without calling any evidence whatever. The person charged, however, produced witnesses, and the police magistrate, at the close of the investigation, said, "I cannot make up my mind whether this man is innocent or guilty; under the section upon which the charge is based, however, the statement in the information is to be deemed to have been proven, in the absence of proof to the contrary, and, although the evidence leaves my mind in a state of doubt, this man must be convicted." This was an outrage against all ideas of British justice. The case came before the Full Court, and it declined to read such a monstrous injustice into an Act of Parliament. The Full Court said, "No Parliament could have meant this. What it must have intended is that, if an information be put in without any evidence being called in defence, the offence shall be considered proven." The Full Court refused to read the words in question in what we should regard as being their literal sense, holding that if they were so construed they would constitute an outrage on any idea of justice. We, however, are coming away from that position. What are we doing? What with droughts and difficulties of various kinds in the way of the settlement of the country, as well as the intense competition of other producers in the great markets of the world, our producers have a hard battle to fight. But to what will this Bill expose them? They will have to run the gauntlet in their own country, as if they were criminals, before they can put their produce on board ship to cross the high seas. What other Legislature goes to such ridiculous and insane lengths in crippling the producing energies of their people as to throw a mass of Customs surveillance and persecution in the way of their endeavours to compete in the markets of the world? Such an exhibition as this has never been seen. The prices of our products are regulated by the prices ruling in the markets of the world, and surely we can allow the clever merchants

of Great Britain to see for themselves that they are not swindled by Australian producers. Do honorable members think that these men cannot, as buyers, look after their own interests, and see that no wrong is done them? It suits an Opposition to have legislation of this sort introduced and passed. I think that the Bill will bring a hornet's nest about the ears of the Ministry, and will fasten a load of serious responsibility upon every representative of a country constituency. From the mere party point of view, it would suit us very well to let these obnoxious provisions go through, because we know the proper resentment which will be caused by them among those connected with the producing interests of Australia. The leader of the Labour Party is driving the Commonwealth Government to his entire satisfaction, and has become impatient because he cannot drive the Opposition, too. He finds that there are still some honorable members who are prepared to do their duty in discussing and sifting the measures placed before Parliament, in spite of the fact that the Labour Party holds the reins of power. It is surely better for the Government, who are responsible for this measure, and for the Parliament which is being asked to pass it, that we should do our best to make it less obnoxious. But because we are making efforts in that direction there is a feeling of resentment and impatience in some quarters, as though we were outraging the rules of parliamentary debate. If there is one class for whom both free-traders and protectionists should show the most anxious solicitude, it is the great body of persons who are building up the prosperity of Australia by swelling the vast volume of our exports of primary products to the markets of the world. These people have no comfortable city life; their incomes are not assured to them; they are at the mercy of the seasons, of pests and plagues; and have to meet the bitterest competition of coloured and cheap labour from all parts of the world. But it is not enough for the Government that our farmers and settlers have all these handicaps. A beneficent Parliament is asked to see if it cannot throw more obstacles in their road, and, by providing for the vigilant scrutiny of their dealings and efforts to find a market for their produce, entangle them in Customs prosecutions. Our Customs officials have a very thankless duty to perform, and while we are prepared to sup-

port them in their endeavours to prevent fraud on the public revenue, no one would put them forward as the proper men to deal with the interests of our producers. They are properly keen on the detection of all frauds against the revenue; but what training have they which is likely to make them regard the difficulties of our producers, whose products may be liable, in their hundreds of miles of transit to the coast, to all sorts of changes, for which they may not be responsible? Under the Bill as it stands, the remotest settler in Australia must make himself acquainted with some mysterious mark which the Minister in Melbourne is going to invent for application to particular goods intended for export. He will also have to study, not only a measure of eight or ten clauses, but another measure containing 277 sections of a highly penal character. He must do all that to find out what his position is, although he is engaged only in the innocent occupation of sending the products of his farm through the ports of Australia to the markets of the world. We should help him to do that, instead of treating him as if he were trying to cross some Customs frontier, and endeavouring to smuggle his goods through a barrier set up by a wise Parliament. We cannot leave commerce too free for the producers of this distant land, the sale of whose products in the markets of the world determines the result of their labours and enterprise. All that the Minister has been asked to do is to permit the reconsideration of a clause which applies over 200 sections of another Act to the business operations of the producers of Australia. That is a reasonable request. Why should it be resented and refused? So far as any party purpose is concerned, it would have been better for the Opposition to let the Bill pass as it stands. Can any one deny that considerable improvements have been made in the measure as the result of the criticism of honorable gentlemen on this side of the Chamber? If the Opposition abandoned its duties, what would be the result? Measures would be introduced and passed under a conspiracy of silence, with an unnatural acquiescence which is foreign to the genius of a free Parliament, and would be significant of rottenness. There never yet was in the British Empire a Parliament that was not prepared to intelligently discuss and criticise all measures submitted to it affecting the inter-

ests of the great mass of the people. This is not a measure affecting only a handful of lawyers, or a few importers; its provisions bear upon hundreds of thousands of persons who are increasing the resources of Australia. We are endeavouring to apply to those persons principles, not of justice, but of injustice, which shock all the instincts of those who are accustomed to the honest administration of law. Surely no apology is needed for the performance by the Opposition of its duty in respect to this measure! I wish to express my gratitude to my honorable friends for the great services which they have rendered in connexion with the consideration of this Bill, and to point to the emphatic testimony of a disinterested witness as to the value of those services. No one will accuse the honorable member for Boothby of being an ally of the Opposition, or of expressing views merely to please or help us. He has shown a loyal disposition to support the Government; but what has he candidly confessed? That, whereas he began with a strong feeling of confidence in the wisdom of this Bill, as submitted by the Government, as discussion has proceeded, and more light has been thrown on its various provisions, his opinion has changed, and this afternoon he denounced the Bill as useless, and one which he would oppose. Surely the voice of an independent and impartial judge like the honorable member should have some weight with the Minister, even if ours has none. My regret is that the amendment has been received in such an unfriendly spirit. There is no more useful action which a Minister can take—whether he regards a measure as of personal consequence to himself or as something in regard to which he is a public trustee—than to gladly welcome endeavours to improve it; because the better it is when finally passed into law the greater will be his satisfaction in it, and the more will it be a source of credit to him. I was not here when the Bill was in Committee, so that I cannot say that the Minister has shown any unfairness in dealing with it hitherto; but I strongly complain of the attitude which he is taking in regard to the amendment. The Fraudulent Trade Marks Bill, I understand, was drafted under the auspices of the last Deakin Administration, and introduced by the Watson Administration, and I think applies only to imports; but in clause 15 of that Bill,

those responsible for it were very careful to say that—

All goods prohibited, by this Part of this Act, to be imported shall be prohibited imports within the meaning of the *Customs Act 1901*, and the provisions of that Act shall apply to those goods as fully as if they were included in section fifty-two thereof, except that no person shall be deemed to have committed an offence against the *Customs Act 1901* by reason merely that he has imported goods which are prohibited by this Part of this Act to be imported.

There is a qualification on the penal sections of the *Customs Act*, one of which is referred to; but in the Bill before us, which deals with all Australian producers, the Ministry have been less scrupulous than the first Deakin and the Watson Administrations were in regard to the importers. It has been customary to apply the term "foreign trader" as an epithet of reproach to the free-traders of Australia; but the Bill embarrasses the producer of Australia to assist his competitors in the markets of the world, and thus plays the part of the foreign trader. This turns the maxims of my protectionist friends upside down. I am sure that such a provision is not in accordance with the wishes of honorable members, whatever their political views may be, and I do not think that this provision has been deliberately inserted. I do not believe that any honorable member would knowingly attempt to hamper our producers in connexion with the export of their produce to the markets of the world. My complaint is that they will not take the trouble to see what the effect of the Bill is. No one would deliberately injure our producing industries, and it is a thousand pities that, when we are dealing with a measure affecting the operations of our producers as exporters, we are not more careful to make things easier instead of harder for them. The Bill makes things as hard for our exporters as we can make them. It reverses the genius of legislation. In no other country in the world are such provisions in force. So far as the interests of Great Britain are concerned, we may safely leave to the Parliament of that country the adoption of measures necessary to prevent our producers from inflicting injury on the British people. Surely we can leave all such precautions to the British people themselves. It is most officious on our part to subject our producers to these two ordeals. They have to run the gauntlet of the Customs House of their own country, and, having done so, they have then to run

the gauntlet of the Customs House of another country. Surely one set of Customs Houses is bad enough, without establishing a second one in the country where a man works, and where he ought to be assisted in every possible way. I can see that it is idle to expect the Committee to consider this matter any further, but I have deemed it my duty to make these observations on the subject.

Mr. KNOX (Kooyong).—I do not think that the Minister has any justification for resenting the action of honorable members in taking up the time that they regard as necessary to bring this measure into a proper shape. An effort was made to refer the Bill to a Select Committee, and the discussion to-day has shown that that course would have been the best to pursue. If the Bill be passed in its present form, it will work great harm, even if it does not lead to the absolute destruction of many of our primary industries. Last week the Minister of Trade and Customs resented the suggestion I made that we were attempting to protect foreign consumers at the expense of our own people, but I had the amplest justification for my assertion. Surely we should legislate for the benefit of the citizens within the Commonwealth; we certainly ought not to subject them to restrictions of two Customs Houses. The right honorable and learned member for East Sydney has very clearly pointed out the disadvantages under which our producers will labour, and the irritating conditions under which they will have to work. Any injury that may be inflicted must fall upon the producer, because the agents and middlemen will assume no responsibility whatever. We are all familiar with the trouble that was caused owing to the manner in which the Customs Act was administered in the earlier stages, and we should guard against any similar results being brought about in connexion with the Bill now before us. The present Minister of Trade and Customs succeeded in introducing rational methods into the administration of the Customs House, and yet he is now proposing to revive the old condition of affairs, and to impose all sorts of irritating restrictions upon our exporters. Surely the Minister must recognise that he inflicted a grave injustice upon the whole community by refusing to refer the Bill to a Select Committee, and to give honorable members the benefit of the advice of experts to guide them in framing a useful measure. I do not believe

honorable members opposite desire to create difficulties, but unfortunately they do not appear to realize the serious consequences which are likely to follow the passing of this Bill. I know that some members of the Labour Party do not like the Bill. Not only has the honorable member for Boothby expressed himself in the strongest terms of disapproval, but other honorable members entertain strong objections to it. We are justified, therefore, in exercising our fullest right of criticism, and in endeavouring to prevent the passing of the measure in a form in which it will be a curse to the community. The Minister must not be irritated if we adopt every means in our power to explain to the public the reasons of our opposition to iniquitous clauses. I trust that the Bill will be thoroughly reconsidered.

Mr. GLYNN (Angas).—I do not know when the first edition of the Bill was drafted. I understand that one draft was in existence even at the time that the Watson Government were in office, and it is, therefore, quite possible that the clause now under consideration would never have been incorporated in the measure if the Acts Interpretation Act of 1904 had been on the Statute Book prior to the period to which I refer. Assuming, however, that the first draft was made after that Act was passed, the draftsman must have overlooked one of its most important provisions. Prior to the passing of the Act referred to, it was necessary whenever penalties were imposed under a Bill to make the necessary machinery provisions. Under section 6 of the Acts Interpretation Act of 1904, however, it is provided—

All pecuniary penalties for any offence against any Act may, unless the contrary intention appears in the Act, be recovered in any Court of summary jurisdiction.

Therefore, so far as the legal machinery for the recovery of penalties is concerned, the draftsman need not have incorporated the Customs Act, because, under the section referred to, provision is made for the automatic incorporation in the Bill of such provisions as are necessary for the recovery of penalties. I cannot see why the Minister should object to the excision of the clause now objected to. If it be retained, it will lead to untold mischief, and will, in many cases, lead the Court to strain the law in order to find a verdict for the defendant. Apart from cases in which all

the evidence is on the side of the defendant, I would point out that where evidence has been given on both sides, and doubt still exists in the mind of the magistrate, he will have to reverse one of the leading principles of English law under which the defendant is entitled to the benefit of the doubt. For instance, under clause 8 an importer might be prosecuted for attempting to import goods bearing a false trade description. A false trade description is defined as meaning a trade description which is "false, or likely to mislead," and the importer would have to prove that the description was not likely to mislead. This wording is particularly loose, and the evidence submitted would probably leave the magistrate in doubt upon the question at issue. Under such circumstances, it would not be just to convict the defendant. When the Bill was under consideration in Committee, I incidentally pointed out that the Minister would probably lay his information under clause 8, instead of under clause 7, relying upon the provision that allegations in the information shall be accepted as *prima facie* evidence, and that the defendant's guilt shall be assumed unless he can prove to the contrary. I hope that the Minister will assent to the course suggested by the honorable member for North Sydney.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I thought that we had debated this Bill at sufficient length, and that there was no further necessity for any long speeches. We have been engaged in discussing the measure for nearly three weeks, and it is absurd for honorable members to suggest that the Government have acted unreasonably towards the Opposition. Whenever the name of the Customs Department is mentioned honorable members opposite appear to be reduced to a state of wild hysteria, and do not know when to stop their harangues. It is all very well for the right honorable member for East Sydney to come here and tell us that the Bill has not been properly considered. He has not been here for a month.

Mr. REID.—Then the Minister cannot say that I have taken up much time.

Sir WILLIAM LYNE.—No; but I contend that the right honorable gentleman should not complain if honorable members who have been engaged in considering the Bill for such a time should object to a re-discussion of the whole measure. I do not

wish to curtail reasonable debate, but I shall strongly object to the whole of our work being gone over again. The honorable member for North Sydney was present when clause 2 was under discussion, and he took no exception to it. I was told, when I was recently in Sydney, that this action was to be taken at the instance of certain importing firms.

Mr. DUGALD THOMSON.—The Minister is stating what is absolutely incorrect if he infers that I am acting at the instance of importing firms.

Sir WILLIAM LYNE.—I say that I knew that this course was to be followed, and that it was being adopted at the instance of certain large importing firms in Sydney.

Mr. CONROY.—I have been speaking on behalf of the exporters.

Sir WILLIAM LYNE.—The honorable and learned member, and the members of his party, would leave our producers open to the unfair competition of the black and cheap labour of the outside world, which has been referred to by the right honorable and learned member for East Sydney. That is what the members of the Opposition would do.

Mr. REID.—Why should the Minister wish to imitate them?

Sir WILLIAM LYNE.—We have no desire to imitate them. The right honorable member has made a statement which he cannot verify. He has declared that the producers do not desire the adoption of the grading system. If he will take the trouble to read the report of the Victorian expert in reference to New Zealand in connexion with this matter—a report which only reached my hands this morning—he will find that in that Colony the system of grading meets with almost unanimous approval, although the same cry that is being raised here attended its introduction there. The expert to whom I refer—Mr. Crowe—states that, in the first instance, the same fears to which expression has so frequently been given here were apprehended in New Zealand, and that for a time considerable objection was taken to the grading of exports.

Mr. REID.—We are not discussing that question.

Sir WILLIAM LYNE.—The right honorable gentleman was just now discussing almost every matter to which he could

turn his tongue. The New Zealand expert further states that because the Government mark is attached to certain exports it is a common practice for those exports to be purchased in large quantities, f.o.b., at Auckland by English buyers.

Mr. SPEAKER.—I must ask the Minister not to discuss that question.

Sir WILLIAM LYNE.—The leader of the Opposition has declared that the producers of New South Wales do not desire any Government interference with their exports. He is the last person who should talk about helping the producers of the soil, seeing that the only thing he ever did for them was to impose additional taxation upon them, whilst at the same time depriving them of the little protection which they had previously enjoyed.

Several honorable members interjecting—

Mr. SPEAKER.—During the speeches delivered by honorable members upon the Opposition side of the Chamber, I do not think that the Minister made any interjections, and it is very unfair, indeed, for them to interrupt him so seriously.

Mr. LONSDALE.—Then let the Minister cease making charges.

Mr. SPEAKER.—The honorable member is not in order.

Sir WILLIAM LYNE.—I am not making charges. I am merely replying to the statements which have been made during this debate. The leader of the Opposition and others have made certain statements here with a view to having them spread broadcast, and now they complain the moment I attempt to show that those statements are incorrect. I wish to point out that in Victoria the number of those who desire their exports to be dealt with by the Government is doubling, trebling, and even quadrupling as years go on. I have details in my possession which support that statement. The same remark is applicable to Queensland. All that we ask in this Bill is that we should be given reasonable power, after consultation with the various States Governments, to give effect to the grading system. Some of the States, including New South Wales, have never taken effective action in this connexion.

Mr. SPEAKER.—I would point out to the Minister that the question before the Chair is, whether or not clause 2 shall, in common with other clauses, be recom-

mitted. The only question raised by that clause is as to whether this Bill should be incorporated with the Customs Act. I would ask the Minister to confine his remarks to that question.

Sir WILLIAM LYNE.—I always bow to your ruling, sir, but I must point out that a very wide latitude has been allowed to previous speakers, and that I am merely endeavouring to refute the very improper, unfaithful, and untrue statements which have been made.

Mr. SPEAKER.—I may say that I followed very closely the speeches made by honorable members upon the Opposition side of the House, and I confess that once or twice I thought they were exceeding the legitimate limits of the debate; but in each instance the due connexion was established between their remarks and the clause which is under discussion.

Mr. DUGALD THOMSON.—Before the Minister resumed his seat, he declared that he was replying to "untrue" statements, which had been made by honorable members upon this side of the Chamber. I wish to ask you, sir, whether that expression is in order?

Mr. SPEAKER.—If the Minister made use of that expression, I must ask him to withdraw it.

Sir WILLIAM LYNE.—If I did make use of the word "untruthful," I withdraw it; but I am under the impression that the word I employed was "unfaithful." An amendment has been suddenly submitted in reference to clause 2, which provides that this Bill shall be incorporated with the Customs Act of 1901. I have heard it stated that the leader of the Opposition did not see the original draft of this measure. I venture to say that a little light could be thrown upon that statement. In the measure as it was originally drafted, the following words occur:—

This Act shall be incorporated and read with the *Customs Act 1901*.

Mr. DUGALD THOMSON.—But the Minister promised to make the Bill less drastic.

Sir WILLIAM LYNE.—I have done so. I have agreed to recommit certain clauses, with a view to dealing with the cases which were presented the other day. Upon that occasion I said that if some slight modification of these clauses would dissipate the fears entertained by some honorable members, I should be prepared to agree to their

amendment. I made that statement chiefly as the result of the observations which fell from the honorable member for Gippsland and the honorable and learned member for Corinella. I wish to meet honorable members as far as possible, but I will not allow the Opposition to amend the Bill in such a way as to destroy its efficacy. Nearly every honorable member who has spoken from the opposite side of the House has declared that he would destroy the measure if he could. I would further point out that this Bill contains a few clauses which would be absolutely unworkable if the Customs Act were not read in conjunction with it. If the measure were merely intended to carry out the provisions which are embodied in it, without machinery clauses, there might be some force in the contention of honorable members of the Opposition that it would prove ineffective in operation. But when it is worked in conjunction with the Customs Act, so far as its machinery provisions are concerned, it becomes absolutely effective. For instance, sections 205, 208, 265, 269, 276 of the Customs Act will fit in with the machinery provided in this Bill. When it is declared that the measure when read in conjunction with the Customs Act will be productive of disastrous results, I wish to know where are the complaints in regard to the operation of that Act? As a whole, the Customs Act, though it contains very drastic provisions, is working smoothly in the interests of the Commonwealth, and does not engender much friction. Similarly no friction will be experienced in the administration of this Bill. As a matter of fact, I am informed by the draftsman that if it were amended in the direction the Opposition desire, it would be better to withdraw it and to entirely recast it, because we should have to make it a complete machinery Bill as well. Read in conjunction with the Customs Act, however, it becomes effective. It has been said that the Customs authorities might board a train and take possession of produce intended for export when it was some 200 or 300 miles away. Do honorable members imagine that the Customs Act is being foolishly administered, and that there is an innate desire on the part of the authorities to destroy the export trade? The great object of the Department is to make Australian exports still more acceptable in the markets of the world. I may tell the honorable

member for Franklin that for some time the action of one of his own constituents did grave injury to the export trade in apples to London. I regret that I cannot accept the amendment. If I could reasonably do so I would. Honorable members must take my assurance that I am not actuated simply by a desire to appear stubborn. But in my judgment there is nothing in the Customs Act which will injure the exporter. I believe that within a very short time after this Bill comes into operation it will be hailed with delight by the producers, who will proclaim it to be one of the best Acts that have been passed by the Commonwealth Parliament.

Mr. DUGALD THOMSON (North Sydney).—When the Minister began his speech, he stated that he knew this amendment was being moved at the instigation of certain Sydney importers. I am the mover of the amendment, and I say there is not a shadow of truth in his statement. He made his statement without any knowledge that it was true. It is absolutely untrue.

Mr. SPEAKER.—Order. Will the honorable member withdraw that remark?

Mr. DUGALD THOMSON. — I say that the statement of the Minister is absolutely inaccurate. I have not had any communication with an importer in Sydney, or anywhere else, either with reference to this amendment or to the Bill itself. Before making a statement of that character the Minister should do others the justice of ascertaining its truth or otherwise. I pronounce his statement to be inaccurate. It does not contain a single word of truth. I have had no conversation with a Sydney importer in reference to my proposal, or in regard to the Bill itself, and if the remainder of the Minister's statements are upon a par with that to which I refer, I am very sorry for him.

Sir WILLIAM LYNE.—As a matter of personal explanation, what I said was that I heard this action was to be taken at the instance of two large firms in Sydney.

Mr. DUGALD THOMSON. — The Minister said that he knew it was instigated by several Sydney firms.

Sir WILLIAM LYNE.—I said that the movement was instigated by certain Sydney firms. I did not mention the honorable member's name.

Mr. DUGALD THOMSON.—The honorable gentleman inferentially did; because I am the mover.

Question—That the words “and clause 2” proposed to be added be so added—put. The House divided.

Ayes	...	...	20
Noes	...	...	35
Majority	...	...	15

AVES.

Bonython, Sir J. L.
Cameron, D. N.
Conroy, A. H. B.
Crouch, R. A.
Edwards, G. B.
Fysh, Sir P. O.
Glynn, P. McM.
Knox, W.
Liddell, F.
Lonsdale, E.
McCay, J. W.

McLean, A.
McWilliams, W. J.
Reid, G. H.
Skene, T.
Smith, B.
Thomson, D.
Wilson, J. G.

Tellers.

Kelly, W. H.
Robinson, A.

NOES.

Bamford, F. W.
Batchelor, E. L.
Brown, T.
Carpenter, W. H.
Chanter, J. M.
Chapman, A.
Deakin, A.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Frazer, C. E.
Groom, L. E.
Higgins, H. B.
Hughes, W. M.
Hutchison, J.
Isaacs, I. A.
Lyne, Sir W. J.
Mahon, H.

Maloney, W. R. N.
Mauger, S.
McDonald, C.
O'Mailey, King
Poynton, A.
Ronald, J. B.
Salmon, C. C.
Spence, W. G.
Storrer, D.
Thomas, J.
Thomson, D. A.
Watkins, D.
Watson, J. C.
Webster, W.
Wilkinson, J.

Tellers:

Cook, Hume
Tudor, F. G.

PAIR.

Fuller, G. W.

| Page, J.

Question so resolved in the negative.

Amendment negatived.

Original question, as amended, resolved in the affirmative.

Resolved—

That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clauses 7, 10, and 13, and for the consideration of new clauses 7A, 7B, and 13A.

In Committee (Recommittal):

Clause 7—

(2) All goods imported in contravention of any regulation under this section shall be forfeited to the King.

(3) Subject to the regulations, the Comptroller-General, or on appeal from him the Minister, may permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the prescribed trade description will be applied to the goods or that they will be forthwith exported.

Amendment (by Sir WILLIAM LYNE) proposed—

That the words “shall be,” line 2, be left out, with a view to insert in lieu thereof the words “may be detained by the Collector, and may by direction of the Minister be seized as.”

Mr. McCAY (Corinella).—Before the amendment is put, I should like to point out to the Minister that the question raised by several honorable members in connexion with this clause—and also clause 10—was that, under the clause as it stands, or as proposed to be amended by the Minister, an importer or exporter, who had innocently failed to apply the required trade description to his goods, would be liable to have those goods seized. My desire is that it shall be provided that where either an importer or exporter satisfies the Comptroller-General or the Minister that the mistake of which complaint is made, was not knowingly committed, it shall not merely be left to the Minister's discretion to return the goods, but that the person concerned shall have set out in the Bill itself his right to their return. The Minister might possibly take shelter behind the contention that he was not satisfied that a mistake was innocently committed, but as a matter of fact that would not suffice to protect him in the same way as would the clause as it stands. It would not do so, for the reason that if the clause provides that on the Minister being satisfied that an offence has not been knowingly committed, the goods shall be released, the Minister or the Comptroller-General will be forced to give consideration to each case. If the Minister or Comptroller-General then failed to perform his duty properly, he could be challenged, because it could be said—I am assuming, I admit, an apparently improbable case—that he had wilfully refused to recognise the facts before him. It would, therefore, give an assurance to the importer or exporter that reasonable proof that his error was innocently committed, would prevent the possibility of his goods being confiscated. It would also prevent the possibility of the delay and inattention which might otherwise occur. As the Bill is apparently to become law, it is not my desire that the clause shall have no effect. or be so wide that an intentional wrong-doer will be able to escape. Although the amendment of the Minister goes to some extent in the direction in which I wish to go, it does not go anything

like so far as it has been suggested we should go.

Sir WILLIAM LYNE.—What does the honorable and learned member suggest? I have tried to meet his objection.

Mr. McCAY.—Yes; but the Minister has not fully met the point raised by me. I wish the clause to provide that, where it is proved to the satisfaction of the Minister that a mistake was not knowingly committed, goods which have been seized shall be released.

Sir WILLIAM LYNE.—Does the honorable and learned member think that that is not provided for by my amendment?

Mr. McCAY.—The honorable gentleman's amendment leaves the return of the goods purely at the discretion of the Minister or the Comptroller-General. When the Minister has been reasonably satisfied that an error was an innocent one, he should be compelled to let the goods go, on a proper description being applied to them. Such a provision would in no way diminish the efficacy of the measure, and would remove the not altogether unreasonable fear of importers and exporters that they may be subjected to capricious treatment. Delay—the mere putting aside of the matter for a time—which could take place under the clause as it is proposed to amend it, might work as much injury as would be caused by deliberate malfeasance, whereas if the clause is amended as I wish to amend it the Minister or the Comptroller-General must give prompt attention to any complaint.

Mr. DUGALD THOMSON (North Sydney).—Whatever amendment is made in this clause in regard to imports must be applied also to exports. Clauses 7 and 10 were originally drawn on similar lines, and the treatment of imports and exports must be alike, unless we are prepared to have the reflection of unfairness cast upon our legislation.

Sir WILLIAM LYNE.—Whatever goes into clause 7 must also go into clause 10.

Mr. DUGALD THOMSON.—I see no reason for providing for forfeiture. In the first place, it is a very unequal punishment. An offence may be comparatively slight, the departure from a description, say, entailing no real fraud, and the punishment in one case may be the forfeiture of a shipment worth £10, and in another case the forfeiture of a shipment worth £10,000. In the Victorian Act dealing with exports an appeal to arbitrators is

allowed from the decision of the Minister as to whether products are sound or free from disease, and on the refusal of any inspector to mark any case, keg, box, or package, as required by the Government.

Mr. GLYNN.—Under some of the States Acts there had to be an information prior to forfeiture.

Mr. DUGALD THOMSON.—Yes. Then the punishment for an evasion of the Victorian Act is only £50. I would not reduce the penalties in this Act to so small an amount, because I think that they should be sufficiently severe to prevent attempts to evade the provisions of the measure; but I think the forfeiture is an unwise penalty to provide for, in the first place, as I have said, because of its inequality, and, in the next place, because of the nature of the power placed in the hands of the Minister. We cannot expect throughout our history to be free from the danger of having in office a corrupt Minister, and if such a Minister had power to forfeit he might say, when a valuable shipment was concerned, "I must forfeit unless I have some inducement not to forfeit."

Sir WILLIAM LYNE.—The power of forfeiture is given under the Customs Act.

Mr. DUGALD THOMSON.—But not where there is a mere difference of opinion as to the grade or quality or true description of an article. In this measure we are dealing with very delicate differences, and I think that it will be sufficient to provide for a fine large enough to act as a deterrent against fraud. There is no provision for forfeiture in the Victorian, South Australian, or New Zealand Acts. A Customs officer may say that goods marked first quality are second quality, and, although fifty witnesses may be brought to prove that, in their opinion, the goods are first quality, they will be liable to forfeiture on the ground of misdescription, the officer having declared them to be second quality. It is no wonder that reflections are made on our legislation when we deal so differently with this subject from the way in which other Australian Parliaments have dealt with it. If there had not been a division on the question last week, I would test the feeling of the Committee with regard to it now; but I ask the Minister to consider the matter again, and not to leave in the Bill a penalty which far exceeds in its severity the penalty in any other Australian legislation of the kind.

Mr. CONROY (Werriwa).—I think that we might overcome the difficulty by providing for a penalty of, say, £500.

Mr. ISAACS.—It might be worth the while of an importer to incur a heavy fine if he were able to introduce a valuable consignment of goods.

Mr. CONROY.—But under the Customs Act the Minister would have power to impose a penalty representing three times the value of the goods. I find by reference to section 236 that—

Whoever . . . by act or omission is in any way directly or indirectly concerned in the commission of any offence against this Act, shall be deemed to have committed such an offence, and shall be punishable accordingly.

A similar provision is made in clause 15 of the Bill, but the word “knowingly” is used by way of modification. All the penalties provided for are in addition to the provision for the forfeiture of the goods. The honorable member for North Sydney has clearly pointed out the inequality of the proposed penalties. If a person placed a second-class description, upon first-class goods his action could not be in any way construed as a wilful contravention of the law, and yet he would be liable to punishment. Some provision should be made by which persons making innocent mistakes could recover their goods. They should not be left entirely at the mercy of the Minister. We are making a serious mistake in conferring extreme powers on the Minister without making any provision for an appeal from his decision. I trust that the honorable gentleman will considerably modify the clause, otherwise it will offer every facility for the perpetration of gross injustice.

Mr. GLYNN (Angas).—I understand that the Minister is considering whether something should not be done in the direction suggested by the honorable and learned member for Corinella, but I would like to point out the danger which we are incurring by incorporating the whole of the provisions of the Customs Act in this measure. Special provision is made in the Bill for the forfeiture of goods, and under the Customs Act the Minister has power, without cause shown, to prohibit imports. Therefore, suppose that under the Bill the Minister improperly, or without sufficient cause, prohibited certain importations, and he were proceeded against for the recovery of the goods, he might fall back upon his general power of prohibition without cause shown conferred by the Customs Act. If

the Customs Act did not apply there would be no necessity to grant a right of appeal, and if it did apply the right of appeal would be useless. As the matter stands, I do not know what would be the effect of making provision in the Bill for an appeal from the discretion of the Minister. I trust that the clause will be recast so that the application of the Customs Act will not frustrate the object of the provision.

Mr. CROUCH (Corio).—I do not see that the amendment proposed by the honorable and learned member for Corinella will have any effect, because, in addition to the provisions of the Bill, the Customs Act will operate. Under sub-clause 1 of clause 7, certain imports will be prohibited.

Mr. McCAY.—Not within the meaning of the Customs Act.

Mr. CROUCH. — Section 229 of the Customs Act specifies that unlawfully imported and prohibited imports shall be forfeited to His Majesty.

Mr. McCAY.—But does not “prohibited imports” mean absolutely prohibited imports?

Mr. CROUCH.—I think that is open to question. Clause 7 provides that certain imports may be prohibited by regulation. That means that such goods will become absolutely prohibited as soon as such regulations are issued, and thus any goods that do not bear a proper trade description may become prohibited imports within the meaning of the Customs Act. In order to prevent complications arising, it appears to be necessary to provide that the Customs Act of 1901 shall not apply to the provisions in the clause. Otherwise any amendment we may make will become inoperative.

Mr. KELLY (Wentworth).—We all know that Government Departments are occasionally very dilatory, and it appears to me that under the proposed amendment goods might be detained by the officials of the Department for such a length of time as to interfere with their delivery under contract.

Sir WILLIAM LYNE.—All cases will be promptly dealt with in my Department.

Mr. KELLY.—How can they in all cases? For instance, if some case arose in Western Australia, could the decision of the Minister be given within, say, a fortnight?

Sir WILLIAM LYNE.—The Minister could deal with the matter by delegating his powers to his officers, *Digitized by Google*

Mr. KELLY.—So long as reasonable assurance is given that the goods will be released within a reasonable time, I shall be satisfied.

Amendment agreed to.

Mr. McCAY (Corinella).—I desire to propose an amendment, to which the Minister has agreed, in sub-clause 3. The amendment does not go so far as I desire; in fact, I do not like the clause so far as the provision for the forfeiture of goods is concerned. But I will move—

That after the word "may," line 5, the words "in any case, and if in his opinion the contravention has not occurred, either knowingly or negligently, shall," be inserted.

Under my proposal, where an error is not knowingly committed, or is not the result of negligence, the importer will be entitled to the delivery of his goods.

Mr. ISAACS.—That is "delivery," for the purpose of complying with the law?

Mr. McCAY.—Undoubtedly. Personally, I do not think that the Minister ought to have the right to forfeit goods for mere negligence. My position, however, is that the Minister has agreed to accept my amendment, but will not agree to it if the word "negligently" be omitted. Consequently, I am compelled to accept a very small crumb, instead of getting no bread at all.

Mr. DUGALD THOMSON.—Under the amendment, the Minister may hold £100,000 worth of goods for "negligence."

Mr. McCAY.—I think that it is unreasonable to provide the penalty of forfeiture for non-compliance with the law relating to trade descriptions, as distinct from furnishing a false trade description. Under the Bill a mistake is just as punishable as is a wilful offence. I think that the words contained in my amendment will do some measure of justice to those who are chiefly concerned.

Mr. CROUCH.—Will it apply both to the Comptroller-General and to the Minister?

Mr. McCAY.—It will apply to both.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—The honorable and learned member for Corinella and several others were very anxious to effect an amendment of this clause the other evening. I was under the impression that the amendment which has already been inserted would meet with their concurrence. However, as the honorable and learned member considers that this further amend-

ment is necessary, I will agree to it, because it only provides for action which any reasonable Minister would take.

Mr. DUGALD THOMSON.—We are to rely upon a "reasonable" Minister?

Sir WILLIAM LYNE.—If the honorable member for North Sydney occupied the position of Minister of Trade and Customs, I should be quite prepared to trust him. Why is he not willing to extend the same consideration to others?

Mr. CONROY.—I would trust no Minister with £20,000 worth of my goods.

Sir WILLIAM LYNE.—As the amendment only provides for action which any reasonable Minister would take, I accept it.

Mr. CONROY (Werriwa).—I regret that the Minister has not seen fit to go further. Let me take, for example, the simple case of an omission to put any trade description upon goods.

Sir WILLIAM LYNE.—In some cases that might be deliberately done, with intent to commit a fraud.

Mr. CONROY.—How could a deliberate fraud be perpetrated under such circumstances? Let us suppose that I wish to buy any article. I am at liberty to examine it just as I please. What fraud is possible, when the vendor asks, "What will you give for it?" But under this provision, simply because a man omits to put a certain statement upon his goods, he is liable to have the whole of them forfeited. Why should such an important matter be left solely to the discretion of the Minister? Why should not there be an appeal from his decision? In England many Ministers have refused to exercise powers which others have attempted to thrust on them. They have held that there ought to be an appeal from their decision to a court of law. In this case, however, the Minister is absolutely to settle the matter in dispute. I protest against the enactment of such a provision.

Amendment agreed to.

Mr. GLYNN (Angas).—I move—

That the following new sub-clause be added:—
"(4) No regulation under this section shall take effect until after the expiration of six months from notification in the *Gazette*."

This is a milder proposal than that which was suggested by the honorable member for Kooyong, because his amendment would have applied to exports as well as to imports. I think that honorable members will recognise the necessity of giving some

notice to people on the other side of the world, as to what conditions obtain here in regard to importations. In the absence of some such amendment as I have indicated, the regulations may be brought into force immediately they are notified. To my mind, six months is a reasonable notice to give.

Mr. DUGALD THOMSON.—It is, if anything, too short.

Mr. GLYNN.—That may be so.

Mr. CARPENTER. — Does the honorable and learned member intend that six months' notice shall be given from the time of the passing of the Bill?

Mr. GLYNN.—I mean that six months' notice shall be given, after the notification has appeared in the *Gazette*. Unless we postpone their operation, the regulations may come into force at once. I think it is clear that exporters in America and England are entitled to know the nature of our laws, since they are to be subjected to such very heavy penalties for transgressing them. It seems all the more necessary that they should be given notice when it is recollected that a trade description will probably have to be applied to every particular article. It will not be sufficient merely to label the outside packet. For instance, in a case containing 1,000 bottles of medicine, a label must be placed upon each bottle.

Mr. CARPENTER. — Under the honorable member's amendment, the Bill would not be brought into force for twelve months.

Mr. GLYNN.—Even if that be so, what harm would result? Under this Bill we are about to establish a general principle. Exporters abroad should be informed that if they intend to send goods to Australia, they must conform to certain conditions. Consequently they should be given notice.

Sir WILLIAM LYNE.—I will accept three months' notice instead of six.

Mr. DUGALD THOMSON (North Sydney).—I am rather surprised at the Minister's statement that he is unwilling to accept an amendment which will provide for six months' notice being given. The Minister is aware that goods have to be ordered from abroad, and labelled in accordance with certain trade descriptions, freshly ordered by the Minister. As those goods have to be put up specially, time must be allowed to send home instructions after the notification has appeared in the *Gazette*. Then the goods have to be brought to Australia—sometimes in sailing vessels. Can that be done within three months?

Sir WILLIAM LYNE.—As a rule, it can be done in very little more than three months.

Mr. DUGALD THOMSON.—It cannot be done. The bulk of the orders are transmitted by mail, and the goods have to be specially put up for Australia. Labels have to be printed, and the goods have subsequently to be packed, entered for shipment, and shipped. A fortnight, and in some cases a month, often elapses between the date of shipment and the day of sailing, and if these goods were shipped from England by a sailing vessel three or four months might elapse before their arrival here. Surely in these circumstances at least six months' notice should be given.

Mr. WATSON.—What would be the position if it were desired to amend a regulation in order to deal with deleterious imports, and six months' notice had to be given? In the meantime the goods objected to would continue to come in.

Mr. CONROY.—The Minister would have power under the Customs Act to prohibit such imports.

Mr. ISAACS.—Suppose it were desired to modify a regulation that proved to be too severe. Would six months' notice be necessary?

Mr. GLYNN.—No.

Sir WILLIAM LYNE.—I think that, under the amendment, it would.

Mr. DUGALD THOMSON.—I do not think that such notice would be necessary, but if the interjection is as genuine as it is intended the description of the goods shall be, the Minister will have no difficulty in overcoming the objection.

Mr. ISAACS.—How?

Mr. DUGALD THOMSON.—He could direct that the regulation which it was proposed to modify should not in the meantime apply. Although I am not a lawyer, I undertake, if allowed time, to draft an amendment to meet the Minister's objection in this respect.

Mr. ISAACS.—I am speaking of the amendment as submitted.

Mr. DUGALD THOMSON.—If the Minister considers that the amendment would operate unfairly in certain cases, it is open to him to propose a further amendment. I am sure honorable members will admit that I have made out a good case for the adoption of the amendment. There may be exceptional cases, in which the notice would not require to be as long as I have said, but the Minister will be able

to provide for them. Under the clause as it stands, the first intimation that an importer will have that a new description is required in respect of articles that have borne for years, perhaps, a particular brand, will be the notification in the *Gazette*.

Mr. WATSON.—Six months' notice does not seem too much in respect of original regulations, but I think it would be too long in the case of amended regulations.

Mr. DUGALD THOMSON.—I am willing to consider any amendment that the Minister may propose, but I do say that at least six months' notice should be given of any new regulation. In some cases a description that had been placed on goods for many years might be true, but the Minister might desire an amplification. He might, for instance, call upon importers of certain goods, bearing a statement that they had been made in Liverpool, to add the word "England" to the description. The original Bill provided that the country of origin should appear in the description, and it is evidently the intention of the Department to require alterations of the kind I have named to be made. Importers may be required to give fuller descriptions, and to describe the ingredients of goods in respect of which such a demand has not hitherto been made. Surely reasonable time should be given to merchants and others concerned to comply with such requirements. There is nothing in the Bill in respect of which it should be necessary to take immediate action, regardless of the fact that such action might result in gross injustice being done, and really render it impossible for shippers to comply with the regulations. The Minister says, in effect, to the parties concerned, "When your goods arrive here, I may forfeit them, if I see fit, because they are not correctly described; but I will not allow you the time necessary to enable you to do what I say shall be done." With all these facts before them, I fail to see how honorable members can deliberately arrive at a decision that would be absolutely unjust to those concerned.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I think that, in agreeing that three months' notice shall be given, I have gone a long way towards meeting the honorable member's objection. If the amendment were passed six months' notice would have to be given of an amended regulation that I might propose

twelve months hence to *gazette*. I have already agreed to an amendment by which the Bill will not come into operation until six months after the date of its passing. It is therefore probable that it will not come into force until March or April next, so that importers and others concerned will have an opportunity to prepare to comply with the new conditions.

Mr. DUGALD THOMSON. — Not if the Minister fails to issue a proclamation.

Sir WILLIAM LYNE.—I have already made arrangements to have the regulations ready by January next.

Mr. DUGALD THOMSON.—But the honorable gentleman has already agreed that the Bill should apply only to certain classes of goods.

Sir WILLIAM LYNE.—Does the honorable member desire that for all time six months' notice shall be given of any regulation.

Mr. DUGALD THOMSON.—Certainly.

Sir WILLIAM LYNE.—Then I cannot assent to the honorable member's proposal. I am willing to agree that not less than three months' notice shall be given.

Mr. CONROY.—Make it four months.

Sir WILLIAM LYNE.—I think that the compromise to which I have expressed my willingness to agree should meet all possible objections. I had recently to deal with a case arising under a regulation issued while the honorable member for Gippsland held office as Minister of Trade and Customs. A month's notice was, I think, given of the intention to bring that regulation into force, but when I found that the persons affected by it had not had time to conform to it, I decided that the goods which they were bringing in should not be unduly interfered with. I saw that it was unreasonable to expect them to do what was practically an impossibility, and I hold that it is ridiculous to suggest that six months' notice should be given of regulations applying to imports. In many cases of this kind intimation is sent by cable-gram to the persons concerned in other parts of the world.

Mr. ISAACS.—The Minister may provide in the regulations themselves for such matters.

Sir WILLIAM LYNE.—Certainly. I do not wish a hard-and-fast line to be drawn in the Bill itself.

Mr. McCAY.—It would be practically impossible to transmit trade descriptions to England by cable. Digitized by Google

Sir WILLIAM LYNE.—In any event not more than five or six weeks would be occupied in forwarding particulars of trade descriptions by post to England and Europe generally.

Mr. DUGALD THOMSON.—But the goods have to be packed and labels must be printed.

Sir WILLIAM LYNE.—If six months' notice had to be given of an intention to require a particular trade description of certain goods, large imports of those goods might meantime be rushed into the Commonwealth.

Mr. CONROY.—The Customs Act provides against such a contingency.

Sir WILLIAM LYNE.—I admit that if the Minister chose to strain the Customs Act he might prevent such a practice, but suppose that before the notice had expired a large shipment of goods to which a certain trade description was to apply arrived in Australia, would any one say that the Minister would be justified in availing himself of the provisions of the Customs Act to prohibit their importation? If he did prohibit them, there would be a wild outcry on the part of the Opposition. We should never hear the last of it, and I would not undertake to adopt such a course. I do not wish to leave the door open to such an extent that before the notice expires the market may be flooded with undesirable goods.

Mr. ISAACS.—Or to give a monopoly in respect of those that happen to get in.

Sir WILLIAM LYNE.—That is so. I do not think it is necessary to give any notice, but am prepared to agree to an amendment that three months' notice shall be given.

Mr. DUGALD THOMSON.—Let it be not less than three months.

Sir WILLIAM LYNE.—Very well. I may say, in conclusion, that if I have to deal with the first regulations issued, I shall make special provision for cases in which it has not been possible to comply with them.

Mr. GLYNN (Angas).—I am prepared to accept the Minister's suggestion that not less than three months' notice shall be given, and desire to amend my amendment accordingly.

Amendment amended accordingly, and agreed to.

Clause, as amended, agreed to.

Clause 10—

(2). All such goods to which the prescribed trade description is not applied, which are ex-

ported or entered for export or put on board any ship or boat for export or brought to any wharf or place for export, shall be forfeited to the King.

(3). Subject to the regulations the Comptroller-General, or on appeal from him the Minister, may permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner or exporter, upon security being given to the satisfaction of the Comptroller-General that the goods shall not be exported in contravention of the regulation.

Mr. CROUCH (Corio).—I am not particularly interested in the import trade, but I certainly think that this clause must be amended so far as it relates to exports. I find that section 229 of the Customs Act provides that goods which are unlawfully exported, as well as—

All prohibited exports put on any ship or boat for export, or brought to any wharf or place for the purpose of export,

shall be forfeited to His Majesty. I therefore move—

That, after the word "King," line 6, the words "and to such goods the provisions of section 229 of the Customs Act 1901 shall not apply."

Mr. ISAACS (Indi—Attorney-General).—I can understand the anxiety of the honorable and learned member for Corio that the unqualified provisions of the Customs Act as to the forfeiture of goods unlawfully exported should not apply, but I think that, with regard to the particular class of goods mentioned in clause 10, those unqualified provisions would not apply. Although this measure and the Customs Act are to be read as one, the express provisions of the Bill applied specifically to this class of goods would prevail. The express provisions of clause 10 would necessarily exclude the unqualified application of the Customs Act.

Mr. CROUCH (Corio).—In view of what the Attorney-General has stated—and he was good enough to put his opinion on this point before me privately—I withdraw the amendment, because I recognise his responsibility in connexion with statements of this kind.

Amendment, by leave, withdrawn.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the words "shall be," line 5, be left out, with a view to insert in lieu thereof the words "may be detained by the Collector, and may, by direction of the Minister, be seized as."

Mr. McCAY (Corinella).—I propose to insert in this clause the words which were inserted in clause 7, and I again ask the Minister of Trade and Customs and the

Attorney-General whether they will leave goods intended for export liable to forfeiture when, in the opinion of the Minister, it has been established that the application of an inaccurate trade description to them was not knowingly made? The words inserted in clause 7 were—

If, in his opinion, the contravention has not occurred, either knowingly or negligently.

I accepted those words in connexion with clause 7, because they represented the extent to which the Minister was prepared to meet me. Now I ask whether he intends that the goods of an exporter or owner of Australian produce intended for export shall be even liable to forfeiture after he has shown to the satisfaction of the Minister, or his officer, that the inaccurate application of a trade description to them was made not knowingly, but only negligently? It may be said that negligence should be punished, but it should not be punished by so heavy a penalty as making the goods liable to forfeiture. It may also be said that the Minister would exercise his discretion in such a case, and not forfeit; but if the Minister would not forfeit in any case, we should not give him a power which is not to be exercised. The clause provides that the regulations may prohibit the exportation of any specified goods, unless there has been applied to them a trade description of such character, relating to such matters, and applied in such a manner as may be prescribed. If, through negligence, a trade description is applied which, in the opinion of the Customs officials, does not agree with the prescribed description—and there might easily be a difference of opinion as to what was the proper trade description, whether the goods were class A, or class B, and so on—goods will be liable to forfeiture. It will not encourage Australian exportation to render goods intended for export liable to forfeiture on such grounds.

Mr. ISAACS.—They would not be liable to forfeiture merely for a difference of opinion.

Mr. McCAY.—They would be liable to forfeiture if the trade description on them was, in the opinion of a Customs official, not the trade description required by the regulations.

Mr. ISAACS.—If goods had, in fact, the trade description required by the regulations, though in the opinion of the Minister they had not, they would not be liable to forfeiture.

Mr. McCAY.—If the trade description required the specification of six particulars, five of which were given, but the sixth did not appear in the manner prescribed, and this happened not knowingly or through negligence, the goods would be liable to forfeiture. If negligence must be punished, let it be punished in some other way than by making goods liable to forfeiture, which, in many cases, would be the gravest penalty that could be inflicted.

Mr. REID.—The negligence might be that of an agent.

Mr. McCAY.—It might be any one's negligence. I cannot understand how those who profess to earnestly desire to assist Australian exportation can insist upon the terminology employed in the clause. I ask the Minister to agree that as regards goods intended for export, the owner or exporter shall have the right to have them delivered to him if he satisfies the Minister or his officer that any inaccuracy in a trade description was not committed knowingly, but was due to negligence.

Mr. ISAACS.—Knowingly by whom?

Mr. McCAY.—To the knowledge of the owner, or exporter, or agent. I do not think that negligence should be a bar to the return of the goods.

Mr. CARPENTER.—We should not create a loophole for the escape of guilty persons.

Mr. McCAY.—No; but I think that liability to forfeiture should attach only when what is done is done knowingly.

Mr. ISAACS.—No matter how gross the negligence?

Mr. McCAY.—No matter if the negligence be gross. Because the goods are given up to have the proper trade description applied to them. It is not as if they could get away without that. If the non-compliance with the law is not knowingly committed, but is due to negligence, the goods should not be liable to forfeiture. They can be held until the proper trade description is applied to them. Under the amendment which I intend to move, the Minister will not be able to forfeit them if the non-application of a proper description was merely negligent, though he will be able to forfeit them if it was committed knowingly. If goods are found without the proper trade description, they are to be held until it is applied, and my amendment will not prevent that. But it will prevent their forfeiture so long as the omission is not knowingly made. Our object should be to make sure that the proper trade description

is applied to all goods before they leave Australia.

Mr. DUGALD THOMSON (North Sydney).—I have already argued in connexion with the import clause against the extreme powers taken by the Minister in the Bill, and my arguments apply with far greater force to the export clause. While merchants and other business men connected with importation may be expected to accommodate their procedure to the provisions of the measure, farmers and other country producers who are exporters cannot be supposed to make themselves so thoroughly acquainted with Acts of Parliament, and will be liable to be put in false positions, and have their goods forfeited, for very slight cause. The Minister has spoken of the Acts dealing with exports in Victoria, New Zealand, and Queensland, and has declared that the results attained under such legislation have been highly satisfactory. And yet he is proposing to bring into operation provisions which are entirely different from those in those Acts. In the New Zealand Act it is provided—

No product shall be shipped or placed on board any ship for exportation to any place beyond New Zealand, unless it bears the prescribed stamp or mark, or the certificate in writing as to quality and condition, signed by the officer duly authorized in that behalf under this Act.

The penalty provided for a breach of the Act is £25. The Victorian Act provides, in section 10, that—

No person shall stamp or mark any product or any crate case keg box or package containing any product packed for export with a stamp or mark unless such stamp or mark is approved by an officer appointed by the Minister.

It is further provided, in section 11, that if an exporter of an article, say butter, for instance, considers that his product should be approved for export, instead of being marked as "pastry butter," he can appeal to arbitrators in order to have the matter decided. In section 17 it is provided—

Any person who, in contravention of any of the provisions of this Act, ships or places on board any vessel for exportation to Great Britain and Ireland, or any European country, or is concerned in exporting or attempting to export any product to Great Britain and Ireland or any European country, or who contravenes or is party to the contravention of any of the provisions of this Act, for a contravention of which no penalty is expressly provided, shall be guilty of an offence against this Act, and shall for every such offence be liable on conviction to a penalty not exceeding Fifty pounds.

The penalties under the Victorian and New Zealand Acts have proved quite sufficient, and it appears to be altogether unnecessary to provide for the extreme penalties contemplated by the Bill. Goods intended for shipment, once they are brought within the control of the Commonwealth officers, cannot be exported unless they bear the description prescribed by the Minister. Surely the owner of the goods, if the prescribed mark is not on them, is sufficiently penalized by being compelled to retain his goods in the Commonwealth and to sell them in the local market. The Minister has stated that the results achieved in New Zealand are highly satisfactory, and yet he proposes to inflict unheard-of penalties. I undertake to say that if our producers have to work under such a law as that contemplated, many of them will be afraid to enter their goods for export, and will prefer to sell them in the local markets, in view of the harassing restrictions which it is now sought to impose. We do not wish to discourage our exporters, and yet the penalties proposed will certainly have that effect. Moreover, the power now sought should not be placed in the Minister's hands. If certain goods are entered for export, and the Customs officials think that they should be described as of second quality, instead of first quality, the owner is to have no right of appeal against their decision. The Minister has power not only to prohibit the exportation of the goods, but to forfeit them, not merely to inflict a penalty of, say, £100. Surely it is undesirable that we should proceed to such extremes in connexion with our export trade. Then again, in cases where only negligence has been shown, the goods may not be released from forfeiture. If it be the desire of the Minister to prevent the exportation of deleterious goods, provision might very well be made for the forfeiture of such goods. But where perfectly sound goods are involved, and the question is merely one as to whether they shall be marked as of first, second, or third quality, surely the penalty of forfeiture is excessive. Why is it necessary for the Commonwealth to provide for the forfeiture of the goods when the States have been able to get along without any such provision? Perfectly wholesome goods such as are being daily consumed in Australia, and the consumption of which could not be prevented by any Health Act, should certainly not be forfeited merely because they are not considered to be of

sufficiently high class for export purposes. It is not a crime for an owner to attempt to export wholesome goods under what the Minister may consider to be an inexact description, which goods can be sold in Australia under the same description. I know that the Minister will probably urge that we should trust the administration, but my reply is that no Minister should seek to have conferred upon him powers which experience under States laws has shown to be absolutely unnecessary. If we pass the Bill in its present shape, we shall inflict a great injustice upon our exporters, and shall probably seriously affect our export trade. I trust that honorable members will seriously consider this matter, and that, despite all objections on the part of the Minister, they will insist upon the withdrawal of provisions which, if carried into effect, will undoubtedly operate to the detriment of our export trade.

Mr. McCAY (Corinella).—I wish to submit to the Minister an alternative proposal in this connexion. The more the debate proceeds the more abundantly clear it becomes that the one thing necessary to make this clause effective—assuming that it will serve a good purpose—is to insure that goods shall not be exported from Australia unless a truthful trade description be applied to them. I, therefore, move—

That after the word "as," just inserted in sub-clause 2, the following words be inserted—"contravening this section, and held until the prescribed trade description be applied, or security be given to the satisfaction of the Comptroller-General that the goods shall not be exported in contravention of the regulations."

Sir WILLIAM LYNE.—The honorable and learned member might as well frame a new clause altogether. I will not agree to the amendment.

Mr. CARPENTER.—Under the amendment, the man who endeavours to break the law would escape the consequences of his action.

Mr. McCAY.—The object of the Bill is not to catch offenders, and to punish them for breaking the law, but to insure that exports from Australia shall bear a proper trade description. My amendment will give full effect to that object. Under it, goods may be seized and held until the prescribed trade description is applied to them, or until security is given that it will be so applied. Let us suppose that an individual endeavours to export goods to which he has applied no trade description

whatever. His goods will be held until such a description has been put upon them.

Mr. ISAACS.—Under the amendment of the honorable and learned member, they would be liable to forfeiture.

Mr. McCAY.—No, I propose that the words "forfeiture to the King" should be omitted.

Sir WILLIAM LYNE.—The honorable and learned member would omit the whole clause if he could.

Mr. McCAY.—The Minister seems to think that the object of the clause is to confer the right to forfeit goods to the King. That is not so. Its object is to prevent goods leaving Australia unless they bear a proper trade description. Under clause 11, if a man attempts to export them under a false trade description, he is liable to a maximum penalty of £100, and under clause 12 he is also liable to have them forfeited to the King. That is the punishment provided in cases in which false trade descriptions are applied to goods. A proviso states that the Minister "may," if the error was not knowingly committed, remit the forfeiture of the goods. Clauses 11 and 12, I contend, provide ample punishment for the wilful application of false trade descriptions to goods. Clause 10 is merely intended to prevent goods leaving Australia with a wrong description upon them, or without any trade description whatever. Further than that, I maintain, the provision ought not to go. Under this Bill, curiously enough, the worst goods upon earth can be imported or exported, so long as they bear a proper trade description. The measure will not establish a standard for imports or exports.

Mr. ISAACS.—A little while ago the Opposition claimed that it would.

Mr. McCAY.—At any rate, I did not complain. I should be perfectly willing to agree to a provision which would have the effect of preventing the export of goods which were not suitable for human consumption.

Mr. CONROY.—Take the case of damaged wheat as an example.

Mr. McCAY.—I do not say that because goods are not of the first quality they should not be exported.

Mr. ISAACS.—Then the honorable and learned member would establish a standard.

Mr. McCAY.—I say that the Act, and not the regulations under it, should prescribe the standard. If honorable members will take the trouble to determine the object of

this clause, they will see that it is likely to be abused to the detriment of our producers. Under it, every Australian producer may be injured, and I speak as an Australian on behalf of those people whose interests should be nearest to us.

Sir WILLIAM LYNE.—We look after their interests, and the honorable and learned member does not.

Mr. McCAY.—The assertions of the Minister do not amount to proof, because they are not made under a certain section of the Customs Act. The clause under consideration imposes all sorts of outrageous penalties. I say that it goes to its full limit when it provides that goods shall not leave Australia unless they bear a true trade description. The moment they bear a false trade description, the offender is punishable under clauses 11 and 12 of the Bill. I have no sympathy with the individual who wilfully applies a false trade description to his goods. I contend that he should be punished for so doing. But a man should not be punished for mere errors. I think that the Minister entirely misconceives the object of the clause, and I claim that my amendment will achieve its object quite as effectively as will all the drastic penal provisions in regard to forfeiture.

Mr. CONROY (Werriwa).—I can scarcely imagine that the Minister intends to make this clause as drastic as it is, seeing that it will apply to the exportation of all goods. The Minister knows that a farmer in his own constituency might secure a crop of wheat, one-third of which was of very fine quality, while another third, sown under the same conditions, and grown on the same farm, might be of only medium quality. The remaining third might be wholly inferior. Then, again, a lot of the wheat might be damaged by strippers. Does he mean to say that he should have power—as he would if the clause were passed as it stands—to prohibit the export of that wheat, and so inflict corresponding injury on a farmer.

Sir WILLIAM LYNE.—I am prepared to take all the risks.

Mr. CONROY.—That is because the honorable gentleman does not understand the risks which exporters will run under this Bill. He has really failed to grasp the scope of the measure.

The CHAIRMAN. — The honorable member is distinctly out of order in discussing the Bill as a whole, and the Minister's appreciation of it.

Mr. CONROY.—I was led to do so by the interjection which the Minister made. The effect of the clause may be to depreciate, to the extent of, perhaps, 3d. or 6d. per bushel, the whole of a farmer's output of wheat. If it is not intended to exercise this power, why should we provide for it? The mere fact that it is given will have a tendency to depreciate the value of wheat and other produce, because only capitalists will be prepared to take the risk of having their exports forfeited. If a farmer determined to export his wheat through an agent, as many now do, the whole of his shipment might be forfeited, simply because of the failure of the agent, through an oversight, to apply to it an absolutely correct description. In his anxiety to deal with one or two unscrupulous men, the Minister is asking the Committee to pass a provision that will harass all the producers of Australia. Let me give another illustration of the point I wish to emphasize. We all know that the tastes of butter experts differ. That is shown by the awards made at various agricultural shows. And yet it is to be left to an inspector to say whether butter proposed to be exported is of the first or second grade. Is butter to be sent home condemned in advance? Because one class of butter will realize, say, 1s. per lb., and another only 10d. per lb., are we to prohibit the exportation of the second grade? Goods may be absolutely forfeited because they are not up to a certain standard. A man who has had the misfortune to obtain a yield of inferior wheat, that may be worth only 2s. a bushel, whilst wheat of the first grade is worth 3s. 6d. a bushel, may have his output absolutely forfeited if he dares to seek to export it. Does not the Minister recognise that, under the clause as it stands, men in his own electorate, who have often exported 30,000 and 40,000 bushels of wheat in one shipment, may be interfered with, and have their goods forfeited without any wrong-doing on their part?

Mr. MAUGER.—That is not likely to occur.

Mr. CONROY.—But I hold that the Minister should not be given power to forfeit goods in such circumstances. The provision is a monstrous one. Although it is hardly likely to occur, it would nevertheless be open to the Minister administering this measure to absolutely levy toll upon exporters. If the Minister chose to go in for what is delicately described in America as "graft," he might, in the course

of a few months—while Parliament was in recess—make himself independent, and choose to spend the remainder of his life in South Africa.

Mr. HUTCHISON.—The honorable and learned member does not seriously suggest that that might happen?

Mr. CONROY.—Is not the honorable member aware that such incidents have occurred? Does he imagine that no one would be prepared to accept a bribe—that all men are immaculate?

Mr. HUTCHISON.—The Bill has been introduced because every one is not immaculate.

Mr. CONROY.—The Bill will create a class who will have to be bribed, because those who have business to transact under it will have to pay for peace, and in the long run it will be the producer who will be bled on every occasion. He is already handicapped by his distance from market, and in a thousand and one other ways, and the Minister now proposes to increase his difficulties, while objections to the proposal are treated as if they were puerile. No Minister who had a proper understanding of his position would ask for the powers which are provided for in the Bill, and no Committee which understood what was due to the people whom it represented would dream of giving them. Under the Bill the Minister will be able to forfeit the goods of one farmer, while he allows the goods of another to pass out of the Commonwealth unchallenged.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I feel that I have ground of complaint against the honorable and learned member for Corinella, because of the action which he has taken in moving the amendment. It was distinctly understood between us, when I agreed to the amendment which he moved in clause 7, that the same words would be inserted in clause 10; but, now, although I have amended this clause because of the discussion which took place on it, originally, by striking out the words "shall be," and inserting "may be detained by the collector, and may, by direction of the Minister, be seized," the honorable and learned member has come down with this altogether different amendment. I suppose that there has been some consultation during the tea-hour in regard to the matter. I shall not accept the amendment. For the last three weeks honorable members have been talking on the Bill continually, one relay relieving another.

Mr. McCAY.—When speaking on the motion to recommit, I pointed out that a reason for not limiting the consideration of this clause to the amendment proposed by the Minister was that the object aimed at might be achieved by using different words.

Sir WILLIAM LYNE. — I should not have agreed to the amendment in clause 7 if it had not been for the understanding that the same words would be inserted in this clause. This is the way in which I am treated when I try to meet honorable members. If I had to take the Bill through Committee again, I would not accept any amendment, because when an amendment is accepted, other members of the Opposition come forward with shoals of amendments. I will not allow this improper manipulation of the Bill. It is about time that its discussion came to an end. So weary a debate on a measure of ten clauses is enough to try the patience of most men. The honorable and learned member for Corinella spoke of the possibility of exports being stopped up country in trains and forfeited, and prophesied all sorts of dire consequences from the provision in the Bill. But the statements which have been made to-night have been founded on quite an imaginary set of regulations.

Mr. DUGALD THOMSON.—Why are wider powers needed in this Bill than are given in the Victorian or New Zealand Acts?

Sir WILLIAM LYNE.—Those Acts do not deal with all the matters which will come under the Bill. The Queensland Act deals with dairy produce, and the Victorian Act mostly with meat and foods, while the New Zealand Act is mainly concerned with dairy produce, too.

Mr. WILSON.—And with food.

Sir WILLIAM LYNE.—It does not, I think, deal with all kinds of food. It must be remembered that the individual exporters who will come under the Bill are very few.

Mr. McWILLIAMS.—Nearly all the fruit that is exported is sent away by the growers.

Sir WILLIAM LYNE.—The honorable member has fruit on the brain. Nothing will be done under the Act when it comes into force to which he will object, though one or two of his constituents who have done more harm to the export trade than all the rest of the exporters of the island if they continue doing so will be dealt with.

Mr. McWILLIAMS.—I challenge the honorable gentleman to name them.

Sir WILLIAM LYNE.—I will not name them, but I know them, and so does the honorable member's colleague. The cases in which producers export directly are very few. In most instances exportation is carried on by companies which purchase from the producers, and by factories which manufacture for export. Do honorable members suppose that regulations will be framed which will in any way restrict exportation?

Mr. LONSDALE.—Yes.

Sir WILLIAM LYNE.—If the honorable member thinks that, he must hold the opinion that the officers of the Department do not understand their business. The regulations which will be framed will give every facility for exportation. I have explained what happened in connexion with the clause, and I think that I have yielded to the desires of honorable members to the fullest possible extent. Now honorable members seem to have banded themselves together with the idea of forcing upon me something which I cannot accept. I desire to carry this measure as far as the third reading stage this evening, and I trust that honorable members will adopt a reasonable attitude and enable progress to be made with the business before us. I propose to amend clause 13 by omitting certain words to which exception was taken, and substituting others which will simply provide for affixing to goods the prescribed trade descriptions. I had a conference to-day with one or two persons who are interested in the export trade, and told them what I intended to do with regard to the adoption of trade descriptions. So far as I could judge they were satisfied that the trade descriptions would be of such a character as would adapt themselves to the conditions of the trade to which they related, and prevent friction.

Mr. DUGALD THOMSON.—But another Minister might take an entirely different course.

Sir WILLIAM LYNE.—I can only answer for myself. In spite of all honorable members may say, a great deal will have to be left to regulation and administration in connexion with a measure of this kind. The more stringent provisions of the Bill have been modified in the direction of making them permissive instead of arbitrary, and I do not think that I can make any further concessions to honorable members without detracting from the effectiveness of the measure.

Mr. ROBINSON (Wannon). — The length to which the debate upon this proposal has proceeded has been largely due to the action taken by the Minister. On Friday last the clause was allowed to pass through Committee only on the understanding that the Minister would look into the subject and afford honorable members ample opportunities for further debating it. No precedent can be found in any legislation for the action of the Minister in seeking power to confiscate goods intended for export. I challenge the Minister to produce any precedent for his proposal. He quoted at length from the Queensland and Victorian Acts, but had to admit that neither of them contained any provision for the forfeiture of goods bearing improper trade descriptions. The Minister then hinted that in New Zealand goods intended for export were forfeited if they did not comply with the regulations, but, as a matter of fact, the New Zealand Acts contain no such provision. The exportation of improperly branded goods is guarded against, and provision is made for imposing fines upon those who attempt to export such goods. Surely that is all that is sufficient. Not only does the Minister propose to fine the producer, but also to confiscate his goods. I trust that this measure will not be rushed through in the way the Minister desires, because I think that an opportunity should be given to the agricultural societies of Australia to enter their protests against the obstacles which it is proposed to place in the way of our export trade. The Minister told us that the produce export trade was being carried on entirely by large agents or corporations. No more incorrect statement was ever made in this Chamber. The number of individual exporters among our farmers and producers, who send their goods away without the intervention of any middlemen, is increasing year by year, and if the Minister is unaware of that fact, he is unfit to occupy the position he holds. The number of co-operative butter factories in Victoria is increasing yearly, and it is the policy of the State to foster these organizations of farmers for farmers, which control a large proportion of the export trade. Such exporters would, under the proposal of the Minister, be liable to have their property confiscated if they did not comply in some way or other with the regulations. Fruit-growers also are entering upon the

export trade upon their own account to a greater extent every year. Some of the most enterprising of our producers, whom it should be our desire to encourage in every possible way, would be most seriously affected by the operations of the Bill. No more infamous proposal has been placed before this Committee. I hope that pressure from outside will be brought to bear on several honorable members who, unfortunately, are supporting this iniquitous provision, and that the Bill will be so modified as to rob it of its present potency for evil.

Mr. ISAACS (Indi—Attorney-General).—I am really surprised at the language used by the honorable and learned member for Wannon. The object of the clause is very plain. It is to prevent free-trade in deception. I desire to show why the provision, as suggested by the Minister, does not bear the infamous character that some honorable members seek to attach to it. The desire of the Government is that Australian productions shall possess a character for honesty and reliability. We know full well that in the majority of instances they already deserve that character, but we are also aware that in some instances—we trust comparatively few—that character is imperilled by carelessness—

Mr. LONSDALE.—I wish to know, Mr. Chairman, whether you will permit the discussion to proceed on the lines now being pursued by the Attorney-General. I have no objection to the course he is adopting, but I do not wish to be pulled up in the event of my following a similar procedure.

Mr. CHAIRMAN. — The honorable member has no right to make a remark of that kind. So far as I can gather, the Attorney-General will be quite capable of connecting his remarks with the amendment before the Chair. Every other honorable member will have the same liberty that is accorded to him.

Mr. ISAACS.—Before we can decide whether a proposed amendment should be adopted, it is necessary for us to understand the meaning of the clause. I propose to explain the meaning of the clause, and, as far as I can, to indicate its probable effect. I shall also show why, in our opinion, the proposals of the Minister are better calculated to give effect to the intention of the clause than is the proposal of the honorable and learned member for Corinella. If we desire to preserve, and,

in some cases, to create for Australian productions, a character for honesty and reliability, we must protect the producers, who are putting on the market a good article subject to proper representations. The clause, in the amended form to which my honorable colleague has agreed, provides that a regulation may be made prescribing certain products and the trade descriptions to be affixed to such products. We all know that the object of the Minister will be, and that the effect of his regulations will be—seeing that his actions will be under the control of both Houses—to offer facilities to exporters, and not to place fetters upon our export trade. Therefore, when he frames his regulations we may be perfectly assured that they will be of the simplest character.

Mr. JOHNSON.—The Minister said that he was going to make it very hot for some Tasmanian exporters.

Mr. ISAACS.—I hope that he will do so if they deserve it, and that he will, by such means, protect the vast majority of the exporters of that State. The clause provides that all goods prescribed in the regulations must bear the trade description that is required by the Minister. If it is found that goods are about to be exported without a proper and honest description upon them, the Minister can detain the goods, and, in the event of his being satisfied that the exporter has attempted knowingly to export produce under a false description, or has shown wilful carelessness, he may forfeit the goods. The amendment proposed by the honorable and learned member for Corinella would have this effect. It would practically tell every exporter: "You may, if you like, deliberately evade this law, and the worst that can happen is that, if you are found out, you will have to comply with it."

Mr. ROBINSON.—Not at all.

Mr. ISAACS.—That is absolutely correct. The sub-clause would read—

All such goods to which the prescribed trade description is not applied, which are exported or entered for export, or put on board any ship or boat for export, or brought to any wharf or place for export, may be detained by the collector, and may by the direction of the Minister be seized as contravening this section, and held until the prescribed trade description be applied, or security be given to the satisfaction of the Comptroller-General, that the goods shall not be exported in contravention of the regulations.

That is to say, whether it is done deliberately, or whether it is the result of the

grossest negligence, does not matter. Whilst most men will earnestly endeavour to comply with the law, we know that there will be others who will seek to take advantage of it. In effect, the amendment says to these few individuals, "You may endeavour to evade the law if you choose. If the Customs authorities happen to detect you in so doing, the worst that can befall you is that you will be placed in the same position as the honest exporter." That, I contend, would be offering a direct premium to deception.

Mr. WILSON.—This clause exists for that purpose.

Mr. ISAACS.—My honorable friend knows that that is not a fair representation. It no more exists for that purpose than the provision for fining a man in the case of drunkenness exists for the purpose of gaining revenue. My honorable colleague has already agreed to an amendment which provides that if a man can show that his attempted evasion of the law was not due to wilfulness or negligence the Minister shall allow his goods to be marked and exported.

Mr. KELLY.—Provided that the Minister is "satisfied."

Mr. ISAACS.—Who else should be satisfied?

Mr. KELLY.—Why not an impartial Court?

Mr. ISAACS.—Honorable members must not believe that the Minister of Trade and Customs will be other than impartial.

Mr. LONSDALE.—But we do believe it. What about the valuation of imported harvesters?

Mr. ISAACS.—I thought that my honorable friends had sufficient confidence in their own arguments to induce them to listen to others. Do they seriously believe for one moment that the Minister of Trade and Customs entertains any feeling of antagonism to the producers? I know that they sometimes think that he is hostile to the importers. But in their wildest flights of imagination, do they believe that whoever may fill the office of Minister of Trade and Customs—no matter to what party he may belong—can possibly entertain any feeling of opposition to the producers of Australia? I do say that they must be very hard up for arguments if they think that there is any weight in the contention that the Minister will endeavour to penalize exporters. It will be the desire of every occupant of that office—

irrespective of whether he belongs to a protectionist or to a free-trade Government—to put no obstacle in the way of our exporters. It will rather be his ambition to increase the volume of our exports, and all that he can ever hope to do is to protect those exporters who honestly mark their goods. We should not be true to our positions if we consented to place upon the statute-book a provision which would compel, by force of conscience, the honestly-inclined exporters to go to all the trouble of marking their goods, and which would saddle those who wish to run the gauntlet with no responsibility whatever, except that of having their goods marked in the event of their attempts to evade the law being discovered. With all respect to those who support the amendment, I submit that its adoption would bring about a condition of things which would cause the Bill to become a subject for derision.

Mr. WILSON.—Can the Attorney-General name any dishonest exporters?

Mr. ISAACS.—I do not regard that question as one which is worthy of an answer.

Mr. WILSON.—The honorable and learned gentleman has been indulging in vague generalities during the past quarter of an hour. Will he be good enough to give us some specific instances?

Mr. ISAACS.—Doubtless my honorable friend would say that there is no necessity for this Bill. I rose for the purpose of saying that this is not a clause to which the term "confiscation" can be truthfully applied. It is intended to protect the reputation of the producers of Australia, and I am sure that it will effect that object, and will not provide an open door for deception, such as would be afforded by the amendment of the honorable and learned member for Corinella.

Mr. KELLY (Wentworth). — We have just listened to a characteristic speech by the Attorney-General in defence of this clause. He commenced by soaring into the high heavens like a rocket, and he concluded by coming down like its stick. He started by abusing members of the Opposition, and ended with an obsequious appeal to them to assist him in passing this Bill. He told us that the object of this clause is to prevent free-trade in deception; but his own speech was the best sample of that commodity we have yet seen. If this clause's object is to prohibit the export of goods which do not bear a proper trade

description, I contend that the amendment of the honorable and learned member for Corinella will achieve that result. Its whole purpose is to insure that innocent mistakes on the part of an exporter who is not familiar with every letter of the regulations shall not be punished by the forfeiture of his goods. One would imagine from the furious tirade in which the Attorney-General has indulged that the amendment was absolutely contrary to the spirit of the clause itself. That, however, is not the case. We know very well that the Minister has not considered this clause, or he would not have opposed the amendment.

Sir WILLIAM LYNE.—I have considered it.

Mr. KELLY.—In what way does the amendment reflect upon the spirit of the clause? It is in strict accord with the clause's own short title in the margin. The Minister has not attempted to refute any of the arguments advanced by the honorable and learned member for Corinella. He has simply, stubbornly refused to accept the amendment. His remarks in reference to throwing the Bill under the table—

Sir WILLIAM LYNE. — I never said a word about any such thing.

Mr. KELLY.—The Minister made some statement which could be interpreted to mean that he had finished with the Bill. He said that he was sick of it.

Sir WILLIAM LYNE.—I said that I was tired of the talking of honorable members opposite.

Mr. KELLY.—That is not what I understood him to say; but, if so, who is to blame for that but the Minister himself, seeing that he has never been able to reply to any of the arguments adduced by members of the Opposition? This clause provides that goods which are negligently described may be seized by the Customs authorities. What constitutes "negligence"? Under its provisions we find that the Minister is to be the supreme judge as to whether goods have been negligently described. Thus a prohibition may be imposed upon all goods at his sweet will. The honorable gentleman wishes us to believe that if he remains in power he will administer this Bill in a certain way. The appeals which he has thus made, by inference, to allow him to continue in office in order that its administration may be perfect in every particular, have been almost indecent. We are not concerned with what Minis-

ter may be in power. We ought only to deal with the letter of the law. I do not wish to conjure up any unhappy visions of the future, but it is quite possible that the Minister may not be in office very much longer. The Attorney-General has declared that it is wrong to suggest that any Minister will deal unfairly with importers or exporters. At the same time we are told that exporters and importers need watching. If one party to a transaction requires to be watched, surely the other party needs attention. I believe that so far the public departments of the Commonwealth are above suspicion; but honorable members know, without any invidious references, that there are in Australia to-day public departments whose administration of various Acts has not been, in the public mind, absolutely above suspicion. I do not wish to reflect on the present administration of the Department, but does the Minister mean to say that we should afford loop-holes for maladministration, instead of seeking to so amend the clause that such a thing will be impossible? If honorable members agree that we ought not to allow loopholes for maladministration, they should support the amendment, which clearly lays it down that goods shall be impounded only where the regulations have been wilfully infringed. Surely that is not too great a concession for the Minister to make. I wish now to deal with another phase of the address delivered this evening by the Minister of Trade and Customs. He told us that had he known that the Opposition would seek to secure the passing of further amendments designed to make this measure a workable one, he would not have accepted those which he has. That was an extraordinary statement to make. Surely the Minister does not accept an amendment unless he believes that it is designed in the best interests of the measure. His attitude would seem to indicate that his desire is not so much to place this measure on the statute-book in a workable form as to obtain for himself the advertisement that he has been instrumental in passing another Bill. We should not lend ourselves to any attempt by the honorable gentleman to obtain a personal advertisement. Whatever his views may be as to any amendment that may be submitted, we should address ourselves to the amendment itself, and endeavour to ascertain whether its passing will facilitate the proper working of the Bill. The

Minister has told us that certain exporters in a neighbouring State will be singled out for special treatment as soon as the Bill has passed.

Sir WILLIAM LYNE.—What I said was that certain exporters, who had done serious injury to the export trade of Tasmania, would be dealt with if they continued their old practices.

Mr. KELLY.—If the honorable gentleman assures me that he used the words "if they continued" I must accept his assurance. But the Bill is not designed to cope with questions of history. I would suggest to the Minister that if this clause be amended so that it will be a good workable one, he should see that no man is singled out for special treatment because of past offences, respecting which he is not in a position to defend himself. I trust that the honorable gentleman will administer the Bill in that spirit. From what he said this evening, however, it might almost be surmised that he did not intend to do so. There is only one other point that I wish to make, and that is that I expect some serious answer to be given by the Ministry to the arguments that have been advanced by the Opposition. We have had a certain amount of declamation, but not one of the arguments addressed to the Committee by the honorable and learned member for Corinella, and the honorable member for North Sydney, have been met from the Government side. We have a right to expect that the Minister, instead of relying on his majority, will at least attempt to reply to these contentions. If he thinks that it is not judicious to clearly explain the intentions of the Ministry, or feels his incapacity to do so, some other member of the Government should come forward. I think the country will expect from the present Ministry a proper regard for the producing and exporting interests of the Commonwealth. If they have no regard for the producers and exporters, in whose interests have they introduced this measure? We were told, first of all, that it was in the interests of the consumers of Australia. We have already proved that it is not. Is it because this clause is designed, say in the interests of the consumers of China, that provisions embracing the confiscation of export goods for technical faults must necessarily be included in it? I think some definite answer is due from the Ministry before we are asked to divide.

Mr. CROUCH (Corio).—I regret that the Minister of Trade and Customs should have suggested that much of the discussion that has taken place to-day has been indulged in solely from a desire to delay the passing of the Bill. I have sat here day after day for the last three weeks, sometimes merely to keep a quorum, but never to take part in the debate from a desire to waste time, and I must say that the arguments that have been advanced this afternoon in connexion with this Bill have certainly been reasonable and honest. I regret that the Minister considers that as soon as he declares that he does not like a certain amendment, and will not accept it, it is the duty of the Committee to reject it. When clause 10 was under consideration last week, I proposed to offer some objections to it, but as the Minister promised that it would be recommitted, I consented to defer my remarks. I was, therefore, surprised to find that the clause was to be so recommitted that no discussion could really take place upon it. I am glad that the clause was finally recommitted without conditions. My desire is to prevent the clause from being unduly restrictive, and any amendment which has that object in view will have my support. I am here as a protectionist, and as one who desires both the manufactures and products of Australia to be exported. It would be foolish to impose restrictions that might destroy the very trade that we all profess a desire to foster. It must be recognised that we can only hope to pay the interest on our loans by means of our exports, and consequently it should be our desire to increase our export trade to the greatest possible extent. I should be very sorry to see any restriction of the trade. I heard only a day or two ago that an attempt was about to be made for the first time to export Australian-made flannels. But if the amendment, of which the honorable member for Yarra has given notice, be passed, all apparel will come under the operation of clauses 8 and 10. What chance will our exporters of flannel have to compete against the exports of Germany, England, and America if they have to stamp the words "woollen and cotton" on their goods, or state what percentage of cotton they contain?

The CHAIRMAN.—Order! That question is not before the Chair.

Mr. CROUCH.—My desire is that Australian flannels and woollens shall be ex-

ported without a trade description. If the clause be passed as it stands, however, it will be impossible to make such exports. The exporters of Australia would not feel safe if it were left to the Minister to say at his own sweet will whether or not their goods should be forfeited merely because of a mistake in a trade description. According to the ordinary dictionary interpretation of the word, "flannel" means "pure wool"; but in view of the fact that in Australia and everywhere else a certain quantity of cotton must be used in woollen manufactures, I think we shall incur a risk in passing this clause. If I had the power I should certainly water down the clause so that it would apply only slightly to exports of the kind to which I have referred, because I think that the provisions of clauses 11 and 12 are sufficient to meet the position. The Attorney-General adopts the view that no Minister, whether protectionist or free-trader, would do anything to injure Australian exports. I venture to say that the honorable and learned gentleman has not read the evidence of the Tariff Commission. A Vice-President of the Free-trade League of Victoria went before that body—not to give evidence in regard to imports, but to seek to damage Australian flannels and woollens by showing that they contain a large proportion of cotton. Judging by his actions, if that gentleman—who has twice sought election to this House—were Minister of Trade and Customs, he would consider it his duty to put this or any other iniquitous provision into operation to damage our exports. I object to the clause, as it will enable the Minister of the day to play tricks with the trade. The Minister has given no really good reason for accepting the amendment, and therefore we shall have to vote against him. M. de Witte, speaking of the Japanese plenipotentiaries, said that one might as well talk to graven images as talk to them, and we might say the same of the Minister. He has no right to treat all amendments as adverse. Many of us wish to see a reasonable Bill passed into law, but do not wish to vote for a measure which will do harm to our exporting trade. What Australia should strive to do above all things is to increase her export trade, so that she may ultimately become a lender instead of a borrower. I shall vote for any amendment which will modify the clause.

Mr. GLYNN (Angas).—The Attorney-General seems to fear that if the amend-

ment be carried men will send away goods to which proper descriptions have not been applied, on the off-chance that they will not be discovered, because, if discovered, all that will happen will be that the goods will be detained, and an opportunity given to apply to them the prescribed trade description. But goods which it is attempted thus to send away will, under sub-clause 2 of clause 10, be "prohibited exports," and section 111 of the Customs Act of 1901, with which the Bill is to be incorporated, declares that no prohibited export shall be exported.

Mr. ISAACS.—Prohibited within the meaning of the Customs Act. The honorable and learned member should read the next section.

Mr. GLYNN.—Section 229 declares that certain goods shall be forfeited to the King, and included among these goods are all prohibited exports put on any ship or boat for export, or brought to any wharf or place for the purpose of export. It is quite open to argument, therefore, that if goods are brought to a wharf without having a proper trade description applied to them, they will be prohibited exports, and liable to forfeiture, even though an opportunity may afterwards be afforded for applying the prescribed trade description. We know, too, that a trade description includes a Customs entry, and there is no limitation in the Bill as to what such entries are to cover. By the regulations, entries may be made to cover all that trade descriptions are required to specify. The suggested limitation has not been put into the Bill.

Mr. DUGALD THOMSON.—It was promised.

Mr. GLYNN.—Goods must be entered for export, and the regulations may prescribe that all the particulars of a trade description must be given in the entry, and then the penalties set forth in section 234 of the Customs Act, which deals with false statements on entries, and statements likely to mislead, will take effect. Under the Act a penalty of £100 may be inflicted.

Mr. ISAACS.—If the honorable and learned member's contention is right, there is nothing in the amendment, because these goods will be forfeitable in any event.

Mr. GLYNN.—Yes; but I am replying to the objection that the amendment, if adopted, will lead to an evasion of the Bill, because persons will try to export goods without applying to them the prescribed trade descriptions, knowing that if

they are detected the consequences will not be serious. As a matter of fact, they will be serious, because the exporters will be liable to the forfeiture of their goods and to other penalties. Then clause 6—the penalty for non-compliance with which is £20—requires that notice must be given before goods intended for export are brought to the wharf. The amendment does not dispense with the giving of such notice, and, as soon as the notice is given, the inspection can take place. Finally, there is the check imposed by the Customs entry.

Mr. CONROY (Werriwa). — I have already pointed out to the Minister that there is no valid reason why he should not accept the amendment. I would ask him, in the first place, why so much care should be taken to prevent people living on the other side of the world from getting Australian mutton and lamb of anything but a certain quality, while our own people are allowed to buy meat of much poorer quality, so long as the health authorities do not condemn it as unfit for human consumption? With regard to the proposed grading, I would ask how the Minister would grade merino and crossbred mutton of various kinds? Many people in Australia prefer merino to other mutton; but the Customs inspector might say, "I will not allow merino mutton to be exported as first class. Only crossbred mutton shall be exported as of that quality." Or the inspector might allow only merino to be branded as first class. What is happening now is that our exporters are using all means to ascertain exactly what the people in the English market desire, and are taking pains to supply their wants. Hitherto the Minister has not shown such a tender regard for the foreigner, but now he appears to think the foreigner the only person worthy of consideration.

The CHAIRMAN.—Grading is dealt with in a subsequent clause.

Mr. CONROY.—I am pointing out that, if certain trade descriptions are not applied to various kinds of goods, they will be liable to forfeiture, and I wish to know how the grading is to be done? The Minister cannot answer my questions, and yet he expressed his willingness to draw up regulations dealing with exportation, so drastic in their nature that any producer infringing them may have his goods forfeited. A farmer sending 500 lambs from the Hume electorate for export must allow

them to be labelled exactly as the inspector thinks fit, so that our exportations are to be brought down to one monotonous level. I do not know why the Minister should be given this power. It would be sufficient for the Government to reserve the right to place its brand only on such goods as met with the approval of its officers, leaving the exporters of other goods to do as they please with them, but preventing the application of false descriptions. One member of this Committee lost some thousands of pounds because he and others decided wrongly as to the stage at which apples should be packed and sent away to reach the home market in the best condition. At the present time lemons are being exported from Sydney, and I have sent some from my own orchard. The fruit is cut, instead of being plucked, from the trees, about six weeks before it is ripe, and any one who did not understand the business would say that it was then unfit for export. It is unfit for consumption at that time, but just at the proper stage for export. Now the exportation of all fruit will be affected by the Bill. An army of officials will be required to carry out its provisions, and the expense involved in this connexion will eventually have to be borne by the producers. Furthermore, every obstacle placed in the way of the exporter will lessen the amount returnable to the farmer for his produce. It is monstrous that the Minister, who represents a country electorate, should bring forward a measure which is utterly opposed to the best interests of the farmers of the Commonwealth. It is proposed to place the producers at the mercy of a number of officials, who will have their own ideas with regard to the quality of the produce that should be approved for export. We know very well that the quality of most products varies according to the district and the seasons in which they are grown, and all sorts of diversities of opinion may arise as to what should be classed as of first or second quality. Is it reasonable that a farmer in one district who honestly marks his produce as of first quality should have his goods forfeited, because they do not come up to the higher standard prevailing in some other district? It would be grossly unfair to interfere with our producers in that way. The less power we place in the hands of the Minister the better. There cannot be any consistency in the administration of a measure such as

this by succeeding Ministers. The regulations laid down by one Minister may be entirely altered by his successor, and goods similar to those passed for export one day may be rejected the next day, or *vice versa*. As a matter of fact, the whole of our export trade will be subject to the exercise of Ministerial caprice. It is absurd to lay down conditions which will render liable to forfeiture goods of average quality which would be permitted to pass into local consumption. No goods intended for export should be forfeited, unless they are absolutely unfit for human consumption. In the harvester case, two Ministers adopted entirely different views, and we have also had evidence that Government officials are disposed to fall in with the wishes of the Minister for the time being, irrespective of consistency in their own administration. Consequently there will, from time to time, be unconscious variations on the part of officers in the direction of what they believe to be the views held by the Minister. I shall certainly support the amendment proposed by the honorable and learned member for Corinnella. I was no party to the agreement which the Minister alleges was entered into with him by some honorable members. I should never have agreed to the clause in its present form. Why should a man, having second quality goods, be debarred from securing the best price obtainable for them in foreign markets? Yet, under the proposal of the Minister, he would have power to stop all such exports, and to practically throw upon the local market all the inferior produce, reserving for export only the very best procurable. Honorable members, who have claimed to be desirous of encouraging our primary industries, and of protecting our producers, are now displaying a very delicate regard for the tastes and sensibilities of the foreigner, upon whom they have so frequently heaped the most violent abuse. I trust that honorable members will insist upon the modification of the monstrously unfair proposal of the Minister.

Mr. SKENE (Grampians).—The honorable and learned member for Angus spoke of the deterring influence which such a clause as this might exercise upon our exporting trade. I wish to relate to the Minister a specific instance which I think will illustrate the risk that may be incurred in this connexion. Upon one occasion, a member of the Victorian Parliament appealed to me to assist the then Minister of

Lands, Mr. Taverner, to engage in an experiment in the export of lambs from this State. He intimated that if I would send down a truck-load of 120 lambs to be frozen at the Government works for export to the old country, he would do likewise. I agreed to his suggestion, and duly forwarded the lambs. Later on, I met Mr. Taverner in the street, and he expressed regret that they were not fit for export. He added that the Government expert had told him that they were old ewes. I mention this matter to show how an exporter may be placed at the mercy of an ignorant "expert." I laughed at Mr. Taverner's remarks, and assured him that the consignment in question was certainly not made up of old ewes. I further stated that I had no desire to interfere with his experiments in any way, and asked him what action I had better take under the circumstances. He advised me to endeavour to sell the lambs in Melbourne. At that time their carcasses were in the freezing works. I endeavoured to get rid of them, but was unable to do so. Finally, I went to the Minister, and informed him of my dilemma. He stated that it was impossible to put the Government brand upon those lambs, and I replied, "Very well; send them to England without the Government mark." He did so, and about three months later, when the returns came to hand, it was found that my consignment which had been rejected by the Government, and which had been condemned by the Government expert as old ewes, had realized a higher price than the lambs sent Home with the Government brand upon them.

Mr. REID.—If this Bill had been law at the time, the honorable member might have got into gaol.

Mr. SKENE.—I would not consent to export stock which required to be subjected to the decision of any Government expert who might be appointed. No man engaged in the export trade will wittingly ruin that trade by exporting bad produce.

Sir WILLIAM LYNE.—They do it.

Mr. SKENE.—Can the Minister cite one single instance in support of his statement?

Sir WILLIAM LYNE.—I have seen meat sent from Sydney which it was a disgrace to put on board ship.

Mr. SKENE.—Meat may be shipped in rather a low condition, but it does not necessarily follow that it is unwholesome.

Sir WILLIAM LYNE.—The cargo to which I refer consisted of “lanterns.”

Mr. SKENE.—If the operation of the Bill were confined to preventing the export of diseased meat I should be found supporting it. But many lambs are exported which are called “fox-coloured,” and which, though not of the best quality, form perfectly wholesome food. I regard this clause as a most dangerous innovation. It is part of my business to grow lambs for export, so that I know what I am speaking about. If a season turns out worse than is anticipated, notwithstanding that contracts for the supply of lambs have been entered into, the growers often say to the purchasers, “We do not wish you to take produce from us which will not be profitable to you.” We are now building up a trade in the export of lambs which is enhancing the value of the lands in our northern district by pounds per acre. If the people who purchase from us are to have the produce subjected to the decision of a Government expert of the character I have indicated, their trade will be very seriously affected. The shipments of lambs to which I first alluded were made by the same vessel, and the carcasses were consigned to the same firm, and sold upon the same day. Surely a specific instance of that kind is worth any number of theories. That incident conclusively proves that the judgment of the inspector who refused to allow those lambs to be exported with the Government brand upon them was entirely at fault. Are our exporters to take the chance of having an absolute prohibition imposed upon their goods at the caprice of officers who do not understand their business? I repeat that I can only regard the clause as a most dangerous one to our export trade.

Mr. LONSDALE (New England).—The Attorney-General commenced his address by using a most unworthy argument. He said that this clause was intended to prevent free-trade and deception. I have always understood that it was the free-trade importer who is guilty of deception. The honorable and learned gentleman, however, has referred to the exporters of Australia as deceivers, although the great bulk of them belong to his own fiscal cult, in that they are protectionists. But I would point out that this amendment emanates, not from the free-trade section of the House, but from the honorable and learned member for Corinella, who is as strong and firm a

protectionist as is the Attorney-General himself, and whose intellect is quite as clear as is that of the honorable gentleman. In this matter I support the honorable and learned member for Corinella. It is outrageous that we should allow a man's goods to be forfeited simply because he has fallen into an error. When the Government oppose a reasonable amendment of this kind, we cannot help thinking that they must have some ulterior object in view. Surely a provision that goods coming under this clause shall be retained only until they are correctly described, or security is given that that will be done, should be sufficient. Do honorable members mean to say that goods should be forfeited simply because a proper trade description has been negligently omitted?

Mr. ISAACS.—Or deliberately.

Mr. LONSDALE. — Nothing is said about trade descriptions that are deliberately omitted.

Mr. ISAACS.—But they would be covered by the amendment.

Mr. LONSDALE.—Clauses 11 and 12 deal with deliberate attempts to deceive.

Mr. ISAACS.—They deal with a different matter altogether.

Mr. LONSDALE.—Clause 10 simply deals with goods that do not bear the prescribed trade mark. I say at once that—to paraphrase the words of the Attorney-General—we should have to forfeit the goods of the protectionist deceiver—

Mr. ISAACS.—The honorable member has entirely misquoted me. I spoke, not of free-trade “and” deception, but of free-trade “in” deception.

Mr. LONSDALE. — In doing so the honorable and learned gentleman levelled against the protectionists of Australia the charge that they were prone to free-trade in deception. All that we ask is that goods shall not be forfeited under this clause simply because, owing to negligence or an innocent mistake, they do not bear a correct trade description. The Attorney-General says that the desire is to take care that only sound goods are exported. He must know, however, that the Bill will not have that effect—that any goods may be exported so long as they bear a correct trade description. Reference has been made to a statement by the Government expert of New Zealand that a local measure dealing with these matters has had a good effect on the export trade of that Colony.

As a matter of fact, however, the inspection carried on under that Act takes place to a large extent in the factories, whereas under this Bill goods will be inspected only when they reach the wharfs. Even then nothing but a superficial examination is likely to be made. It will be impossible for the officers of the Commonwealth to inspect goods in factories unless the persons concerned permit them to do so. If butter be sent down for shipment, will every box be opened on the wharfs in order that its quality may be tested, or will the inspectors simply determine the question by a glance at the boxes and thereupon proceed to brand them? I hold that the States themselves can carry out this work far better than the Commonwealth could hope to do. If we agree to the amendment proposed by the honorable and learned member for Corinella, we shall go as far as we ought to go. I do not wish to labour the question. I have opposed the Bill from the first, and shall continue to do so. All that we need to do is to compel an exporter to place his own name or that of his factory on his produce. We have quite enough to do in looking after our own people, and we should let those of other countries take care of themselves. If that course be taken, every exporter will find his own level in the markets of the world. The butter of New South Wales and Victoria, although not graded compulsorily, stands as high in the estimation of buyers in the old world as does that of any other country. It is true, as has been said, that New Zealand butter at times realizes higher prices; but in the months of September, October, and November, that exported from Victoria and New South Wales is at the top of the list. It is very much a question of seasons. I trust that the Minister will accept the amendment, and that the Attorney-General will not push his ideas in regard to free-trade and deception to an extreme. I do not wish to discuss the question, because I have very strong opinions about the political cult to which he belongs. I shall do all that I can to prevent the passing of the clause as it stands.

Mr. McWILLIAMS (Franklin).—I listened with interest to the explanation made by the Attorney-General, but would remind the Committee that he has altogether overlooked one of the strong points that several members of the Opposition have sought this evening to emphasize. It seemed to the

honorable and learned gentleman a small matter that a shipment of fruit should be detained, pending the decision of the Minister as to whether it had been dealt with in accordance not with the Act itself, but with regulations framed under it. I have pointed out again and again, however, that the export trade in fruit would practically be destroyed if consignments had to be detained in that way, until the opinion of the Minister—who might be living in a distant State—could be obtained. I am conceding the point that the regulations will be framed with the desire to deal fairly with the trade, but the Attorney-General made a mistake when he pointed out that if the amendment moved by the honorable and learned member for Corinella were carried, a man would be at liberty to wilfully place a false description on goods without fear of punishment.

Mr. ISAACS.—I did not say that. What I said was not that he might put a false trade description on goods, but that he might deliberately omit to put a prescribed trade description on them.

Mr. McWILLIAMS.—If a man wilfully omits to describe his goods, he will be liable to a fine of £100 under clause 11.

Mr. ISAACS.—That is a different matter altogether.

Mr. McWILLIAMS.—My point is that if a man were guilty of wilful deception in connexion with any shipment, he might be fined £100, whereas, if a man made an honest mistake, the penalty imposed under this clause might be ten times heavier.

Mr. ISAACS.—That is expressly guarded against by the amendment which the Minister has moved.

Mr. McWILLIAMS.—The amendment moved by the honorable and learned member for Corinella is in the direction of making the penalty as light as possible in the case of an honest mistake. I do not think that any honorable member has attempted to water down the drastic provisions of the Bill in respect of those who wilfully seek to export goods under a false name. But the Minister of Trade and Customs is laboring under a mistake if he imagines that the export trade is carried on for the most part by large companies. It has been said that I have fruit on the brain. I confess that I have dealt with the objectionable features of the Bill from the stand-point of the fruit-growers, but that is because I am familiar with the trade. I am convinced that if the clause be passed as it stands, the

export trade in fruit will be ruined unless the Bill is to be practically inoperative. I would remind the Attorney-General that the London market for Australian fruit is practically limited to a few weeks, and that therefore the detention of a shipment pending the settlement of a dispute might be a very serious matter. Every suggestion made by the Opposition has been advanced with a desire to protect the consumers and producers of the Commonwealth. I have been surprised and shocked to find how little sympathy the great bulk of honorable members have for our primary producers. Surely the Minister will have ample power to carry the provisions of the Bill into effect, even if the amendment is agreed to. He will have power to detain goods, and to practically throw the onus of proof on to men living miles away in the country, who will have to take long journeys up to the capital to satisfy him that a mistake has been made. The Bill gives the Minister power to frame regulations which will greatly hinder our export trade. He has asked, "Do you think that I will make regulations which will injure exportation?" But we are legislating, not for this Minister, but for all future Ministers. The trade description that may be required to be applied to goods is not the true description which some of us sought to have applied, but a description to be prescribed by the regulations, which may be altered from time to time. It is because I believe that the Bill, if passed as it stands, will do serious injury to one of our most promising primary industries that I have taken up this position. If the measure is passed as it stands it will either have to be a dead letter, so far as the exportation of fruit is concerned, or the fruit exporting industry will be ruined. The Minister declared that he wants to get at two or three of my constituents.

Sir WILLIAM LYNE.—What I wished to convey was that if they continued in what they had done, they would be dealt with.

Mr. McWILLIAMS. — No industry in Australia has done more for itself, and has had less from the Government, than the fruit-exporting industry. It has not been assisted by bonuses, but has opened up markets for itself and worked out its own salvation, until now it will bear comparison with any industry in Australia.

Mr. WILSON (Corangamite).—The Minister of Trade and Customs and the

Attorney-General should take a reasonable view of the amendment. If they will not accept it, it must be because they wish to hamper the export trade of Australia, and to hinder in particular the small producer, who is the man requiring consideration in this matter. If the amendment is not agreed to, the small producers and the small butter factories, instead of being able to export directly, as many of them do, through the banks, will have to employ agents. The clause, as it stands, forces business into the hands of agents. The honorable member for Grampians has explained what happens in connexion with the grading of lambs for the English market, and I will give a similar example in reference to the export of butter. The Western District butter is generally considered to be of first grade, and that from Gippsland of second grade; but on one occasion last season, when Western District butter was shipped as "first quality creamery butter," and Gippsland butter was shipped without any such description, the two consignments on arrival in London obtained the same price, because the Gippsland butter had improved so much on the voyage. In that instance the grading here was of no advantage at all to the Western District consignment. If the restrictions in the Bill are insisted on by the Minister, small producers and small factories will be prevented from shipping their produce Home, and will have to sell locally to middlemen, which means that they will have to give big concessions, instead of getting the best prices offering in the London market. The practical effect of the measure will be to help the middlemen, and to hamper the producer. Even if the amendment is passed, the Minister will have power under clauses 11 and 12 to punish attempts to export under a false description. But why should the goods of a small producer who negligently omits to place the prescribed description on them, or makes some other slight mistake, be forfeited? We know that the small producers and small factories work in a haphazard way, and do not make it their business to read every Act of Parliament; but why should slight neglect on their part be so severely punished? We should assist our primary producers as much as possible, as the rulers of other countries assist their primary producers. The Minister is acting unwisely, in the interests of Australia, of his constituents, and of the Government,

and so is the Attorney-General. Both Ministers represent constituencies populated mainly by primary producers. If the amendment is not accepted, it will go forth to the primary producers of Australia that the Ministry are not disposed to assist them. The Labour members, too, are acting unwisely in assisting the Government to carry a clause which will force business into the hands of the middleman and the big exporter. The small co-operative butter and cheese factories, of which there are a great many in the Western District, and in parts of Gippsland, wish to be placed in the most favorable position for getting rid of their produce; but the measure as it stands will hamper them in every direction. I urge the Ministry and the Labour Party to assist these people, instead of throwing every obstruction in their way.

Mr. CONROY (Werriwa).—There is one more point which I should like to bring under the attention of the Minister. In a conversation which I had with a buyer for the Rochedale Proprietary Company, which is probably the greatest co-operative company in the world, he informed me that he did not want lambs of what we call prime quality, as his people did not care for carcasses with too much fat on them. I agree with him in the matter, though most exporters and Government inspectors would certainly declare that lambs to be of first quality must have an inch of fat across the loins, and the Bill would give the Government power to prevent the export of carcasses which are not of that quality. Does the Minister think it right to take power to prevent the exportation of produce of which the buyer has approved, merely because the Government inspector holds other views on the question of quality?

Question.—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes ...	...	...	17
Noes ...	...	...	28
			—
Majority ...	...	...	11

AYES.

Bonython, Sir J. L.	Lonsdale, E.
Cameron, D. N.	McWilliams, W. J.
Conroy, A. H. B.	Phillips, P.
Crouch, R. A.	Skene, T.
Glynn, P. McM.	Thomson, Dugald
Johnson, W. E.	Wilson, J. G.
Kelly, W. H.	Tellers:
Knox, W.	McCay, J. W.
Liddell, F.	Batchelor, E. L.

NOES.

Bamford, F. W.	O'Malley, King
Brown, T.	Poynton, A.
Carpenter, W. H.	Ronald, J. B.
Chanter, J. M.	Spence, W. G.
Chapman, A.	Storrer, D.
Deakin, A.	Thomas, J.
Ewing, T. T.	Thomson, David
Fisher, A.	Watkins, D.
Forrest, Sir J.	Watson, J. C.
Groom, L. E.	Webster, W.
Hutchison, J.	Wilkinson, J.
Isaacs, I. A.	
Lyne, Sir W. J.	Tellers:
Maloney, W. R. N.	Cook, Hume
Mauger, S.	Frazer, C. E.

PAIRS.

Robinson, A.	Hughes, W. M.
Fuller, G. W.	Page, J.
Reid, G. H.	Tudor, F. G.
Gibb, J.	Higgins, H. B.

Question so resolved in the negative.

Amendment negatived.

Mr. McCAY (Corinella).—I move—

That, after the word "may," line 8, the following words be inserted:—"in any case, and if in his opinion the contravention has not occurred knowingly shall."

That is the same amendment that was inserted in clause 7, save that the words relating to negligence do not occur. I consider that forfeiture should not be the possible result of negligence, but only of the very worst of knowing non-compliance. I do not propose to discuss the amendment, but I can hardly believe that this Committee will declare that Australian exporters shall be liable to have their goods forfeited because of negligence.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I intend to carry out my part of the bargain, and I extremely regret that the arrangement I made with the honorable and learned member has been systematically broken.

Mr. McCAY.—That is not correct.

Sir WILLIAM LYNE.—I shall certainly not accept the amendment without any reference to negligence. I should not have agreed to the amendment in this or in clause 7 except on the understanding that both would be carried out. Now, an attempt is being made to force upon me a further amendment. I move—

That the amendment be amended by the insertion of the word "either" after the word "occurred."

My intention is to afterwards insert, after the word "knowingly," the words "or negligently."

Mr. LONSDALE (New England).—I think that the Minister might reasonably accept the amendment proposed by the honorable and learned member for Corinnella. Exporters should not be penalized for mere negligence. If the persons who had to work under this Bill were all lawyers, or possessed of highly-trained minds, we might adopt the strictest wording; but when we consider that our farmers and producers are not accustomed to construing Acts of Parliament, and that in many cases their perfectly honest acts may be considered by the experts in the Customs Department as involving negligence, we should be careful not to expose them to the risks of heavy penalties. This is not a question of preventing fraud upon the revenue, and we should not treat our producers as if they were all criminals *in embryo*. The Customs officials have been trained to detect fraud, and they will probably imagine that a fraudulent intent has prompted many really innocent acts. It is amazing that those honorable members who most loudly proclaim that they desire to encourage and assist our producers are now assisting the Minister to pass provisions which will have a most detrimental effect upon our export trade.

Mr. DUGALD THOMSON (North Sydney).—I merely wish to point out the very ridiculous position at which we have arrived. Under this provision, whilst goods which bear no trade description whatever, or to which a trade description different from that prescribed by the Minister has been applied, may be forfeited if the error has been wilfully or negligently committed, it is only when a false description has been knowingly attached to goods that their forfeiture is compulsory.

Mr. ISAACS.—Under clause 9, if it is proved that the goods were not knowingly imported under an improper trade description, their forfeiture may be remitted, but in other cases it must be remitted.

Mr. DUGALD THOMSON.—I do not see that that fact makes any difference whatever. I complain that we are imposing a greater risk of forfeiture upon goods in regard to which the trade description differs from that prescribed by the Minister, and upon goods to which no description whatever is attached, than we are upon articles which have been falsely described.

Mr. ISAACS.—Quite the reverse.

Sir WILLIAM LYNE.—The honorable member is very confident about the matter.

Mr. DUGALD THOMSON.—I have just as much right to be confident as has the Minister himself in view of the little knowledge that he has displayed of the Bill.

Mr. ISAACS.—Under clause 11, the Minister has no power to remit the forfeiture of the goods.

Mr. DUGALD THOMSON. — Under clause 12, there is power to remit the forfeiture of goods if the person who exports them did not knowingly apply to them a false description.

Mr. ISAACS.—But in the other case there is a right of remission.

Mr. DUGALD THOMSON.—In that case a man may “negligently” attach a false description to his goods, and they will not be forfeited; but if he knowingly applies such a description to them, they will be forfeited. Under this clause, however, if he applies, even erroneously, a false trade description to goods either “negligently or knowingly,” they may be forfeited. Under clauses 11 and 12, it is not intended that mere negligence shall lead to the forfeiture of goods.

Mr. ISAACS.—Nor is that intended in connexion with this clause.

Mr. DUGALD THOMSON.—If the Minister thinks that a person has committed an error as the result of negligence, he has power to order the forfeiture of his goods. I merely point out the absurdity of the position, and leave the matter to the Committee.

Mr. CONROY (Werriwa).—I should like to ask the Attorney-General what case can possibly arise which will not be covered by the term “negligently.”

Mr. ISAACS.—Inadvertence, errors of judgment, and *bonâ fide* mistakes.

Mr. CONROY.—All those matters could be brought under the heading of “negligence.” It is clear that the judgment of a great many honorable members is with the opponents of the clause, though we shall not command their votes. I protest against the provision being passed in its present form.

Question—That the amendment be amended by the insertion of the word "either"—put. The Committee divided.

Ayes	24
Noes	12

Majority	12
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AYES.

Carpenter, W. H.	Phillips, P.
Chanter, J. M.	Ronald, J. B.
Chapman, A.	Spence, W. G.
Deakin, A.	Storror, D.
Ewing, T. T.	Thomas, J.
Fisher, A.	Thomson, D. A.
Forrest, Sir J.	Watson, J. C.
Frazer, C. E.	Webster, W.
Groom, L. E.	Wilkinson, J.
Hutchison, J.	
Isaacs, I. A.	<i>Tellers:</i>
Lyne, Sir W. J.	Tudor, F. G.
O'Malley, K.	Watkins, D.

NOES.

Batchelor, E. L.	Poynton, A.
Bonython, Sir J. L.	Thomson, D.
Glynn, P. McM.	Wilson, J. G.
Johnson, W. E.	
Lonsdale, E.	<i>Tellers:</i>
McCay, J. W.	Conroy, A. H. B.
McWilliams, W. J.	Kelly, W. H.

PAIRS.

Hughes, W. M.	Robinson, A.
Page, J.	Fuller, G. W.
Mauger, S.	Gibb, J.
Cook, Hume.	Reid, G. H.
Brown, T.	Knox, W.
Maloney, W. R. N.	Skene, T.
Higgins, H. B.	Crouch, R. A.
Culpin, M.	Edwards, R.

Question so resolved in the affirmative.

Amendment of the amendment agreed to.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the amendment be amended by the insertion of the words "or negligently" after the word "knowingly."

Amendment. as amended, agreed to.

Mr. McCAY (Corinella).—I for one desire to enter my protest against a clause of this kind, which for many years will affect the export trade of Australia, being passed. I wish it to be distinctly understood that I cannot agree with it, and that if a division were taken I should vote against it.

Mr. JOHNSON (Lang).—I also desire briefly, but as emphatically as possible, to enter my protest against the passing of this clause.

Mr. LONSDALE (New England).—I have already made many protests against the passing of the Bill, and now desire to

enter my emphatic protest against this outrageous clause. Those who imagine that it will assist the producers can have no true idea of its scope and intention. The day will come when the producers will deal very decisively with those who have so far neglected their interests as to assist in passing such a measure as this.

Mr. WEBSTER (Gwydir).—I rise to enter my emphatic protest against the action of honorable members of the Opposition, who have wasted so much time in opposing a provision designed to serve the best interests of the producers of Australia. The desire of the Government is to raise the reputation of our products in the old world, and to open up new markets for them. I protest against the opposition that has been shown to a clause that must be of value to the consumers of various imports.

Mr. KELLY (Wentworth).—I also desire to enter my emphatic protest against the honorable member for Gwydir rising from the Opposition benches to address himself to this question. We are a small but a select body, and I object to the honorable member speaking from our side of the House.

Mr. JOHNSON (Lang).—I wish to protest against the criticism of the honorable member for Gwydir. It was apparent that he did not know what provision was under discussion, because he referred to a matter that is entirely foreign to the clause. I trust that the Minister will not proceed with it.

Mr. CONROY (Werriwa).—I agree with the honorable member for Lang that the honorable member for Gwydir quite misapprehended the question before the Chair. In common with other members of the Opposition, I enter my protest against this clause.

Mr. HUTCHISON (Hindmarsh).—I wish to enter a protest against the unwarrantable statement that the honorable member for Gwydir is not familiar with the provisions of this clause. As a matter of fact, I have discussed it with him, and know that he is thoroughly cognizant not only of its purport, but of what has been done in the direction of amending it.

Mr. LONSDALE (New England).—The honorable member for Gwydir spoke of imports.

The CHAIRMAN.—The opinion of the honorable member for Gwydir is not before the Chair.

Mr. LONSDALE.—I have only to say that when honorable members attempt to take to task those who have been honestly endeavouring to improve the Bill, they should know what we have been discussing. When an honorable member suggests that the clause now under consideration has any connexion with imports, it must be seen at once that he does not know what is really before the Chair. I was therefore justified in saying that the honorable member for Gwydir did not understand the purport of the clause.

Mr. WILSON (Corangamite).—I understand that it is not the intention of the Opposition to call for a division. In these circumstances I think it my duty, as a representative of a very large section of the producers of Victoria, to enter my emphatic protest against this iniquitous clause.

Question.—That the clause, as amended, stand part of the Bill—put. The Committee divided.

Ayes	...	...	26
Noes	...	...	12
Majority	...	...	14

AYES.

Bamford, F. W.
Carpenter, W. H.
Chanter, J. M.
Deakin, A.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Groom, L. E.
Hutchison, J.
Isaacs, I. A.
Lyne, Sir W. J.
Maloney, W. R. N.
O'Malley, K.
Phillips, P.

Ronald, J. B.
Spence, W. G.
Storror, D.
Thomas, J.
Thomson, D. A.
Tudor, F. G.
Watkins, D.
Watson, J. C.
Webster, W.
Wilkinson, J.

Tellers:

Cook, Hume.
Frazer, C. E.

NOES.

Bonython, Sir J. L.
Conroy, A. H. B.
Glynn, P. McM.
Johnson, W. E.
Kelly, W. H.
Liddell, F.
Lonsdale, E.

McCay, J. W.
McWilliams, W. J.
Thomson, D.

Tellers:

Batchelor, E. L.
Poynton, A.

PAIRS.

Hughes, W. M.
Page, J.
Mauger, S.
Chapman, A.
Brown, T.
McDonald, C.
Higgins, H. B.
Culpin, M.

Robinson, A.
Fuller, G. W.
Gibb, J.
Reid, G. H.
Knox, W.
Skene, T.
Crouch, R. A.
Edwards, R.

Question so resolved in the affirmative.
Clause, as amended, agreed to.

Clause 13—

Any goods intended for export which have been inspected in pursuance of this Act may in manner prescribed be marked with any word, figure, or mark for the purpose of indicating the quality, class, or grade of the goods.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I move—

That the words "any word, figure, or mark for the purpose of indicating the quality, class, or grade of the goods," be left out, with a view to insert in lieu thereof the words "the prescribed trade description."

If the amendment is agreed to, the clause will read—

Any goods intended for export, which have been inspected, in pursuance of this Act, may, in manner prescribed, be marked with the prescribed trade description.

I propose in this amendment to meet the fears of a number of speakers the other night, and particularly because it has been explained to me that great care must be taken to provide against interference with trade arrangements with eastern countries. Under the clause, as I propose to amend it, the Minister will have all necessary power, and perhaps a little more discretion than he would have under the clause as it stands. To-day I met some persons connected with the Eastern trade, and told them that it was my intention, when the Bill became law, to invite the leading merchants connected with that trade to recommend to the Department a proper and effective trade description.

Mr. WILSON.—Will this be done only in regard to the Eastern trade?

Sir WILLIAM LYNE.—No; in regard to all trades. I mention the Eastern trade as an example, because it was referred to in the debate the other night. I shall endeavour to get the representatives of reputable firms to advise the Department as to the easiest trade descriptions which can be prescribed, so that there may be no trouble or friction in carrying out the provisions of the measure.

Amendment agreed to.

Mr. KELLY (Wentworth).—I wish to know what powers the clause as amended will confer, in addition to the powers given by clauses 10 and 12? Clause 10 allows the Minister to prevent exports from leaving the country unless they bear a certain prescribed trade description, and clause 12 says that goods bearing a false trade description shall not be exported. I do not

see the contingency for which clause 13 is intended to provide.

Mr. ISAACS.—This clause gives power to the Department to mark packages after they have been inspected, and before exportation. It is to provide for exceptional cases. Its provisions may never be used, but it is desirable to have them, in case they may be needed.

Mr. KELLY.—The Department can prevent goods from leaving the country unless a true trade description is applied to them, and it does not matter who applies it, so long as it is applied. The Minister has told us that he will prescribe "trade descriptions," which will conform more or less to honest trade usages. In the Eastern trade, the difficulty is in marking the individual packages that go out. It is not in regard to the goods themselves, but the packages containing them, that the marketers of that trade are most concerned. I have no doubt that the present Minister will exercise, as he has promised to do, the discretionary power conferred upon him, and that he will differentiate between goods sent to the East and the same class of goods intended for export to Europe; but we have no assurance that his successor will adopt the same practice, and I am rather apprehensive that the regulations may be applied with prejudicial results. It seems to me that the clause which gives the Department the power to apply its own mark will be useless, because the Minister already has the power to prevent goods from being exported unless they bear the mark prescribed by the regulations, and it really does not matter whether the goods are marked by the departmental authorities or by the intending exporters. Therefore, the clause might very well be excised.

Clause, as amended, agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the following new clause be inserted :—
"13A. Sections seven and ten of this Act shall not apply to any goods other than—

- (a) articles used for food or drink by man, or used in the manufacture or preparation of articles used for food or drink by man; or
- (b) medicines or medicinal preparations for internal or external use; or
- (c) manures."

Mr. TUDOR (Yarra).—I desire to ask the Minister to agree to the addition to the clause of a new paragraph relating to apparel, including boots or shoes, and the

materials from which such apparel is manufactured. It is not necessary for me to add to the observations of the honorable member for Darling and others, who have emphasized the necessity for exercising some control over imports of the class referred to. Whilst I have been anxious that the Bill should become law, I have recognised that its provisions are not so comprehensive as could be desired, since we in this Parliament cannot legislate for home production and home trade—and I regret that we cannot. I feel sure that the States Governments will tell us that unless we prohibit the importation of shoddy articles of apparel and materials for the manufacture of such goods, it will be useless for them to attempt to prevent fraudulent practices on the part of local manufacturers.

Mr. LONSDALE.—We are not prohibiting them.

Mr. TUDOR.—I shall surely have the assistance of the honorable member, who, so far as I could understand him does not object to it so long as it is useless. I have listened to him for hours, but I admit that I have not been able to obtain much enlightenment.

Mr. LONSDALE.—That is not my fault.

Mr. TUDOR.—No, it is the honorable member's misfortune that he is not able to convey an intelligible meaning to those who listen to him. I trust that the Minister will accept the amendment. I move—

That the following new paragraph be added :—
"(d) Apparel (including boots and shoes) and the materials from which such apparel is manufactured."

Mr. LONSDALE (New England).—If the honorable member for Yarra could, by means of this amendment, prohibit the importation of undesirable articles, it might be a good thing to agree to it. But he must know that it can have no such effect. If he has any common sense, he will be aware that any goods that have a proper trade mark upon them can be imported, no matter how inferior they may be. That affords no protection to the public. There are many things the importation of which ought to be prohibited, but this Bill does not prohibit them.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—The words that the honorable member for Yarra proposes to add to the clause will make it rather extensive in its effect, but even in that form

it will not by a long way go to the extent the Bill, as first drafted, did. The first draft of the Bill went to the extent of dealing with leather and textiles, and no end of other articles. When I was in Sydney the other day, I made inquiries at the Customs as to whether they knew of shoddy or other useless articles being sold for woollens, or as being what they were not. I have a report from the departmental expert in Sydney to the effect that there are such cases. He refers, for instance, to a quantity of socks that were brought in, purporting to be woollens, and sold as woollens. But when they were examined, it was found that they were nothing but an inferior cotton on to which woollen dust had been blown, and afterwards ironed in. The wool, as a matter of fact, would not last the first washing. I have seen other articles that were equally deceptive. The amendment can do no harm, and certainly does not go to anything like the extent that the clause did as first drafted. Under the circumstances I shall accept it.

Mr. WILSON (Corangamite).—I beg to call attention to the state of the Committee. [*Quorum formed*]. The amendment of the honorable member for Yarra really carries the Bill much further than the Minister gave us to understand was intended. Most honorable members on this side of the House are agreed that it is a good thing that articles used for food or drink should be included in the Bill. But the inclusion of the word "apparel" opens up a very wide question, and carries the Bill a good deal further than it ought to go. The amendment ought not to be accepted.

Mr. KELLY (Wentworth).—I am absolutely dumbfounded that this amendment should have been accepted by the Minister. He started by saying that the Bill was intended to embrace absolutely all phases of commercial enterprise. He was then approached by the Chambers of Commerce, and in answer to the views put forward by their deputation he stated definitely that he would limit the Bill to food-stuffs and medicines. In order to show, I suppose, how loyally he could adhere to his word of honour, he then intimated that he would submit an amendment. At the time he forecasted the clause which he has now submitted, he informed the House that although he was acting in accordance with his definite promise to the deputation, it was at perfect liberty to en-

large the scope of the Bill if it so desired. Consequently, although the honorable gentleman proposed the amendment, he was preparing, perhaps, even at that time, to prove false to the pledge which he had given. Now, we find that he is perfectly willing to change his attitude, to go back upon his promise, and to tamely accept any proposal which emanates from the Labour Corner. Surely that is a most extraordinary state of affairs. Is a Minister of the Crown to be regarded as a man whose morality is upon a plane apart from that of the average individual?

Mr. TUDOR.—The honorable member for Darling notified his intention to submit this amendment a fortnight ago.

Mr. KELLY.—That was after the Minister had made the promise to which I refer.

Mr. WATSON.—It seems as if it were a few years ago.

Mr. KELLY.—I do not think that the honorable member for Bland is the type of man who would make a promise to-day, and break it a fortnight hence. I say that the country will agree that the Minister has violated his pledge by tacitly accepting the amendment. This Bill does not protect the consumers of Australia against the importation of inferior goods. It merely provides that goods shall not be imported unless a true trade description be attached to them. What will happen under its operation? It is true that boots made of shoddy may not be imported, but the shoddy itself will be introduced in the form of piece-goods, and will afterwards be manufactured into boots.

Mr. WATSON.—The importation of shoddy can be prohibited under the Customs Act.

Mr. KELLY.—I recognise from the seriousness of that interjection that it is futile to attempt to change the opinion of honorable members opposite. Time after time, the weight of argument has been against the Minister, but they have backed him up. If ever an amendment was founded upon principles of equity it was that which was submitted the other evening by the honorable member for Hindmarsh. Nevertheless, it was defeated. Now an amendment has been proposed by the honorable member for Yarra—an amendment which can accomplish nothing apart from fostering the local manufacture of bogus articles, with intent to deceive the poorer class of consumers. It is a most extraordinary proposal to emanate from a member of the Labour Party. No doubt its adoption would

tend to foster the manufacture of shoddy goods in the constituency that is represented by the honorable member for Yarra.

Mr. TUDOR.—Does the honorable member imagine that the manufacturers "bar-rack" for me?

Mr. KELLY.—The manufacturers of shoddy will certainly do so the moment that the full significance of the amendment is appreciated. The Minister of Trade and Customs ought not to be permitted to execute this extraordinary change of front without considerable attention being directed to it. I do not think that honorable members upon this side of the Chamber will allow him to so far forget his high office as to completely ignore the promise which he gave to a deputation only a fortnight ago. This evening we have had repeated assurances from him as to the manner in which he will administer this legislation. If he persists in the attitude which he has now taken up, I shall absolutely decline to trust his administration.

Mr. KING O'MALLEY.—The honorable member should move a motion of want of confidence.

Mr. KELLY.—If the Minister could be dissociated from the Ministry, such a motion would be carried almost unanimously. He has never trespassed so far before; but he should have considered whether, in doing this, he would be acting as a man of honour.

Mr. KING O'MALLEY.—Is the honorable member in order in abusing one of His Majesty's trusted Ministers, and holding him up to the indignation of the community?

The CHAIRMAN.—I do not think that the honorable member has overstepped the bounds of criticism, but I think that he should confine his remarks to the amendment.

Mr. KELLY.—The new point in connexion with the amendment is its acceptance by the Minister, after he had given his promise that the operation of the Bill should be confined to foodstuffs and medicines. That is the position which will attract most attention throughout the country to-morrow morning. It will be recognised then that the Ministry are prepared to do anything at the dictation of the Corner party.

Mr. KING O'MALLEY.—It is a powerful party.

Mr. KELLY.—Yes; it is able to concoct schemes in the lobbies and secret places of the building—

The CHAIRMAN.—The honorable member is not in order.

Mr. KELLY.—Will I be out of order if I suggest that the acceptance of the amendment was entirely voluntary on the part of the Minister?

The CHAIRMAN.—The honorable member said more than that.

Mr. KELLY.—I wish to reiterate my protest against the amendment. If it is carried, it will lead to the local creation of bogus manufactures. The acceptance of it by the Minister has cast a slur on our Parliamentary institutions, from which it will take us a long time to recover, because action of this kind is very far reaching in its consequences. The reputation of our prominent men should be very dear to us, and what the Minister has done is not to the honour of the House.

Mr. DUGALD THOMSON (North Sydney).—The same objection applies to the amendment as applies to the provisions already in the Bill—that it will not be effective in protecting the consumer. For that reason, I am against any present extension of the Bill to goods other than those originally indicated by the Minister. We had the assurance from him that he intended to maintain the position which he adopted when interviewed on this matter by a deputation to whom he distinctly mentioned the articles to be brought within the scope of the Bill. Subsequently, he said in this Chamber that, in view of his promise to that deputation, and because of his own opinion that at the beginning we should not go too far with this kind of legislation, but should first test its effect on certain lines of importation and exportation, he was not prepared to accept the amendment. He told the honorable member who was responsible for it that he must take his own course, but that the Government could not support it. Surely that was a definite assurance of the position of the Ministry, and when a Minister has given his word, not once, but twice, and to two different bodies, he should be prepared to keep it. Because of this undertaking, some of the provisions of the Bill have been passed—

Mr. WATSON.—Every provision in the Bill has been passed by force of numbers, and with no assistance (from honorable gentlemen opposite.

Mr. DUGALD THOMSON.—Do not Ministerial promises and indications as to how a measure is to be applied affect the votes of honorable members?

Mr. WATSON.—They did not do so in this case.

Mr. DUGALD THOMSON.—One or two members who supported the Bill were, I think, affected by the Minister's statement.

Mr. WATSON.—Who were they?

Mr. DUGALD THOMSON.—I shall not give names, but I think, from the statements I have heard, that one or two were affected.

Mr. AUSTIN CHAPMAN.—What about the tactics adopted by the Opposition—half-a-dozen members leaving the Chamber in the attempt to secure a count-out?

Mr. DUGALD THOMSON.—Was the honorable member never concerned in a protest against the prolongation of a sitting beyond midnight by ascertaining the number of members present. He seems to think that his Government should have privileges which he would not allow to any other Government. He may be thankful that no stronger steps have been taken in regard to this long sitting, for which the Opposition are not altogether responsible.

Mr. AUSTIN CHAPMAN.—Members of the Opposition intimated at 9 o'clock last evening that the House would sit until 3 this morning.

Mr. DUGALD THOMSON.—This is one of the most astonishing surrenders I have known a Minister to make, and an honorable gentleman who would deliberately break his word, both to people outside the Chamber and to honorable members, would submit to any humiliation. The proposed extension of the provisions of the Bill will be utterly ineffective in regard to the securing of the objects aimed at. It is attempting to do what cannot be done, instead of limiting the measure to its really legitimate purposes, the exclusion of deleterious imports, and of goods ineffective for their purpose. I admit that there is no reason why the Bill should not be applied to apparel as well as to any other article.

Mr. WATSON.—Food and apparel affect the health of the people.

Mr. DUGALD THOMSON.—So do a great many other things. I could name a number of articles to which the scope of the Bill might be applied with far better reason. I regard the Bill as so ineffective, and yet so disturbing and troublesome, and as

so likely to prove injurious in many ways, that the more its scope is limited the better I shall be satisfied. The public will have every right to complain of the failure of the Minister to adhere to his promise that he would confine its operation to foodstuffs and patent medicines.

Mr. LONSDALE (New England).—We should not be at all surprised at the action of the Minister in this matter. We have been told throughout this discussion to trust him, but what has occurred this evening has afforded the fullest justification for the indisposition shown by many honorable members to place any more power than was absolutely necessary in the hands of the administrator of the measure. It may be right to extend the scope of the Bill to apparel, but if that be so, the Minister should not have promised to exclude it from the operation of the measure. Having once given his promise, he should have adhered to it, and then, if the amendment had been inserted in spite of him, he would have no cause to reproach himself. Unfortunately, when the Minister made his promise to the deputation representing the Chambers of Commerce, he had not with him the master of the political situation. He afterwards found that he had made a mistake, and he has had to show his obedience to those who have the power to drive the Government in whatever direction they please. It must be humiliating for Ministers to reflect that when they give a promise they cannot be certain that they will be able to fulfil it. The proposed amendment will widen the scope of the Bill, to which honorable members on this side of the Chamber had slackened their opposition owing to their reliance upon the promise made by the Minister. It now appears that that promise was made only to be broken. I desire to enter my strong protest against the Minister's action, and to call attention to the fact that he has demonstrated in the plainest possible way that he is not to be trusted.

Mr. JOHNSON (Lang).—I emphatically protest against the breach of faith of which the Minister has been guilty. His action shows how little reliance can be placed in him. He promised that the Bill would not be made to apply to other than certain goods which he distinctly specified, and yet he has readily agreed to a suggestion, emanating from a member of the Labour Party, that the operation of the Bill should be extended far beyond its intended scope.

When we have such an exhibition of breach of faith on the part of the Minister, we are perfectly right in refusing to trust him with the administration of the regulations which he is asking the Committee to empower him to frame.

Mr. HUTCHISON. — When the honorable member makes a charge, he ought to quote his authority.

Mr. JOHNSON. — If honorable members require me to make a four-hours' speech, I am perfectly prepared to accede to their wish. The Minister distinctly promised a deputation that he would limit the operation of the new clause to food stuffs and medicines.

Mr. CARPENTER.—When and where?

Mr. JOHNSON.—Has the honorable member been living in a Cave of Adullam or out of the world? If he had read the newspapers he would know all about these matters without requiring to be informed in detail.

Mr. THOMAS.—When the honorable member makes a charge, he ought to give his authority.

Mr. JOHNSON.—The honorable member can find my authority from the Minister's own statement, made in this Chamber, wherein he reported his promise made to the deputation. He reiterated that promise to this House scarcely more than a week ago. I protest most emphatically against this action on the part of the Minister, and also against this attempt to force the measure through by means of a late sitting. If this course be persisted in, I think that the Opposition, who have been very forbearing in view of the action which they could have taken under the Standing Orders, will have to take another course; and I do not think that it will advance the measures of the Government far in the direction of securing their inclusion in the statute-book.

Mr. KELLY (Wentworth).—Perhaps the more briefly our protests against a change of front such as we are protesting against to-night are made, the more emphatic they will be. Before a division is taken I desire to ask whether the Ministry, individually and collectively, are behind the Minister of Trade and Customs in the extraordinary action he has just taken? We have had no expression of views from them. They are silent, and, therefore, perhaps

they have no explanation to offer for the extraordinary conduct of their colleague.

Mr. SPENCE.—He does not need any defence.

Mr. KELLY.—I can understand the members of the Labour Party not caring much about spoken pledges, because their own constituents do not trust them that far, but insist upon having written pledges, and that is apparently what we shall have to require in future from the Minister of Trade and Customs. Apparently he is forsaken by his colleagues, for they can find no words to defend him. I think they show their wisdom by their silence, for there is nothing which can be said for the Minister that will set him right in the eyes of all honorable men.

Mr. DUGALD THOMSON (North Sydney).—Two honorable members stated just now that a charge should not be made without the authority therefor being quoted. Allusion has been made to the Minister's statement to a deputation which has appeared in the press, and also in *Hansard*. I propose to read the statement which was made in the Chamber.

Mr. CARPENTER.—That should have been done before the charge was made.

Mr. DUGALD THOMSON. — The statement was referred to as having been made, and this extract will corroborate what was said. On the 20th September, 1905, at page 2518 of *Hansard*, when the Minister gave notice of the articles to which he proposed to apply the new clause, the honorable member for Yarra interjected, "What about apparel"? To that interjection the Minister replied as follows:—

When the insertion of the proposed new clause is moved, honorable members can take their own course in regard to it. So far as I can judge, there is some need for dealing with wearing apparel; but I intend to propose this new clause to carry out my promise to the deputation, and its wording substantially embodies that promise, so that I may not be accused of making one statement at one time, and another statement at another time.

Question.—That the words "apparel, including boots and shoes," &c., proposed to be inserted be so inserted—put. The Committee divided.

Ayes	28
Noes	9

Majority

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AYES.

Bamford, F. W.
 Bonython, Sir J. L.
 Carpenter, W. H.
 Chanter, J. M.
 Chapman, A.
 Deakin, A.
 Fisher, A.
 Forrest, Sir J.
 Frazer, C. E.
 Groom, L. E.
 Hutchison, J.
 Isaacs, I. A.
 Lyne, Sir W. J.
 Maloney, W. R. N.
 Phillips, P.

Poynton, A.
 Ronald, J. B.
 Spence, W. G.
 Storrer, D.
 Thomas, J.
 Thomson, D. A.
 Tudor, F. G.
 Watkins, D.
 Watson, J. C.
 Webster, W.
 Wilkinson, J.

Tellers:

Batchelor, E. L.
 Cook, Hume.

NOES.

Cameron, D. N.
 Conroy, A. H. B.
 Johnson, W. E.
 Kelly, W. H.
 Liddell, F.

McCay, J. W.
 Thomson, D.
 Tellers:
 McWilliams, W. J.
 Wilson, J. G.

PAIRS.

Hughes, W. M.
 Page, J.
 Mauger, S.
 Ewing, T. T.
 Brown, T.
 McDonald, C.
 Higgins, H. B.
 O'Malley, K.
 Culpin, M.

Robinson, A.
 Fuller, G. W.
 Gibb, J.
 Reid, G. H.
 Knox, W.
 Skene, T.
 Crouch, R. A.
 Lonsdale, E.
 Edwards, R.

Question so resolved in the affirmative.
 Amendment agreed to.

Mr. WILKINSON (Moreton).—I move—

That the following new paragraph be added :—
 “(e) Seeds and plants.”

The two items which I have just mentioned require just as much watching when imported into the Commonwealth as any other commodities that have been included in this clause. We all, I trust, believe that the agricultural industry of Australia will be extended to a great many products that are not now grown to a considerable extent. We hope, for instance, to produce on a considerable scale coffee, cotton, and other plants of that description. It is important to safeguard the Commonwealth against the introduction of pests, which, we know, prevail in other countries where such crops are grown.

Mr. McCAY. — As long as there is a “proper trade description,” pests can be imported.

Mr. WILKINSON.—I am aware that the States themselves are exercising some supervision at present, but it appears to me that we might also very well institute supervision on the part of the Commonwealth. Additional watchfulness can do nothing but good. It will result in protecting our producers to a still greater degree against the

introduction of what would be tremendous evils. I may refer to two pests which have involved great loss in the United States—bollworm, and what is termed the cotton army, namely, caterpillars that destroy everything in their path. The larvæ of these pests may be introduced in seed. The Agricultural Department of Queensland has considered this matter quite recently, and some of the experts in conversation with me have expressed an anxiety that every possible means should be exerted to prevent the introduction of such evils into Queensland.

Mr. CARPENTER. — How could seed be tested?

Mr. WILKINSON.—It would be examined to see whether larvæ are contained in it. The application of the test is, however, a matter for experts. I believe there are means available. Some kinds of sugar cane are liable to disease, and there are vine diseases which are liable to work great havoc. I hope that the amendment will be unanimously agreed to.

Mr. KING O'MALLEY (Darwin).—Would it be wise to add to the amendment a provision to the effect that goods not complying with the law in respect of their description shall be forfeit to the King unless shipped from the country?

Mr. ISAACS.—That is provided for.

Mr. JOHNSON (Lang).—This amendment is a sample of the unwisdom of the Minister in accepting the first addition to this clause. Where are these additions to end? We had a definite promise on the part of the Government that the clause would be limited to certain articles; but proposal after proposal is being made to add other goods. The fault is that of the Minister in backing down upon the first amendment. The whole Bill will be absolutely ineffective, so that, from the point of view of principle, it really does not matter whether its operation is extended to one article or to many. I merely wish to point out the unwisdom of the Minister's action in violating the promise which he gave to this House and to the deputation which waited upon him from the Chambers of Commerce—a promise to confine the operation of the Bill to foodstuffs and medicines.

Mr. CONROY (Werriwa).—I trust that the honorable member for Moreton will not press his amendment. I would point out to him that it is scarcely wise to include plants in a measure which is intended to deal with other matters. To my mind,

plants are quite outside its scope, and ought properly to be provided for in an Agricultural Bill. I would further point out that, if seeds are imported which do not correspond to their description, the person to whom they are offered has his legal remedy.

Mr. McCAY (Corinella).—I think that we ought to know the Government attitude towards this proposal. I notice by reference to *Hansard* that, on 20th September, the Minister said—

I shall have something to say on the application of this measure to apparel and other articles when the proposed new clause is under consideration.

I do not know whether the articles specified in the amendment which is now before the Committee comprise those to which the honorable gentleman referred, but I certainly think that we should be informed of the attitude of the Government towards the proposal.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The amendment of the honorable member for Moreton is one which the Government are justified in accepting. During the course of this debate a great many questions have been asked as to what the Bill will accomplish for the producers. The proposal which is now before the Committee is of the greatest importance to those who are engaged in production. It insures that they shall be supplied with good, honest seed, and also that our fruit-growers shall be supplied with good, honest plants. The honorable member for Moreton has mentioned that if cotton seed bearing a trade description is introduced into Australia, we should insist upon it corresponding with that description. He asks that the agriculturists—

Mr. CONROY.—Do not indulge in any cant. Let us pass the amendment and get home.

Mr. GROOM.—As soon as I begin to speak on behalf of the agriculturists I am accused of indulging in cant. I repeat that the amendment is one which commends itself to the Government, and therefore we propose to accept it.

Mr. McCAY (Corinella).—When the consideration of this Bill was resumed in Committee last Wednesday, the honorable and learned member for Angas said—

I think that the Minister of Trade and Customs should now tell us what particular goods he proposes to include in the schedule. The clause gives him absolute power to say what goods shall be inspected, and provides that such goods must be inspected. Whether the Department could

carry out such wholesale inspection is another matter. I do not think it could. It has already been pointed out that a tremendous staff of experts would be required to do the work provided for by the Bill. Under this clause there is no limitation as to what goods shall be prescribed, and the officers must inspect and examine all prescribed goods. A great deal of discussion would have been saved last night if we had been informed whether the Minister's promise to the deputation from the Chamber of Commerce, which waited on him, would be carried out, and I think debate will be saved now if the Minister will at once say whether he proposes to limit the Bill to the extent indicated in his reply to the deputation.

Then the Minister of Trade and Customs said—

I propose to circulate this afternoon notice of a new clause, of which I intend to move the insertion. I made a certain promise to the deputation referred to, and I intend to keep it by submitting this clause.

I take it that these words mean that the promise and the clause are to be considered as co-extensive, and that the clause carries out neither more nor less than the promise implied. I do not think the Minister could have meant that he would propose a clause and then accept a series of additions to it, and contend that that was carrying out his promise. He went on to say—

The new clause which I have had drafted will stand as clause 13A, and reads as follows:—

"Sections 7 and 10 of this Act shall not apply to any goods other than—

- (a) articles used for food or drink by man or used in the manufacture or preparation of articles used for food or drink by man; or
- (b) medicines or medicinal preparations for internal or external use; or
- (c) manures."

Mr. HUTCHISON.—Does not "seed" come under food?

Mr. McCAY. — Then why move the amendment if it is already covered by the clause? The honorable member for Yarra interjected, "What about apparel?" and the Minister continued—

When the insertion of the proposed new clause is moved, honorable members can take their own course in regard to it. So far as I can judge, there is some need for dealing with wearing apparel, but I intend to propose this new clause to carry out my promise to the deputation.

And here follows what I think the Minister meant—

And its wording substantially embodies that promise.

As I have just said, the clause and the promise are substantially co-extensive. In other words, the Minister promised the deputation that the matters dealt with in this

clause should be embodied in the Bill, and that other matters would not be contained in it. He says—

So far as I can judge, there is some need for dealing with wearing apparel.

As much as to say that he had made a promise and would keep it, although he thought he had better not have made it. The honorable gentleman continued—

and its wording substantially embodies that promise, so that I may not be accused of making one statement at one time, and another statement at another time. I shall have something to say in reference to the application of this provision to apparel, and other articles, when the proposed new clause is under consideration.

I do not think that the Committee or the deputation that waited on the honorable gentleman supposed that the something that he would have to say would be that he was prepared to accept extensive amendments to the clause. The Minister of Home Affairs, if I may say so without offence, indulged in some special pleading as to the necessities of agriculturists in the matter of getting seed true to sample. We are all agreed that agriculturists and horticulturists in this and in the other States have suffered through not getting seed and plants true to sample. But that is a matter with which the States Legislatures can very well deal.

Mr. ISAACS.—With importations from abroad?

Mr. McCAY.—I did not say the importations.

Mr. ISAACS.—That is what we are dealing with in the amendment.

Mr. McCAY.—I am aware of that, but it is possible to achieve the same object in more than one way. It is a sham to speak of getting things true to sample for the benefit of agriculturists under this Bill. The Minister of Trade and Customs went on to say, with respect to the time at which the new clause would be considered—

which will not be until the remaining clauses of the Bill have been dealt with.

He then went on to speak of detailed information sought as to the method of administering the law. I have quoted, I believe, every word which the honorable gentleman said at that time with regard to his promise to the deputation. What I wish to say to the Government is that, whilst we cannot complain of the addition proposed by the honorable member for Yarra since the honorable member's amendment is in print, and has been circulated, though it came as a great surprise to me that it was accepted

by the Government, the amendment now before the Committee is one of which we have had no notice.

Mr. ISAACS.—The honorable and learned member cannot blame the Government for that.

Mr. McCAY.—I can blame the Government if they do not recognise the fact. The majority of the members of the Committee have had no notice of the amendment now proposed, or of the intention of the honorable member for Moreton to move it, and many honorable members have gone away in the faith that only matters of which notice had been given would be dealt with.

Mr. ISAACS.—The honorable and learned member must be aware that no honorable member is entitled to go home with that understanding, in view of the fact that any honorable member may move an amendment.

Mr. McCAY.—This afternoon it was proposed that the Bill should be recommitted for the purpose of reconsidering certain clauses and considering specified new clauses. There was in circulation an amendment on one of the proposed new clauses, but general leave to move new clauses was refused, and honorable members had the right to assume that an important amendment would not be sprung on the Committee after we had been sitting here for over eleven hours. I do not blame the Government because the amendment has been moved without notice, nor do I blame the honorable member who moved it for not giving notice of it, but I will consider the Government deserving of blame if they take advantage of their majority to have it passed, seeing that it affects the whole operation of the measure.

Mr. ISAACS.—Can the honorable and learned member suggest any objection to the amendment? That surely is an important consideration when an adjournment is asked for.

Mr. McCAY.—I ask the Government to follow the ordinarily recognised rules in connexion with the conduct of business. I want other honorable members to have an opportunity to discuss the amendment.

Mr. KING O'MALLEY.—We shall be sitting here until Christmas if they do.

Mr. McCAY.—I have never been a friend to the wasting of time by the making of unnecessary speeches, but I ask Ministers if they think it fair to take, at this hour of the morning, an important amendment which has been moved without notice. Until an hour ago, it was not expected that apparel would be added to the proposed

new clause, although notice of that amendment had been given; but now the Government are proposing to push on with another important amendment, of which no notice has been given. The legitimate course to pursue would be to get the honorable member to withdraw it, and move the recommitment of the Bill for the purpose of considering the amendment only. A minority has its rights, and one of them is to be informed of the business to be brought on, so that every honorable member may decide for himself whether he will be present or not.

Mr. ISAACS.—The honorable and learned member's remarks would apply to every amendment that could be moved.

Mr. McCAY.—No; because this is not an ordinary amendment. It brings a new class of goods within the operation of the measure. My objection would not apply to an amendment relating to the machinery provisions of the Bill.

Mr. ISAACS.—If we reported progress now, and to-morrow some one else moved another amendment, the honorable and learned gentleman would have an equally good reason for asking for a still further postponement.

Mr. McCAY.—Yes, if the new amendment were moved without notice, at one o'clock in the morning. Why cannot the Government get the honorable member to withdraw the amendment, and recommit the clause for the purpose of considering this specific addition, and no other, or, if other honorable gentlemen wish to add other classes of goods, for the purpose of considering additions of classes? If those who are now sitting on the Ministerial side of the Chamber were in opposition, the two Ministers who are so skilled in that branch of civil engineering, which deals with bridge-making would be raising their voice in a very emphatic protest against the proceedings.

The ACTING CHAIRMAN (Mr. BATCHELOR).—Does the honorable and learned member not think that he should now discuss the amendment?

Mr. CONROY.—The honorable and learned member can put himself in order by moving that the Chairman do now leave the chair.

Mr. McCAY.—I do not wish to do that, though the Opposition, whatever its offences may have been, is not receiving reasonable treatment. It is not fair that this important proposal should be sprung upon us at this hour of the morning. I recognise that honorable members on this side

of the House are in a minority, and that we shall have to submit to whatever the majority may choose to do, but if the Minister insists upon proceeding with this proposal now his action will not be calculated to increase that friendly feeling which, apart from purely political differences, should prevail among honorable members.

Mr. BAMFORD (Herbert).—I am entirely in sympathy with the honorable member for Moreton in his desire to protect our agriculturists in every possible way, but I cannot support his amendment. The States Governments have adopted special precautions against the introduction of plant diseases and pests, and they have perhaps accomplished all that can be well done in that direction under present conditions. It appears to me that it would be impracticable for the Government to exercise any efficient supervision over the introduction of plants and seeds. They would be unable, for example, to satisfy themselves that imported seeds or plants were true to name. For instance, how could they determine whether certain cotton seed was true to name, unless they followed it to the plantation and kept the resulting plants under careful supervision until a crop had been produced? I should be glad to support the honorable member for Moreton, but unfortunately I cannot regard his proposal as practicable.

Mr. BATCHELOR (Boothby).—I am surprised that the Government should so readily have agreed to accept the amendment. We are all anxious that the producer shall be in a position to procure seeds and plants true to name, but a provision such as that now proposed will, I am afraid, fail to achieve that object. Who could decide whether certain seeds were true to name, or whether certain fruit trees were properly described? In the latter case there would be no means of obtaining definite information until the trees had absolutely borne fruit.

Mr. WILKINSON.—My object is to prevent the introduction of pests.

Mr. BATCHELOR.—That matter is beyond our province. The States are now doing all that can possibly be done in that direction, and the varying conditions prevailing in the different States render it undesirable to apply uniform regulations. It seems to me that if the Commonwealth enters upon a domain which peculiarly belongs to the States, it will probably do

more harm than good. It cannot be for one moment said that the Minister of Trade and Customs has any considered plan for giving effect to the amendment, and my objection to this Bill from the outset has been due very largely to my impression that the Minister is anxious to do something in some way to help somebody, without any very clear idea as to what he can accomplish. Every one who is in sympathy with the primary producers wishes to see a proper measure of protection given to them, but the question is whether this is the right way in which to accomplish that object. I do not think adequate protection can be given to them until a well-digested scheme has been evolved.

Mr. CONROY (Werriwa). — I would again ask the honorable member for Moreton to withdraw his amendment. Section 108 of the Constitution reads as follows :—

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

The regulations which are to be made under the authority of this Bill will have the force of law, and it is arguable that a State which has a law dealing with these matters may thereby be prevented from making an alteration thereof when a new disease, which perhaps was peculiar to that State, and the danger of which it alone might recognise, sprang up.

Mr. ISAACS.—In the Customs Act we have the power to prohibit certain importations.

Mr. CONROY.—There is a danger in inserting the amendment in the Bill.

Mr. ISAACS.—What is the difference, if the power is taken in this Bill and the power already exists to a larger degree in the Customs Act?

Mr. CONROY.—Under the Bill, as it is drawn, the regulations will have the force of law, and this amendment, although moved with the best intentions possible, may have the effect of preventing the Parliament of, say, Queensland from altering its law dealing with these matters whenever the occasion may arise. The Department of Agriculture in that State, as well

as in other States, is quite competent to deal with all these matters from time to time. Full power is given to the Commonwealth in sections 52 and 56 of the Customs Act to prohibit by proclamation the importation of any deleterious or noxious seeds. But by inserting this amendment, we may prevent a State from amending its law on these matters, and thereby bring about a very different result from what was intended by its mover. Some members of the Ministry have expressed their intention of accepting the amendment, and therefore it is hard for them to recede from their position, but it could, with great propriety, be withdrawn by its mover.

Mr. WILKINSON. — I have moved the amendment, because I believe it will have a good effect.

Mr. CONROY.—Does not the honorable member see that if a seed is bad or noxious, its importation can be prohibited by the issue of a proclamation under the Customs Act? If, however, in this Bill we legislate on the point, then to that extent we may interfere with the power of the Parliament of a State to alter or repeal any legislative provision in that behalf. Although the effect of our legislation may be overlooked for a time, still a smart lawyer—perhaps years hence—may take the point I am raising, and get the legislation of the State declared invalid. So far from the honorable member benefiting the producers by the amendment, as he desires to do, he may cause great injury to them.

Sir JOHN FORREST.—What harm can it do?

Mr. CONROY.—In Western Australia there is a Department of Agriculture which has regulations concerning the introduction of seeds and plants. If this amendment be inserted in the Bill, and any regulations be made under its authority, then there will be Federal legislation on the subject, and, in accordance with section 108 of the Constitution, the legislation of the State will cease to have effect, because its Parliament can only alter or repeal a State law until the Commonwealth Parliament exercises its legislative power.

Sir JOHN FORREST.—I can see no danger in the amendment.

Mr. CONROY. — The right honorable gentleman does not seem to appreciate the full force of my point. Say that the State Parliament of Western Australia passes a law dealing with this subject,

Sir JOHN FORREST.—Let us have a uniform law throughout Australia.

Mr. CONROY.—Does the right honorable gentleman suppose that the same kinds of seeds and plants will be imported into all the States? It is not proposed to create a new Department to administer this provision. What machinery will the Federal Government have for the purpose? Is it proposed to take over from the States the inspection of imported plants? Otherwise the provision will be a dead letter. But if we are not extremely careful we shall be interfering with the powers of the States to deal with the subject; and a smart lawyer may be able to submit an argument to a Court which will lead it to hold that, in consequence of the passing of the Commonwealth law, the States laws are invalid. We ought not to be dealing with so important a subject when honorable members are lying upon the benches in a dozy state, unable to gather the meaning of what is addressed to them. The least that can be done is to accept the suggestion which has been made from this side of the Chamber. If we, by any chance, curtail the powers of the States in this respect, we may inflict a great deal of harm, and may interfere with the good work that is now being done by the Agricultural Departments. I urge the honorable member for Moreton not to press his amendment. If necessary, he can have it proposed in another place, where it can be discussed in all its bearings, and where, I am sure, the constitutional aspect will receive that consideration which it is not likely to get from this Committee at the present time.

Mr. LONSDALE (New England). — I am impressed with the argument of the Attorney-General that this amendment can do no harm. If it can do no harm in the Bill, it can do no good, and may therefore just as well be left out. It has been shown by those who understand the question that what the honorable member for Moreton desires is at present being effectively done by means of State legislation. If we pass a law that comes into conflict with State legislation, the Commonwealth law prevails. There is therefore the possibility of a conflict of laws. If we had an Agricultural Department to look after such subjects, there might be a reason for inserting the provision. But I do not suppose that it is intended to take over that work from the States. I can see no value in the amendment. It will be

safer to leave it out of the Bill, because it may do harm if it is inserted. I cannot understand why the Government should refuse to accede to the request so reasonably made by the honorable and learned member for Corinella. The Minister has deliberately broken the promise which he made to the House, and yet he has the temerity to ask us to trust him to administer this Act. Of course, I thoroughly understand his position. The fact is that he has been driven to adopt his present attitude by the members of the Labour Party.

Mr. KELLY (Wentworth).—After the speech of the honorable and learned member for Corinella, I cannot understand why the Government persist in dealing with this question at such a late hour. The last speaker has referred to the difficulties of the position occupied by the Minister. He implied that the honorable gentleman is compelled to accept any proposal which may emanate from the Labour corner. There is no doubt that the Minister is under certain obligations to the Labour Party in order that he may be retained in his present place. But I venture to submit that there are some things which should be regarded as of more importance than mere considerations of place—I mean the honorable undertakings of honorable men. The Minister has already departed from a promise which he made to confine the operation of this Bill to food-stuffs and medicines. Now he proposes to still further depart from it, by accepting the amendment which has been submitted. In so acting he is deceiving those honorable members who have gone home in the belief that no fresh proposals would be considered. The amendment of the honorable member for Moreton is of a very far-reaching character. The honorable member for Boothby and the honorable member for Herbert have already addressed themselves to the practical difficulties which stand in the way of its adoption. We all know that under this proposal the most highly qualified experts will not be able to determine whether or not certain seeds have been properly described. The honorable member for Moreton has declared that the amendment is intended to deal primarily with pests. If that be so, the fact is not clearly stated.

Mr. WILKINSON.—The amendment will have the effect of laying open to inspection all seeds which are imported.

Mr. KELLY.—If it is intended to deal with fruit pests it is clear that its adoption will seriously interfere with the very valuable work which is now being performed by the States Departments. The honorable member has been told that nobody can determine how certain kinds of seeds will turn out until the plants are fully grown. It reminds one of the story of the small puppy which was bought as a toy terrier, which eventually proved its origin had been an international romance. Seeds may grow into anything. After all, this Bill has so far been considered only in the light of the Minister's promise to the House to limit its operations to certain articles. If the honorable gentleman goes beyond that promise, the whole measure should, in common fairness, be reconsidered. If he is not prepared to allow the entire Bill to be reconsidered he should postpone consideration of a matter with which the Committee is not now in a fit state to deal.

Mr. WILSON (Corangamite). — The honorable member for Boothby has very succinctly pointed out some of the dangers likely to arise if this amendment is accepted. The only object we can have in passing this Bill is to secure uniformity in the method of dealing with these matters throughout the Commonwealth. We know that at the present time the various States Parliaments have adopted very stringent laws dealing with the introduction of bad seeds, and plants infected with pests. Every one of the States are already doing this work, and doing it very well indeed.

Sir WILLIAM LYNE.—That is not correct. It is not being well done in New South Wales.

Mr. WILSON.—I know that plants sent from Victoria into New South Wales have been stopped on the border or at the port to which they were sent. The honorable member for Boothby has shown that South Australia has adopted more stringent regulations to prevent the introduction of bad seeds and pest-infected plants than has any of the other States. If the amendment now before the Committee is accepted, the result will be that the stringent regulations in South Australia must be relaxed.

Mr. ISAACS.—What regulations?

Mr. WILSON.—The regulations in force there against the introduction of bad seeds and plants infected with pests.

Mr. ISAACS.—This only provides that the right name shall be attached to them.

Mr. WILSON.—Then South Australia will be left open to the introduction of plants infected with pests.

Mr. ISAACS.—Not at all. The honorable member mistakes the nature of the Bill.

Mr. WILSON.—I point out that if by our legislation we come in any way into conflict with the work already being done under the States Acts in this matter, our legislation will supersede that of the States, and, as a consequence, in some cases States regulations must be relaxed. It is very possible that the amendment will not carry out the intention of the honorable member for Moreton, and the honorable member and the Minister will do well not to press it.

Question.—That the words "seeds and plants," proposed to be added be so added—put. The Committee divided.

Ayes	...	...	23
Noes	...	...	13
<hr/>			
Majority	...	...	10

AYES.

Carpenter, W. H.	Maloney, W. R. N.
Chanter, J. M.	O'Malley, K.
Chapman, A.	Phillips, P.
Cook, Hume.	Ronald, J. B.
Deakin, A.	Spence, W. G.
Ewing, T. T.	Storrer, D.
Fisher, A.	Thomas, J.
Forrest, Sir J.	Watkins, D.
Groom, L. E.	Webster, W.
Hutchison, J.	<i>Tellers:</i>
Isaacs, I. A.	Tudor, F. G.
Lyne, Sir W. J.	Wilkinson, J.

NOES.

Bamford, F. W.	McCay, J. W.
Batchelor, E. L.	McWilliams, W. J.
Bonython, Sir J. L.	Poynton, A.
Conroy, A. H. B.	Thomson, D. A.
Johnson, W. E.	<i>Tellers:</i>
Liddell, F.	Kelly, W. H.
Lonsdale, E.	Wilson, J. G.

PAIRS.

Culpin, M.	Edwards, R.
Hughes, W. M.	Robinson, A.
Page, J.	Fuller, G. W.
Mauger, S.	Gibb, J.
Frazer, C. E.	Reid, G. H.
Brown, T.	Knox, W.
McDonald, C.	Skene, T.
Higgins, H. B.	Crouch, R. A.
Watson, J. C.	Thomson, D.

Question so resolved in the affirmative.
Amendment agreed to.

Mr. McCAY (Corinella).—After the protest which I made against the action of the Government in accepting this proposal at

one o'clock in the morning, when no notice had been given of it, I shall, as the majority have agreed to it, merely content myself by drawing attention to the fact that we had the specific promise of the Minister of Trade and Customs that no additions would be made to the clause. I think that honorable members generally have not been fairly treated in this matter; but if my friends on this side will take my advice they will say nothing more about the matter this morning.

Proposed new clause, as amended, agreed to.

Mr. HUTCHISON (Hindmarsh).—I move—

That the following new clause be inserted:—

"All imported goods to which a trade description is by this Act or the regulations required to be applied, and which are found in Australia in any package or covering in which they were imported, and without the prescribed trade description, shall until the contrary is proved be deemed to have been imported in contravention of this Act or of the regulations as the case may be."

I do not think that there will be any objection to this amendment, because honorable members have unanimously expressed themselves as anxious to protect the consumer, and it is not of much use to insist on true descriptions being attached to goods at the time of their importation, unless they can be followed as far as possible on their way to the consumer. The proposed new clause will not accomplish all that I desire to accomplish, but it will meet objections similar to those which have been made by the honorable member for Wentworth to-night. He said that the Bill would not protect the consumer against the use of shoddy material imported for the manufacture of boots and other goods, to the danger of the public health. If such material is followed up, and found to be without the prescribed trade description, it can be seized. No other penalty is attached to the removal of the prescribed trade description, but I think that what I have provided will insure the retention of these descriptions. As the hour is so late, and honorable members have had several days' notice of the amendment, I do not feel justified in making a lengthier explanation of its object. I believe that it will have the support of the majority.

Mr. McCAY.—What are the intentions of the Government in regard to the proposed new clause?

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I at first thought that the proposed new clause might be unconstitutional, but I have been informed by the Attorney-General and the Parliamentary Draftsman that it is not so. In my opinion, it will meet some of the objections which have been raised during the debates on the Bill to the effect that when once goods got into the Commonwealth the importers could do what they liked with them, in remarking or adulterating them, and that our legislation would be of no protection to the State consumers. The clause will enable us to follow unbroken packages, and to seize any from which the prescribed trade description has been removed. I admit that the provision does not go so far as I should like it to go, but I do not think it would be constitutional to go further.

Mr. McCAY (Corinella).—I do not see any great objection to the amendment on principle. It appears to me legitimate, if goods are prohibited to be imported unless prescribed trade descriptions are applied to them, to find evidence of importation in contravention of the measure in the removal of the description from packages after they have passed through the Customs. I was at first inclined to doubt the constitutionality of this provision, but I think that the Attorney-General struck the true key-note when he explained to us across the table that this was merely a question of evidence. I am not, however, sure that the proposed clause does not go further than is intended. It is proposed that all imported goods to which a trade description is required to be applied, and which are found in any package or covering in which they were imported without the prescribed trade description, shall be deemed to have been imported, in contravention of the Act. The "covering" might embrace all kinds of things. For instance, the goods might be imported with a trade description affixed to the outer covering, and not to the inner packages. It appears to me that the words are too general, and that some more specific provision is necessary. I do not object to the principle of the clause.

Mr. ISAACS (Indi—Attorney-General).—I am glad that the honorable and learned member for Corinella agrees with me that the provision is constitutional. I have no doubt whatever on that point. It is simply a rule of evidence, and it will have the

very salutary effect of deterring persons from formally complying with the law, and afterwards evading it. I have considered the point mentioned by the honorable and learned member, and I shall give it further attention. At present I do not think that the clause goes further than is required, because provision is made in the Bill that the trade description shall be applied in the manner prescribed in the regulations.

Mr. KELLY (Wentworth).—Although this amendment is designed in the interest of the consumer, it will not afford the same protection as would have been extended if the former proposal of the honorable member for Hindmarsh had been adopted. The provision will not afford one-thousandth part of the protection that the consumer should enjoy; but, as it is a step in the right direction, I shall not oppose it.

Mr. LONSDALE (New England).—The clause will afford little or no protection to the consumer, but, as it will do no harm, I shall not oppose it.

Proposed new clause agreed to.

Mr. KING O'MALLEY (Darwin).—I move that the following new clause be inserted:—

7A. (1) Any manufactured or prepared article of food—

- (a) to which there is not applied a printed mark indicating its usual name; or
- (b) to which there is added any other substance not necessary to its preparation (including colouring matter or preservatives) unless there is applied to it a printed mark indicating the substance so added; or
- (c) from which there is abstracted any material part or ingredient the abstraction of which is not necessary or usual in preparing the article or affects injuriously its quality substance or nature—unless there is applied to it a printed mark indicating the part or ingredient so abstracted; or
- (d) in which (in the case of an article usually sweetened with sugar) there is contained any sweetening substance in addition to or in lieu of sugar—unless there is applied to it a printed mark indicating the sweetening substance so contained,

is prohibited to be imported into Australia.

(2) In this section—

- (a) "Food" includes any article used for food or drink by man other than drugs or water;
- (b) "Indicating" means plainly and legibly indicating;
- (c) in the case of goods made up into packages for sale by retail, "applied" means applied to every such package in the same manner and with the same permanency as other printed marks or indications of the goods.

(3) All goods imported in contravention of this section shall be forfeited to the King.

(4) Subject to the regulations, the Comptroller-General, or on appeal from him, the Minister may permit any goods which are liable to be or which have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the prescribed mark will be applied to the goods or that they will be forthwith exported.

What I desire is that all goods dishonestly manufactured, and all adulterated articles, shall be prohibited from coming into Australia. The honest manufacturer has no possible chance of competing against the dishonest manufacturer, who adopts all sorts of devious, immoral, and damnable methods. We have been engaged in legislating for the protection of the foreigner, and I propose now to protect the Australian consumer against the impure manufactures introduced from other parts of the world. What is good for the Britisher, the American, the Chinaman, the Bulgarian, the Hot-tentot, and the Africander, should also be good for Australians. In making this proposal, I am merely following the English Act of 1899, which provides that all imported goods must be legibly described. The Act applies, among other things, to such articles as margarine, margarine-cheese, adulterated butter, impoverished butter, milk and cream, condensed, separated, or skimmed milk, and any adulterated or impoverished articles of food specified by an Order in Council. The penalties provided for are, for the first offence, £30, for the second offence £50, and for the third offence £100, or three months' hard labour. Under the head of "Trade and Finance," the following passage appeared in a newspaper, which I shall not now name:—

In connexion with the Commerce Bill the Attorney-General may find a striking illustration of his comments in support of its provisions in the recent attempts to introduce under standard cornsacks into the Commonwealth. In discussing the question of trade marks, the *Times*, in a recent article, points out that the purchaser of goods has in almost every instance to rely upon his own inexperienced judgment or on the integrity of the vendor to determine quality. The result is that inferior goods are in many instances accepted as standard. The farmer who orders his cornsacks from the country storekeeper or city merchant is in no better position than the housewife when purchasing household commodities, few being able to tell without trial what sort of sugar, coffee, starch and the like yield the best value for their money. "Substitution and imitation" are, it is asserted with considerable truth, the outcome of the rage for cheapness, and to such an extent have these

systems been carried that legal enactments have become necessary to protect the public. It is to meet this demand that branding or marking is so much in request. If Mr. Isaacs will read up the history of the light make bag substitution for the Australian standard cornsack he will find further arguments in favour of the Commerce Bill.

That extract is taken from the Melbourne Age of the 27th September. We should empower the Government, not by regulation, but by statute, to say to a man who brings in adulterated or short-weight goods or shoddy, "We shall confiscate these goods unless you ship them out of the country." When the Australian shippers took their margarine to San Francisco, they were very soon told that they could not sell such articles to the Yankees. The American Government, however, did not confiscate the imports, but allowed them to be shipped to another country. If these goods are allowed to be imported into Australia, and get into circulation, the Government cannot do anything. The importers will laugh at the Government, precisely as the butter gentlemen of Melbourne are now laughing at the people of Victoria. The prosecuting Attorney for Victoria says that there is no law to reach these gentlemen at all. There is a law to reach the poor man, but not the rich man. Let us take the power in this Bill for the Commonwealth Government to say to this class, "If you do not describe your goods properly with your labels, you cannot bring them in." When the merchants know that the importation of these goods will be stopped at the Customs House, they will become as careful as possible, and every manufacturer will see that his wares are properly put up and packed. It will be remembered that after the Right Honorable Charles Cameron Kingston prosecuted a few of the big swells of Australia for sneaking in goods in improper ways, they soon ceased to send down boys to the Customs House to pass their entries. I want the Minister to have power to say to these importers, "If you are careless or negligent the Commonwealth will not permit you to sell goods which are injurious to its citizens." Why should we allow any goods to come in, no matter how they are labelled or branded, or packed, unless they are wholesome, are capable of benefiting our people, and are of full weight. I ask the Government to accept the new clause I have moved. They have accepted new clauses from other honorable members to-night, and I suppose that I shall be the one who will

have to face the music because I come from the little State of Tasmania.

Sir WILLIAM LYNE (Hume—Minister of Home Affairs).—I am altogether in sympathy with the amendment which the honorable member has moved, and were it not that I think it would come into collision somewhat with other clauses we have passed, I should feel very much disposed to accept it. So far as I can judge from reading other clauses, the Bill, in conjunction with the Customs Act, provides for nearly, if not everything that is provided for in the proposed new clause. The Customs Act, in conjunction with the regulations under this measure, will enable effect to be given to all that the honorable member desires. It would be unwise to accept an amendment which would involve a virtual duplication of what is already contained in the Bill. It is only for that reason that I think it would be unwise to accept the honorable member's proposal. But I can promise him that I will take care that the regulations are so framed as to carry out his intentions to the full. I am sure that he will see that it would be dangerous to insert an amendment which would be a duplication. I entirely concur in his action in proposing the amendment, and if I had to deal with the Bill over again, I am not quite sure that I would not adopt some of the words of his proposal instead of the language of the Bill as it stands. Under these circumstances, I hope he will accept my assurance.

Mr. KING O'MALLEY (Darwin).—In the State of Nevada, in Western America, the reply of the Minister would be called "poulticing the kid." However, I accept the honorable gentleman's assurance. I have remained in my seat since half-past two o'clock yesterday afternoon in consequence of the interest which I take in this Bill, and in order to move this amendment. But circumstances over which I have no control compel me now to withdraw it.

Mr. LONSDALE (New England).—I quite admit that the amendment would be unnecessary. Personally, I am with the honorable member in seeking to prohibit the importation of anything that is deleterious to health. But there is nothing in this Bill which will have that effect, and the amendment would not have remedied the deficiency.

Mr. MALONEY (Melbourne).—As showing what can be done nowadays, I

may mention that only this week I received an advertisement from a London firm which stated that it could supply pure cream without preservatives of any kind to purchasers in this country. If a London firm can send pure cream all the way to Australia without preservatives, it is certainly unnecessary for them to be used.

Proposed new clause, by leave, withdrawn.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I may mention that I have been reminded by the honorable member for North Sydney that I had agreed to make an amendment in paragraph c of clause 3. I had forgotten the partial promise that I made, and have to state that I shall take advantage of an opportunity to have an amendment made in another place. It is merely a matter of definition.

Mr. WILSON.—The honorable member for Kooyong made a request that regulations under the Bill should not come into force until after six months, instead of three months, as provided. Is there to be an opportunity for an amendment to that effect to be moved?

Sir WILLIAM LYNE.—The honorable member for Kooyong moved the recommitment of a clause for the purpose of considering such an amendment, but his proposal was negatived.

Bill reported with further amendments.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—In view of the long discussion which has taken place upon this Bill, and of the good feeling which has been exhibited by most honorable members, I trust that no obstacle will be placed in the way of the adoption of the report. Of course, I understand that the Bill can be advanced to its third-reading stage only with the unanimous consent of honorable members.

Mr. SPEAKER.—Is it the pleasure of the House that the motion for the adoption of the report should be taken forthwith?

Mr. KELLY.—I object.

SUPPLY BILL (No. 3).

Bill returned from the Senate without requests.

ADJOURNMENT.

ORDER OF BUSINESS.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—As I fear that we cannot deal with any further business at this hour, I move—

That the House do now adjourn.

Mr. McCAY.—Will the Prime Minister be good enough to inform us of the order in which he intends to proceed with business when we re-assemble this afternoon?

Mr. DEAKIN.—We propose, first, to complete the consideration of the Commerce Bill, and then to resume the discussion of the Census and Statistics Bill.

Question resolved in the affirmative.

House adjourned at 2.53 a.m. (Thursday).

Senate.

Thursday, 28 September, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

LAND SETTLEMENT: IMMIGRATION.

Senator GIVENS.—I desire to ask the Minister representing the Minister of External Affairs, without notice—

1. Whether he has noticed a paragraph in the *Age* of the 28th September, in the form of a telegraphed message from Newcastle, New South Wales, under date 27th September, as follows:—

"The steamer *Fitsclarence*, which left Newcastle to-night for Chili, South America, has on board a number of northern river farmers, who say they are disgusted with the land administration of New South Wales. One of the emigrants, John Stagg, stated that a number of the settlers on the northern rivers were dissatisfied with their lot, and would clear out if they only knew where to go. He was brought up on the land. He had seven sons and two married daughters. 'Some of my sons,' he said, 'have arrived at man's estate, and I have tried to get land for them to select and start in life on; but I have found many obstacles in the way of a man anxious to get a decent piece of land, and have decided now to go to South America, in the hope of getting there what is denied me in my own country. I have no fault to find with this country as a country. There is abundance of splendid land in the State; but it is not get-at-able by men who could turn it to account. Ever since I can remember, I have heard the cry of Land Reform, but it has never been more than a politician's cry. The majority of people in the part of the country I came from are dissatisfied with the conditions under which they toil. Living conditions in South America can hardly be any worse than here, and may be decidedly better.'"

2. In view of the great importance of retaining the population we already have within the Commonwealth, will the Government, as representatives of the National Parliament, make representations to the Government of New South Wales urging the desirableness and necessity of proper provision being made in that State to afford the people resident therein an opportunity to settle on and utilize the lands of the State?

Senator PLAYFORD.—I have read the telegram, but I cannot answer the latter part of the question without consulting my honorable colleagues. If the honorable senator will put a question on the notice-paper I shall do so.

Senator O'KEEFE.—I desire to ask the Minister representing the Minister of External Affairs, without notice, whether he has read in the *Age* of to-day the following telegram:—

TASMANIA HAS NO ROOM.

HOBART, Wednesday.

When discussing the Crown Lands Amendment Act in the Assembly, the Premier received some information from the country members as to the practicability of Tasmania being able to deal with any of General Booth's proposed immigrants. Generally speaking, the House was unanimous that this State has no suitable land available, and while urging the breaking up of big estates, consider there are plenty of Tasmania's sons ready and able to take up the areas for settlement.

And, if so, whether the Government will take that matter into consideration, when dealing with any proposed scheme of immigration, such as that proposed by General Booth?

Senator PLAYFORD.—I have read the telegram, and I have no doubt that the Government, when dealing with the whole subject, will take into consideration the area of land which each State has at its disposal for new immigrants.

Senator HIGGS.—I desire to ask the Minister representing the Minister of External Affairs, without notice—

1. Has the Minister's attention been drawn to the following paragraph, appearing in the press on or about the 17th December, 1903:—

“Perth, Thursday.

“The Minister for Lands has arranged with the Salvation Army regarding immigration on the following lines:—The Army authorities in England to nominate immigrants at the office of the Agent-General, the immigrants to pay half the boat passage, and the Government the other half; if the immigrant remains in the State, or resides for six months on the land selected for him by the Crown, the passage money to be refunded by the Government; the commission to be paid to the Army or persons nominating such immigrants at any time, after the passage money is refunded, will be: Single men, £2 per head; married men, £3 per head, with three children, £5. The Minister is willing to negotiate similarly with other religious bodies.”

2. Will the Minister make inquiries—

(a) Whether this arrangement was ever carried out by the Western Australian Government;

(b) How many immigrants arrived in Western Australia in accordance with the terms of the arrangement?

Senator PLAYFORD.—If the honorable senator will put a question on the notice-paper in the usual way we shall make inquiries and be able to give a reply. I cannot answer the question off-hand.

Senator MULCAHY.—I desire to ask the leader of the Senate whether he will appoint a press censor, whose duty it will be to prevent paragraphs from getting into the press which may give occasion for the wasting of its time?

Senator O'KEEFE.—Is the honorable senator in order in imputing to honorable senators a desire to waste the time of the Senate, or in saying that they waste its time in asking questions without notice?

The PRESIDENT.—I do not know that the honorable senator has imputed anything to honorable senators. I understood that he was asking a question without notice.

Senator PLAYFORD.—The honorable senator had better give notice of the question.

ENGLISH MAIL CONTRACT.

Senator STEWART.—I desire to ask the Minister representing the Postmaster-General, without notice, whether a copy of the contract between the Orient Steam Navigation Company and the Queensland Government, which I observe has been laid before the House of Representatives, will be available to the members of the Senate?

Senator KEATING.—A copy of the contract referred to will be available to the members of the Senate in order that it may be dealt with in the discussion of the general contract between the Commonwealth Government and the Orient Steam Navigation Company.

UNEMPLOYED IN STATES.

Senator CROFT.—I desire to ask the Minister of Defence, without notice—

In view of a statement made by a Mr. E. T. Jellicoe, of New Zealand, and published in the *Morning Herald* (Western Australia), 10th September, 1905, bearing on the industrial conditions of the Commonwealth, as follows:—

“‘There are,’ he said, ‘17,000 unemployed registered at the Government Labour Bureaus of five cities, and there is no sign of improvement. There has been serious loss of population for the last twelve months, and in Victoria, South Australia, and Tasmania the exodus continues.’”

will the Government procure and lay upon the table information showing the number of persons registered as unemployed on the books of the Government Labour Bureaus of the States of the Commonwealth?

Senator PLAYFORD.—I do not think that the Government will have the slightest objection to getting the information which the honorable senator desires, but he had better put a question on the notice-paper, so that we may have an official record of it.

HANSARD.

Senator PULSFORD.—I desire to ask you, sir, if it is not possible to have the reports of Friday's debates published earlier than at present? We do not get the reports until the end of the following week, and, of course, when we are away, not until ten days after their delivery here. If the reports of Friday's debates could be distributed in any form—even without a cover—on Monday or Tuesday, it would be a benefit to all of us, and a boon which would be much appreciated.

Senator KEATING.—Hear, hear.

The PRESIDENT. — I am not prepared, at a moment's notice, to go into the difficulties which surround this matter, but I may say that it has been inquired into several times. The cost of publishing *Hansard* is very great, and the Speaker and myself do not wish to increase that expenditure, at all events, by any great amount. All I can say is, that I shall obtain a report and lay it upon the table.

Senator HIGGS.—Will you, sir, be good enough to ask those who will conduct the investigation to inquire what is the practice in the other States? When I was a member of the Legislative Assembly of Queensland its members were in the habit of getting the proofs of each day's proceedings on the following morning.

The PRESIDENT. — The honorable senator must recollect that our reports are printed by the Government Printer for the State of Victoria. We have no printing office of our own; therefore, we are not in exactly the same position as a State.

NORTHERN TERRITORY.

Senator WALKER asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Has any correspondence taken place recently between the State Government of South Australia and the Federal Government respecting a transfer of the Northern Territory?

2. If the answer to the previous question is in the affirmative, what action does the Government propose to take?

3. If, on the other hand, overtures have not yet taken place, is it the intention of the Go-

vernment to take the initiative, so that, on such suggested transfer eventuating, the Parliament will have under its own control the Northern Territory?

4. If no such negotiations are in contemplation, what practical inducements does the Government propose offering, so as to attract to the Commonwealth a continuous stream of desirable immigrants?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1, 2, and 3. Not since the offer of the Territory was withdrawn by the then Government of South Australia in December, 1902, which may be re-submitted by them at any time.

4. Opportunities for land settlement are being provided by the States. When they are available, this Parliament will be asked to enable desirable immigrants to take advantage of them.

TRUST MONEYS.

Senator PULSFORD asked the Minister representing the Treasurer, *upon notice*—

Referring to the £177,856 trust moneys held by the Commonwealth on 30th June last, as shown on page 57 of the Budget Papers, where were such moneys lodged, or how were they being used?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The moneys were lodged as follows:—		
Fixed deposits Bank of New South Wales, Sydney	£8,000	
Fixed deposits Queensland National Bank, Brisbane	25,000	
Advanced to Postmaster-General's Department for Money Order purposes	25,000	
On deposit in Savings Bank, Melbourne	40	
On current account with the Banks in which the Commonwealth Public Account is kept	119,816	
		<hr/> £177,856

the latter amount of £119,816 being available for the purposes of the several Trust Accounts as required by section 61 of the *Audit Act* 1901.

INTER-STATE CUSTOMS AND EXCISE ADJUSTMENTS.

Senator PULSFORD asked the Minister representing the Treasurer, *upon notice*—

Referring to the figures showing the adjustment of Inter-State Customs and Excise that are given on page 15 of the Budget papers, can the moneys representing duties on materials forming a portion of the value be separated from the moneys representing goods transferred as imported, and, if such a separation is possible, will the Government have a return prepared and laid on the table showing the figures so separated?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

It is impracticable to separate the moneys as desired, as the necessary information is not compiled.

NATIONALIZATION OF THE SUGAR INDUSTRY.

Senator GIVENS (Queensland).—I move—

That, in the opinion of this Senate, the refining and wholesale distribution of sugar within the Commonwealth being almost entirely controlled by one large corporation, constitutes a monopoly which is inimical to the best interests of those engaged in the production of raw sugars, and the citizens of the Commonwealth generally; and this Senate affirms the desirability of nationalizing the said monopoly, so as to secure to the people of the Commonwealth the whole of the benefits accruing therefrom.

This motion is exceedingly important, and, therefore, I have done my best to get the fullest possible information, so as to be in a position to deal exhaustively with the subject. But the difficulties I have met with in seeking that information have been almost insurmountable. I found the utmost difficulty in arriving at facts, and the information disclosed in the public balance-sheets of the sugar refining companies is so meagre as to be almost useless for my purpose.

Senator WALKER.—Did the Colonial Sugar Refining Company not supply the honorable senator with a balance-sheet?

Senator GIVENS.—That company, with the utmost courtesy, made their balance-sheet available, and, I believe, it has also been published in the public press. My complaint is that the information disclosed in the balance-sheet is so scanty as to be of very little use as disclosing the working of the company.

Senator MACFARLANE.—Is that not a matter for the shareholders?

Senator GIVENS.—That is not so. In most of the States there are laws which bind public companies to divulge certain information for the benefit, not only of the shareholders, but of the public generally, and, as I have said, my complaint is that the balance-sheets of the Colonial Sugar Refining Company, and kindred institutions, are in this connexion of very little value. The information I have has been largely derived from official sources and I may say that I have in every in-

stance taken care to verify it, so that what I say may be taken as thoroughly reliable. I have no desire to say one harsh word about the Colonial Sugar Refining Company or any other company engaged in the same industry within the Commonwealth. I recognise that it is the duty of directors of such institutions to do the very best they can for their shareholders, and I dare say that in accordance with the accepted commercial standard of the times, the directors of the sugar companies have not exceeded their duty or transgressed the law in any particular. In passing, I may say that the directors of these companies have done very well, indeed, for their shareholders; and I have no particular complaint to make on that score. But I contend that just as the directors of a public company conduct their enterprise in the interests of their shareholders, so should a Ministry, in charge of the country for the time being, do the best they can in the interests of the community at large. It is not at all derogatory to regard the functions of a Ministry as similar to those of the directors of a public company. The latter safeguard and develop the interests of their shareholders, and, in the same way, a Ministry ought to see that the largest possible return, consistent with fair play all round, is obtained for the Commonwealth as a whole. And in order to conserve the interests of the people, and to further the general prosperity, and insure the largest possible dividends for the country at large, it is essential that all monopolies should be nationalized. Why does any monopoly exist? It is simply because of the advantages which a monopoly gives to the participators. There would be no monopolies if there were no accompanying advantages. By the establishment of a monopoly, the people interested are able to corner the market in any particular line, and, practically holding a pistol at the heads of the people, demand any price they please for the commodities distributed. That is a position which I do not think anybody at this time of day would maintain is just or desirable. In the United States and other countries, attempts are being made to regulate monopolies so as to prevent their harsh operation on the general public. There is, however, only one way to effectively deal with monopolies, and that is to nationalize the industries involved,

and have them conducted by the Government in the interests of the whole of the people. No matter what law we may pass for the regulation of monopolies, those huge public companies, having the best of advice, and being thoroughly acquainted with all the ramifications of the business, can always find a way of escape. If the Commonwealth Government or any other Government take over the working of a monopoly of the kind I have indicated, they will have no interests to consider beyond those of the people whom they are called upon to govern. It is no new proposal that a Government shall take over the control of a business which amounts to a monopoly; as a matter of fact, we have had such Government interference in every one of the States of Australia. The railways, which are now public property, would have been a huge monopoly in the hands of private individuals; and everybody recognises that the railways are very much better managed in the interests of the whole of the people than they would be if they were in the hands of private companies. Then, again, the Post and Telegraph Department represents a huge commercial undertaking which has been nationalized. In the old country industry after industry is being either municipalized or nationalized in the interests of the whole people, so that there is nothing to cavil at in a proposal that other monopolies shall be dealt with in the same way. It is the duty of the Government, whenever a monopoly is shown to be in any way injurious to the interests of the people as a whole, to nationalize that monopoly. It doubtless will be said, as it has often been said in the past, that the Government cannot manage commercial or industrial undertakings as well as they can be managed by private individuals. That view is absurd; because, as a matter of fact, none of those large companies manage their businesses for themselves, but have to invite capable managers or directors to undertake the work. The various branches and their details are intrusted to men specially fitted for the positions by their training and ability; and the talent of the country is just as much at the disposal of the Government as of any combination of private individuals. There is no earthly reason why these huge undertakings should not be as successfully conducted by the Government as by private corporations. I am glad that Senator Walker is present, because I know he is

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interested in the Colonial Sugar Refining Company.

Senator WALKER.—I am only a small shareholder.

Senator GIVENS.—I have said that the details disclosed in the balance-sheet of that company are very meagre; but, doubtless, Senator Walker, who was at the last half-yearly meeting, and is apparently in the confidence of the directors, will be able to supply any additional information required. The motion presupposes that the business of sugar refining and distribution is a monopoly; and I think I shall be able to prove the practical truth of that view. I have here a return which was supplied by the Department of Trade and Customs in response to my request. It is headed, "Commonwealth of Australia, Melbourne, 27th September, 1905," and the letter from the Comptroller-General is as follows:—

Dear Sir,—

In compliance with your request of 25th inst., I have much pleasure in forwarding herewith a return showing the quantity of raw sugar received and refined sugar produced in the several refineries of the Commonwealth during the 12 months ending 30th June, 1905.

Yours faithfully,

H. N. P. WOLLASTON.

I will read the return for the information of the Senate—

Return showing quantity of raw sugar received and refined sugar produced in the several refineries of the Commonwealth during the 12 months ending 30th June, 1905.

COLONIAL SUGAR COMPANY.

		Refined Sugar	
		Received.	Produced.
Queensland	...	16,071 tons	12,289 tons.
New South Wales	...	59,965 tons	67,118 tons.
Victoria	...	44,334 tons	40,514 tons.
Total	...	120,370 tons	119,921 tons.

MILLAQUIN YENGARIE COMPANY.

Queensland	...	17,592 tons	15,439 tons.
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POOLMAN AND COMPANY.

Victoria	...	13,901 tons	13,315 tons.
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Total quantity ... 151,863 tons 148,775 tons.

Honorable senators will notice the discrepancy between the amount received and the amount refined. That is easily explainable by the fact that all the raw sugar received was not refined by a certain date. As a matter of fact, in one instance the quantity refined was greater than the quantity received. The return shows that the Colonial Sugar Refining Company refined 80.6 of the total quantity of sugar passing

through the refineries of the Commonwealth, and that all the other refineries dealt with only 19.4 per cent. Those figures, which are authoritative, and cannot be disputed, go to prove my contention that the Colonial Sugar Refining Company is nothing but a monopoly. Any company which deals with, in round figures, 81 per cent. of the output of an industry must, in the nature of things, be a monopoly. It is a well known fact—within the knowledge of every one who has studied the circumstances of the sugar industry—that the Colonial Sugar Refining Company, in addition to refining that amount of sugar, practically controls the other factories; that it dictates the price that they shall pay for raw sugar and the price at which they shall sell refined sugar to the public. That has been proved over and over again. The Millaquin Refinery—and the other refinery also, I think—are at the mercy of the Colonial Sugar Refining Company, which would wipe them out to-morrow without compunction if they resisted its demands. I think, therefore, that my contention that the Colonial Sugar Refining Company is a monopoly is proved up to the hilt. But I have not finished with the matter. In support of my contention I should like to quote from a leading article published in the *Age* on 7th September of this year. Speaking generally of the sugar industry, the article says that with a view of establishing it on a sure foundation—

One step which must be taken in that direction is to ensure for the grower a larger share of the returns obtained from the sale of sugar. That he does not obtain better financial results is directly traceable to the fact that the profits which should go to the grower are absorbed by the refiner. Queensland possesses only two refineries, whose output is small. The bulk of the 220,000 tons of refined sugar consumed in Australia is supplied by one big company, which practically monopolizes the refined sugar trade in Australia and New Zealand. The history of the Colonial Sugar Company, to a certain extent, reflects in a lesser degree the growth of the United States Standard Oil Company. Its policy in the past has been to utilize its resources to eliminate competition in every direction, and this has proved so successful that the efforts made in Victoria to break down the monopoly have failed.

That passage supports my statement and shows that an influential and responsible public journal has come to the same conclusions as I have myself. The *Age* is merely quoting a fact known to every one who has studied the industry. The refineries which were established in Victoria gradu-

ally fell into the maw of this cormorant company.

Senator WALKER.—They amalgamated.

Senator GIVENS.—Every combine is formed by the amalgamation of small companies into one large company.

Senator WALKER.—The Victorian Company was "up a tree," and the Colonial Sugar Refining Company absorbed it.

Senator GIVENS.—It gobbled it up. The *Age* article proceeds—

At an earlier date Messrs. Joshua Brothers erected a large refinery at Yarraville to compete with the Colonial Sugar Company for the Victorian trade; but the latter, with its enormous resources, was able to offer such a price for the Yarraville works that they passed into its hands. Subsequently a combination of merchants made another effort to introduce competition into the refining business; but here again the Colonial Sugar Company scored largely, absorbing not only all the interests of its would-be competitors, but securing their trade on such terms as to place the monopoly on even safer lines than in the past. The best evidence of how the monopoly works is to be found in the balance-sheets of the company. Taking the last thirteen, which bring the figures up to March last, we have the following:—

	Profits.	Dividends.	Added to Reserves.	Reserves.
Mar., 1899 ..	£85,588	10 p.c. = £85,100	£488	£410,757
Sept., 1899 ..	85,819	10 ..	85,100	719 .. 420,476
Mar., 1900 ..	89,414	10 ..	89,255	159 .. 429,635
Sept., 1900 ..	89,389	10 ..	89,344	45 .. 429,680
Mar., 1901 ..	93,068	10 ..	93,537	71 .. 429,751
Sept., 1901 ..	93,930	10 ..	93,616	320 .. 421,071
Mar., 1902 ..	100,199	10 ..	99,776	423 .. 421,494
Sept., 1902 ..	100,352	10 ..	99,959	303 .. 421,887
Mar., 1903 ..	100,298	10 ..	100,000	298 .. 422,185
Sept., 1903 ..	100,316	10 ..	100,000	316 .. 422,501
Mar., 1904 ..	100,412	10 ..	100,000	412 .. 422,913
Sept., 1904 ..	105,111	10 ..	104,698	503 .. 423,416
Mar., 1905 ..	155,322	15 ..	164,705	.. 414,033

Senator WALKER.—I thought the honorable senator said that the company did not give much information in its balance-sheet.

Senator GIVENS.—What I have read is merely a statement of profits and dividends taken from the balance-sheets of the company, over a period of thirteen half-years. Later on, I will indicate in what respects the balance-sheets are deficient in respect of the information given both to the shareholders and to the public. I may remark that the last dividend mentioned is, I think, a mistake. In 1905, there was, I believe, a dividend of 10 per cent., with a bonus to the shareholders. The *Age* article goes on to say:—

These figures speak for themselves, and they show how a large proportion of the planters' returns is absorbed. It is, moreover, stated by those who are in a position to give a fair opinion that the published accounts hardly show the whole extent of the company's profits. Additions to plant, for instance, are charged to revenue account, whilst the writing off in values

all round has been always steadily carried out so as not to show too big profits. . . . The estimated yield to the grower is given by the officials as averaging, say, £7 10s. per ton of sugar for the equivalent quantity of cane. The cost of refining, excise duty, bagging, wharfage, freight, and other charges, it is claimed, brings the total up to £18 per ton. The company's charges, not to consumers, but to merchants and large distributing firms, are as follows:—Brewers', £21 15s.; No. 1X and No. 1A, £21; No. 1 ordinary, £20 15s.; No. 2, £20 5s.; No. 3, £18 10s. These are the Victorian prices only. In New South Wales, South Australia, and Western Australia the prices are higher, and hence if £2 per ton is accepted as the company's net profit on the sugar worked, the estimate will be below, instead of above, the actual return. Now, the company puts about 130,000 tons of Queensland sugar through yearly at its various refineries, and the profit, at £2 per ton, would be £260,000. The balance-sheets for the two half years ended 31st March, 1905, show net profits of £266,433, which is sufficiently near for the ordinary inquirer.

Then the article proceeds—

The establishment of a public refinery would really mean a reduction of intermediary charges, and handing over to the cane-growers a portion of the fat dividends that have been going for years past into the pockets of the monopolists who compose the Colonial Sugar Company. Evidence from all parts of the world where sugar is grown proves that the refineries make the "big money," and it is this fact that suggests the direction in which the Queensland cane-growers' position can be improved.

I said, a little while ago, that the Colonial Sugar Refining Company practically controlled the price paid for "raws" and the price obtained for refined sugar. It is patent to anybody who has studied the question that a company dealing with such a large proportion of the total output of sugar is in a position either to make or unmake the market. It can practically cripple any competitor if it chooses. And as a matter of fact, at various times we have seen the Colonial Sugar Refining Company, without any apparent reason, lowering the price of sugar by £1 or 30s. per ton. That was evidently done only for the purpose of staving off opposition and bringing competitors to what the company would call reason. They not only control the prices which other refining companies obtain for sugar, but also the prices which retailers can demand for their sugar. In this connexion I quote the following paragraph, taken from the commercial columns of the *Age* of September 19:—

Sugars.—There is apparently a little friction in Sydney between the retailers and the Colonial Sugar Company on the question of rebates to the large distributing firms. According to a local report, the association wants the large sugar

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distributors to refuse to sell sugar to any retailer if it is known that he cuts the price below that fixed by the association. They formulated a plan of procedure by which the sugar companies were to retain certain rebates from the retailer if they found that one was undercutting prices. It was pointed out, however, that the sugar companies did not see their way clear to undertake this detective work, and, furthermore, it was stated that when the companies had sold to a customer they had no just claim to dictate as to how he was to sell it. If the retail price was to be kept up to a certain limit, then it must be the retailers that must do it.

According to that paragraph, the company have admitted that they not only dictate the price at which other refining companies shall sell their sugar, but also the price at which it shall be sold retail.

Senator MACFARLANE.—It was the large buyers who wanted the company to interfere with the retailers.

Senator GIVENS.—It was nothing of the kind. It was the company who wanted the large buyers to interfere with the retailers. I have quoted from the *Age* with regard to the profits made by this company, but I do not wish to rely solely on second-hand information for my statement of the case. I have here a copy of the Colonial Sugar Refining Company's last balance-sheet, issued on the 31st March of this year.

Senator WALKER.—Is the honorable senator aware that a large amount of the profits of the company is derived from Fiji?

Senator GIVENS.—I intend to allude to that. I wish to disclose the position as set forth in the company's own balance-sheet. According to the report submitted by the directors, the profits made during the half-year, after providing for interest and all other charges, amount to £171,361 12s. 3d., or at the rate of £342,723 4s. 6d. for the year.

Senator WALKER.—Is the honorable senator aware whether a portion of that is not premium on new shares issued?

Senator GIVENS.—There is nothing in this balance-sheet to show that, and it would be an absolutely fraudulent balance-sheet if the company showed as profit a portion of the capital subscribed. To the sum I have mentioned there must be added the balance at profit and loss account on 30th September, 1904, amounting to £94,320 14s. 2d., leaving available £265,682 6s. 5d. The company paid a dividend at the rate of 10 per cent., free of income tax, and that accounted for £109,745 4s. 10d. They paid also what

they call a "jubilee bonus" of $2\frac{1}{2}$ per cent., amounting to £84,932. That is to say, they paid a total dividend at the rate of $12\frac{1}{2}$ per cent.

Senator MACFARLANE. — What is the capital of the company?

Senator GIVENS. — The authorized capital of the company is stated to be £3,000,000; the subscribed capital, £2,200,000; and the paid-up capital, £2,198,400. Senator Walker interjected that a considerable portion of the profits made by the company is derived from their business in Fiji. I do not propose to dispute that statement. There is no doubt they derive a very considerable amount of profit from their business in New Zealand.

Senator WALKER.—In Fiji.

Senator GIVENS.—Their Fiji sugars are very largely sold in New Zealand, and in fact they have a monopoly there just as they have here. I am prepared to say this on behalf of the company, though I have no absolute means of verifying the statement: I believe that, after paying this "jubilee bonus" of $2\frac{1}{2}$ per cent., they gave a very generous bonus to the majority of their employes in their various refineries.

Senator WALKER.—They have never had a strike in the fifty years of the existence of the company.

Senator GIVENS.—That may be so, but I have known instances in which they should have had a strike. I know that on some of their plantations in Queensland they have treated men like pigs, when one considers the accommodation that was provided for them.

Senator DOBSON.—The honorable senator is not the best judge of that. The fact remains that the men did not strike.

Senator GIVENS.—They were ground down to such an extent that possibly they had not the spirit left in them to strike, and, if they had, their places would have been immediately filled by coloured labourers. I say that this statement of the company is defective in many particulars. It does not show how much sugar was treated, and the profit per ton on treating it. A mining company will supply information as to the cost of raising ore and of milling it, the value of the ore raised, and the profit on every ton. This company does not give such particulars, and the reason is that they

desire to hide the profits of their operations from the country.

Senator MACFARLANE.—The public are satisfied.

Senator GIVENS.—The public are not satisfied. As a member of the public, and speaking on behalf of a very large section of the public, I am not satisfied.

Senator WALKER.—Look at the last premium on the company's shares.

Senator GIVENS.—That is just what I wish to refer to. The men controlling this company have been howling for years that we have been ruining the sugar industry, and yet we find that the company's shares have doubled in value; and for this the public have to pay.

Senator O'KEEFE.—Have the profits of the company decreased since the introduction of our kanaka legislation?

Senator GIVENS.—The profits of the company last year were greater than in any other year of its existence, although we have decided that the kanaka must go. It is mentioned in the company's report that the cost of sugar to the consumer in Australia is lower than the cost to the consumer in England. I quote the paragraph, which is as follows:—

Moreover, all our large yearly contracts with manufacturers were made last June at rates but little above the extremely low figures of 1903, so that these supplies have cost the purchasers many pounds a ton less than English firms have had to pay during the same period.

Senator WALKER.—The honorable senator cannot complain of that.

Senator GIVENS.—The people here may get their sugar cheaper than the people of England, but they still have some right to complain if they do not get it at the cheapest possible rate when this company is making hundreds of thousands of pounds profit every year out of the business in Australia. I am endeavouring to suggest the remedy for the existing state of things which I think ought to be applied. I have said that the total profit, as disclosed in the company's balance-sheet does not represent the whole of the profit made by the company. I can prove that conclusively from the balance-sheet itself. I find that in addition to their capital the company are employing £90,000 of debenture capital, on which they have to pay a very considerable amount in interest every year. Where does that interest come from? It must come out of profits in addition to the profits shown in the balance-sheet. The

company are making not only the profits shown to be available for dividends, but further profit, which has gone in the shape of interest to debenture-holders.

Senator WALKER.—The honorable senator might as well contend that a firm having a big bank overdraft is earning a profit if it makes sufficient to pay interest on that overdraft.

Senator GIVENS.—I do contend that interest on an overdraft and on debentures must come out of the profits of the business. That must be self-evident. We find that the company has built up a reserve for the equalization of dividends amounting to no less a sum than £165,000. They have also built up an employés provident fund amounting to £75,000.

Senator WALKER.—The honorable senator does not object to that, I hope.

Senator GIVENS.—No, I do not; but it is my object to show that these things are done out of the profits earned by the company. I am trying to show the enormously large profits earned by this business. Then, again, they have a general reserve fund amounting to no less than £483,594.

Senator STEWART. — Senator Walker might tell us how that money is invested.

Senator GIVENS.—The honorable senator might do so. I have not yet indicated all the sources of profit in this company. In the article which I quoted from, the *Age*, there is some reference to a secret reserve held by the company for the purpose of fighting competitors, and other purposes of that nature. I have no proof that such a secret reserve exists, and the fact that it is "secret" accounts for the absence of proof, but I know that it is currently reported, and generally where there is smoke of that kind there is a little fire to account for it. Apart from that altogether, there is another way in which the profits of the company have been largely increased. Honorable senators are aware of the enormous enhancement in value of the company's shares in recent years. They have made a practice of writing off the value of their properties year after year in an inordinately extravagant way. This matter is also referred to in the article which appeared in the *Age*, and the object of adopting this course is simply to deceive the public as to the amount of profits made.

Senator WALKER.—Does not the honorable senator believe that where machinery is largely employed there must be large writings-off?

Senator GIVENS.—I am personally aware that they have written-off large amounts in respect of plantations they held in Queensland, and which they subsequently sold at a price greatly in advance of that at which they were set down in their balance-sheet.

Senator WALKER.—Perhaps that is where a part of the profits have come from.

Senator GIVENS.—There is another method by which shareholders in this company are enabled to enjoy handsome advantages. Honorable senators are aware that there have at times been companies which have been little more than family affairs. They have never aspired to pay dividends, but the operations of those companies have afforded shareholders the opportunity to provide snug and comfortable billets and sinecures for their friends and relations. This is a condition of affairs which largely obtains in connexion with the Colonial Sugar Refining Company. The finest billets are always available for the friends and relations of the shareholders of the company.

Senator TRENWITH.—It should be a good company to marry into.

Senator GIVENS.—It certainly is. The present manager, Mr. Knox, is the son of a former general manager, so that we have the right of primogeniture actually established in this company. I do not say that the present Mr. Knox is not the most capable man who could be selected for the position he holds, but it is a peculiar coincidence that the best man for any vacant position in the service of this company is generally one who has influential friends and family connexions amongst the shareholders of the concern. The reserves, as I have said, are exceedingly large. The advantages in many ways, in addition to the enormous profits made, are very great. All these profits and advantages are made—why and how?—because the company is in such a position that it can practically dictate the price at which it will purchase the raw material and the price at which it will supply the refined article. It is only because it has established a monopoly of that kind that it is able to squeeze such enormous advantages out of both the producers and consumers of sugar.

Senator DOBSON.—What is the price of sugar in the Commonwealth and Great Britain?

Senator GIVENS.—I have quoted the authority of the Colonial Sugar Refining Company.

Senator DOBSON. — That is a general statement. What is the price of sugar in Great Britain now?

Senator GIVENS.—I cannot at the present moment tell the honorable and learned senator.

Senator DOBSON.—I believe it is less there than here.

Senator GIVENS. — I know that the honorable and learned senator is always willing to stand up and fight for this company, and yet when I quote its statement on this point he refuses to accept it. The total profit for the year, at the rate disclosed by the last half-yearly balance-sheet, was no less than £342,723. Various sums were applied to different purposes—to reserves, and in other ways in which profits are absorbed, and it is safe to say that the total profits during last year were not much less than £400,000. If we allow £100,000 to be the clear profit made by the company in Fiji and New Zealand, it is reasonable to conclude that the total profit made last year from the business in Australia was no less than £300,000. That is an enormous profit from a business of that sort. As the total consumption of sugar in Australia is about 180,000 tons, that shows a profit of nearly £2 a ton on the total consumption, and, certainly, a profit of over £2 per ton on the quantity treated by the company. The consumers should not be called upon to pay such an enormous rate of profit. I shall show that the total profit on the refining of sugar, in contrast with the services rendered, is out of all proportion to the total advantage received by the producers of raw sugar.

Senator DOBSON.—Is the honorable senator going to state what, in his opinion, ought to be the price of sugar?

Senator GIVENS. — It should be the lowest possible figure consistent with enabling the producers to make a decent living. The way to that is to save the consumers and producers alike from all unreasonable intermediary profits. I have tried to show that the company is making unreasonable intermediary profits.

Senator DOBSON.—How are they doing with the monopoly; are they raising the price of sugar?

Senator GIVENS.—Undoubtedly. I am trying to show that the company is

charging the public for the sugar about £2 a ton more than it ought to charge.

Senator MACFARLANE.—Does the honorable senator say that the Government could make the article more cheaply?

Senator GIVENS.—Undoubtedly, as I pointed out a little while ago. I shall proceed to prove that the profits of the company are out of all proportion to the services rendered as compared with the prices paid to the producers. From the report of Dr. Maxwell, Director of Agriculture in Queensland, presented to this Parliament in 1901, and ordered to be printed, I take the following extract:—

Years.	Values of "Raws."			Values of "Refineds."		
	£	s.	d.	£	s.	d.
1895 ...	9	9	8	16	6	0½
1896 ...	9	9	5	17	7	8
1897 ...	8	18	5	16	6	1½
1898 ...	8	11	0½	15	8	8
1899 ...	9	4	10	15	8	7½
1900 ...	9	19	0	16	4	5

Average value... £9 5 5 ... £16 3 7

That shows an average difference of £6 18s. 2d. between the value of "raw" and "refined" sugars, so that out of the total the refiners received 42½ per cent., and the producers of raw sugar 57½ per cent. After the producer has acquired the land, often at a very high price, cleared and cultivated it, run the risk of his crop being destroyed by fire, frost, or adverse seasons, or a pestilence such as the grub, harvested and supplied the cane to the mill, paid the total cost of trucking it, and manufacturing it to a very high degree of excellence—because all the sugar produced by these mills is over 88 per cent. net titre, and the value of the refined sugar is not more than 92 and 93 per cent.—after all that trouble how much does the producer get? He gets only 57½ per cent., while for the mere refining of the sugar the company gets 42½ per cent. As supplementary to that return, let me point out the present position for the buying of sugar, by quoting the company's general terms. They agree to give £8 per ton for 88 per cent. net titre sugar at the mill, when it is selling at £14 10s. a ton in the capitals of the Commonwealth. That means that it is always left a margin of £6 10s. a ton for the mere refining and distributing of the sugar. For every increase of £1, the company will give to the producers of raw sugar 18s., and it fixes the selling price, so that it must have at the very least

a margin of £6 10s. a ton for the mere refining of and distributing of sugar, and may possibly have a great deal more. We know that last year the company made larger and greater profits than ever. It could only make profits by buying at a cheaper rate, or selling at a dearer rate. Therefore, it fleeced both producers and consumers more last year than ever it did, and in all conscience that was done religiously enough in former years. Let us now see what ought to be about the total cost of refining sugar, and of conveying it to the refineries, and distributing it to the public. We know that the company has a contract with the shipping companies to convey sugar from various ports in Queensland to their refinery at the rate of 9s. a ton. We also know that, owing to the large quantities of stuff which have to be handled, wharfage, and everything else, is largely reduced to the company which in some instances has its own wharf. Practically 10s. a ton covers the total cost of conveying the sugar from the plantations to the refinery. But if we throw in 100 per cent., and say that the cost is £1 a ton, what do we find? We find that at the very worst, according to its own estimate, the company has a margin of £5 10s. a ton for the mere refining and distributing of sugar after it reaches the refineries. It does not cost anything like so much to do the crushing and clarifying, and everything else in the central mills. We know from the evidence of persons who not only do crushing, but also do refining on a small scale, that it is much less costly to refine the sugar than to crush the cane, and convert the juice into 88 per cent. net titre sugar. Therefore, allowing the most generous terms, it does not cost at the very outside more than 30s. a ton for the refining of sugar. That being so, if we add up the items I have mentioned, we find that it leaves a clear profit of £4 a ton on the refining of sugar. That is out of all proportion. But suppose that we throw in another discount of one-third, and say that the company has a profit of £2 10s. a ton. We find that one-eighth of the total price of sugar is the price it gets over and above what should be a reasonable trade profit for the refining and distributing of sugar. If we can save that one-eighth to the producer and consumer, undoubtedly it is our bounden duty to do so. It is said that the company will treat every one fairly and generously, and no doubt we shall be told that it is doing

Mr Givens.

excellent service to the Commonwealth. I know that in Queensland, where it has had mills alongside co-operative and other mills owned by other persons, it was paying from 1s. to 1s. 6d. per ton less for the cane than were those mills. Of course, the company's mill was so situated that the cane had to go there—there was no hope of salvation for the unfortunate growers. That is an unfortunate state of things from which I wish to rescue them. I desire to enable the producers to get the highest price possible for their cane consistently with a fair deal to the public, and I want to enable the public to get their sugar at the lowest possible price, consistently with giving a fair deal to the producers. The only possible way in which that can be effectively done is by the Government taking over the industry, and working it in the interests of the whole people.

Senator WALKER.—Do the Government Central Mills in Queensland pay?

Senator GIVENS.—There are a few of these mills which have paid very well. There are other mills which have not yet paid.

Senator Lt.-Col. GOULD.—The majority.

Senator GIVENS.—The majority of the mills have not paid, and that is largely due to the fact that the large proportion of profits, which ought to go to the producers, has been filched from them, in the manner I have indicated, by the Colonial Sugar Refinery Company. Years ago I tried to induce the Queensland Government to establish State refineries as a natural corollary of the central mill system. I then pointed out, and still maintain, that it was ridiculous for the Government to establish mills, in which the cane would be dealt with and made almost marketable, and to leave the final and most profitable stage to an outside company. If the Queensland Government had had the welfare of the people sufficiently at heart they would, by acting on the suggestion I made, have saved the producers of sugar many hundreds of thousands of pounds. Through one influence or other the Central Mills were not always established in the best places of Queensland; and, as I have said, they were not accompanied by the necessary corollary. When the mills were established first the chief effect they had was to largely increase the price of land held by private individuals, and by the banks, as I know of one particular case, with which Senator Walker is connected. Land which before the

establishment of the mills could be obtained at £2 per acre, rose subsequently to £16 and £20 per acre, and the unfortunate people who went there to grow cane found that the enormous price they had had to pay for the land, was too great a burden. This, amongst other reasons, accounts for the non-success which attended the mills system. The private land-owner grabbed the chief benefit, and it ill becomes Senator Walker, and others like him, who have received advantages in this connexion, to sneer at the non-success of the mills.

Senator WALKER.—I am not aware that I sneered; I merely asked for an explanation.

Senator DE LARGIE. — What Senator Givens has described is still going on.

Senator GIVENS.—Of course it is. I do not think that any honorable senator will question my statements, because they have been taken either from official sources or from the side which is opposed to the view I am trying to impress on the Senate. All the facts go to prove that it would be of immense advantage to the people of Australia if this industry were nationalized. It would be of immense advantage, in the first place, to the producers of raw sugar, and, in the second place, to the consumers of refined sugar; and the nationalization of the industry is the only means by which such a desirable result can be accomplished. So long as the industry of refining and distributing sugar remains in the hands of a private corporation, so long will that corporation continue to exact the uttermost farthing of profit from the producers, on the one hand, and from the general public on the other. That being so, it is the duty of the Government, and it is the duty of this Parliament to urge the Government, in the interests of the whole of the people, to deal with this monopoly. I do not propose to confiscate the profits of the Colonial Sugar Refining Company. I have no wish to deprive that company of one shilling which legitimately belongs to it; but I say fearlessly that the well-being of that company cannot be allowed to stand in the way of the welfare of the whole people. I am prepared, and I believe that the Commonwealth would be prepared, to take over the company's refinery works at their present actual value, and to leave the shareholders the full and peaceful enjoyment of the exceedingly handsome profits they have hitherto been paid.

Senator WALKER. — Oh, the honorable senator will allow that!

Senator GIVENS.—I think those profits are a very handsome reward for the energy and enterprise, or any of those high falutin' virtues we are told are possessed by private individuals and corporations. The shareholders will have nothing to complain of, if, after they have made handsome profits year after year out of the people, the latter, in self defence, say to them, "We will not continue to allow ourselves to be fleeced by you, but we shall deal fairly with you, and buy the works at their actual value, and carry on the business for our own advantage." Doubtless the company would reply, "That be hanged for a yarn!" for that is the way our bluff friend Senator Walker would meet such a proposal. The honorable senator would doubtless say, "We are entitled not only to the actual value of the mills, but also to compensation for our prospective profits year after year; we have fleeced the public of Australia of over a quarter of million annually for a number of years, and that gives us a vested interest to continue doing so for all time." The company would claim compensation, but if they did, it would be for the people to reply, "All right; keep your works and distributing agencies, and we shall start works of our own."

Senator WALKER.—And make a mess of them, probably.

Senator GIVENS.—I am not at all afraid of that. A simple solution of the difficulty is to deal fairly and honestly by the company if the company will deal fairly and honestly by the people. There is no desire to take advantage of the company; but if, on the part of the company, there is any endeavour to take advantage, then we have the remedy in our own hands by proceeding as if their works were not in existence.

Senator WALKER.—And go on the way rejoicing!

Senator GIVENS.—And doubtless the people would rejoice if the Commonwealth undertook this business, instead of, as at present, leaving the consumers to pay through the nose. I dare say we shall have considerable discussion before this motion is finally disposed of, and I hope that Senator Walker, as one who is interested in the company, and is evidently in the confidence of shareholders and directors, will be able to give us a great deal of valuable and interesting information.

Senator WALKER.—“Very like a whale!”

Senator MACFARLANE.—Is this a fishing inquiry?

Senator GIVENS.—It should hardly be necessary to remind a gentleman of such distinguished intelligence as Senator Macfarlane that there is no proposal to have an inquiry. If the honorable senator, with his very high intelligence, cannot comprehend the scope of the motion, I can scarcely be held responsible. I have adduced a mass of official facts and figures, which I believe will help honorable senators to form a conclusion on this important subject. If the Commonwealth Government, authorized by the Parliament, act on this motion, the people will have reason to bless them, because an intolerable public burden will be removed.

Senator WALKER.—A regular incubus, I suppose!

Senator GIVENS.—Yes, an incubus which has been imposed on the people for a number of years. As a matter of fact, the Colonial Sugar Refining Company has at various times adopted the tone of a dictator, not only to the producer and the consumer, but to the people of the Commonwealth at large. When this Parliament attempted to deal with the industry some time ago, the company raised a howl from one end of the land to the other, that “blue ruin” was staring them in the face; but during the four years of Commonwealth rule the shares of the company have about doubled in value.

Senator WALKER.—That is a mistake.

Senator GIVENS.—I observe that before I gave notice of this motion the shares were quoted in Melbourne at £41 15s., whereas now, I suppose in consequence of some shareholder getting a scare, the value has dropped to about £40.

Senator WALKER.—The honorable senator must be happy.

Senator GIVENS.—I did not anticipate or wish any such effect from my notice of motion, nor do I suppose that the two matters stand in the relation of cause and effect. The price of the shares does not affect me or the motion in the slightest degree. I merely refer to the price of the shares, to show that there was nothing to justify the howl raised by Senator Walker and his friends at the time Parliament attempted to deal with the sugar industry. And if a similar howl be raised now, I feel certain that their dismal anticipations will prove to be

baseless. The nationalization of this industry would be a matter for congratulation and rejoicing on the part of the whole of the people of Australia.

Senator WALKER.—Excepting the shareholders.

Senator GIVENS.—I am not particularly concerned about the welfare of the shareholders, who have had the advantage of the consumers long enough. I have no sympathy to spare for shareholders who have enjoyed the fat of the land at my expense and the expense of every other consumer in Australia. It would be a matter for rejoicing on the part of the great bulk of the people if the Government would establish Commonwealth sugar refineries, failing any reasonable terms being arrived at for buying out the interests of the company. If that result cannot be accomplished now, I confidently anticipate that the people, when they are seized of the facts, and of the advantages of such a course, will rise in their might and demand that the Commonwealth Parliament and Government shall deal, and deal effectively, with this great question.

Senator PULSFORD (New South Wales).—Having for many long years fought against the system of finances adopted in regard to the sugar industry, and having, during that time, had to encounter the opposition of gentlemen like Senator Givens and his friends, I am somewhat amused to-day to find them now attacking a company which, by their policy, they have assisted to develop into a monopoly. Time after time, I have shown that the duties imposed on sugar throughout the various States of Australia have helped to build up this company, and enable it to take large sums of money out of the pockets of the people; but up to to-day, I have not heard from Senator Givens and his friends that they viewed that financial system with regret. There is no doubt that this company has made very substantial profits as the result of our Tariffs, and the consumers of Australia have paid a great deal of money in taxation and increased prices. But the question now is, whether it would be to the advantage of Australia generally for an attempt to be made to nationalize the industry, and to begin buying up all the raw sugar and refining it. I think that Senator Givens did not take notice of the very large amount of money embarked in this industry by the Colonial Sugar Refining Company and others. The sum probably totals about

£3,000,000, and, lodged in banks, would bring in about £120,000 a year. So that if the profits of the industry at present are £120,000, although that is a very large sum to talk about, yet the same amount could be obtained in interest on the capital from the banks of Australia. I think honorable senators will agree that the only possibility of saving is between what the ordinary interest on the capital invested, and what the consumers are paying for their sugar. But Senator GIVENS made no attempt to face the question. I venture to say that it did not even occur to his mind. Such questions as how to raise the £3,000,000 required to carry on the industry, do not generally arise in the minds of our friends opposite, to whom big undertakings of this sort are so easy of achievement.

Senator GIVENS.—It does not require £3,000,000.

Senator PULSFORD.—Senator GIVENS himself said that the capital of the company is £2,200,000.

Senator GIVENS.—But that includes the Fiji business.

Senator PULSFORD.—In addition to the Colonial Sugar Refining Company's business, there are several other companies engaged in the industry. He told us, in addition, that debentures have had to be issued. When all these figures are added together, it is found that about £3,000,000 sterling is embarked in the industry.

Senator GIVENS.—A considerable portion of the capital of the Colonial Sugar Refining Company is locked up in large estates and sugar mills in Queensland, which my motion does not propose to touch.

Senator PULSFORD.—The sum of £3,000,000 is, I believe, the lowest sum that would be required to carry on the industry.

Senator GIVENS.—The honorable senator is totally incorrect; after the information that I have given, he should not repeat that mistake.

Senator PULSFORD.—There is, in the first place, the value of the sugar refineries themselves, which have to be kept up. Then there is the value of the sugar. Whilst the Colonial Sugar Refining Company buys a very large quantity of sugar, which can be paid for by acceptances, the Government must pay cash. A Government must be prepared at all times with

plenty of money on hand to meet its requirements. Then suppose there was a failure in the sugar crop in Australia in a certain year, and 100,000 tons had to be imported. The mere cost of buying that sugar, and bringing it to Australia, would stand at over £1,000,000, taking the ordinary run of low-priced raw sugar. These are facts that have to be borne in mind. There is, I think, no doubt whatever that the Colonial Sugar Refining Company is exceedingly well managed.

Senator GIVENS.—Hear, hear.

Senator PULSFORD.—While, as I have said, it is making enormous profits, there is no doubt that to some extent the honorable senator has exaggerated them, though probably not very much. But whatever the profits may be, they are subject to the deduction represented by interest on the capital invested, and it is only in regard to the difference between what the shareholders would get by lodging their capital in the banks, and the amount that would be obtained from the sugar, that any saving could be made at all. We have to ask ourselves whether it is desirable for the Commonwealth to enter into a commercial business which represents an output of 180,000 or 190,000 tons of sugar per annum, an initial expenditure of between £3,000,000 and £4,000,000, and interest to about £120,000 a year. I ask honorable senators to think that out. Is it becoming for this Commonwealth to embark in trading to that extent? Is it likely to be satisfactory? Would not such a scheme open avenues to possibilities of a very undesirable nature? I have no intention to pursue the subject. I have for the last fifteen or twenty years been, I suppose, the most pronounced opponent in all Australia of the Colonial Sugar Refining Company. I have been more than any other man concerned to show the consistent profits which the company has been making, and the effects of the Tariffs of the various States in mulcting the public in very large sums on their sugar. But we have to consider the whole position, and I can see what would be the consequences if we were to decide to nationalize the sugar industry. I think we had better not attempt to enter into the affair, lest we find ourselves "out of the frying-pan and into the fire."

Debate (on motion by Senator STANFORTH SMITH) adjourned.

PARLIAMENTARY EVIDENCE BILL.

In Committee (Consideration resumed from 14th September, *vide* page 2251):

Proposed new clause 8—

Whoever assaults, resists, molests, or obstructs any person in the execution of a warrant of apprehension issued under this Act, will be guilty of an indictable offence.

Penalty, three years' imprisonment.

Upon which Senator Lt.-Col. NEILD had moved by way of amendment—

That the word "indictable," line 4, be left out.

Senator KEATING (Tasmania—Honorary Minister).—When this clause was last before the Committee there was some discussion as to whether or not some of these offences should not be permitted to be dealt with summarily. It was pointed out that a person might be guilty of an offence by assaulting, resisting, molesting, or obstructing, which was of such a trivial character as to be only technically a breach of the law. It is the practice to attach the maximum penalty at the foot of a clause, and then to rely on the Acts Interpretation Act to disclose what our meaning is. We say in this clause that certain offences are indictable, and the Acts Interpretation Act defines what indictable offences are. Some doubt has also been expressed as to whether we should not indicate the particular Court which shall take cognizance of these offences. That matter was provided for in our Judiciary Act, section 68 of which contains the provision—

The several courts of a State exercising jurisdiction with respect to (a) the summary conviction . . . of offenders or persons charged with offences against the laws of a State, shall have the like jurisdiction with respect to persons who are charged with offences against the laws of the Commonwealth, committed within the State, or who may be lawfully tried within the State for offences committed elsewhere.

It is therefore not necessary in any Act in which we provide that certain acts or omissions shall be indictable offences, to indicate the Court which shall take cognizance of them. As to whether offences should be dealt with summarily, those who have been responsible for the drafting of the Bill have made them indictable; and in order that proceedings might be taken on an indictable offence, it would be necessary in every instance that the Attorney-General should take action. I presume that if an offence were trivial in character the Attorney-General would not subject an individual to all the pains and penalties of such a prosecution. It has to be remembered that

there is a subsequent clause in the Bill, which provides that nothing in the measure shall derogate from the powers and privileges of either House of Parliament. There is a proviso that any person guilty of an offence shall not be punished twice for that offence, that is to say, by proceedings under this Bill, and also by either House of Parliament, in virtue of any inherent powers of punishment it may have. We might, I think, safely leave the clause as it is, and rely upon those responsible for the administration of the law not to take proceedings for trivial offences, and where they do we might leave it to the Judges of the Courts to determine what they think of prosecutions in such cases.

Senator Lt.-Col. GOULD (New South Wales).—I was quite satisfied when Senator Keating pointed to the practice under the Judicature Act, not to insist that we should take action in this respect under the Bill. But the difficulty, to my mind, in connexion with this clause, is that an offence must be dealt with as an indictable offence. It is true that if a case were of a trivial character, the Attorney-General might not prosecute the person committed to take his trial; still, there would be many cases which would not be deserving of punishment as indictable offences, but which, nevertheless, should be punished in some way. It occurs to me that it might be as well to make provision for dealing with these offences either by summary conviction or committal for trial. When a case came before a magistrate in the Police Court, in the first instance, it might be left to his discretion to say whether it should be dealt with summarily, or is of such a character that the offender should be committed to a higher Court. I see no provision of the kind in the Bill. We ought to be consistent in the penalties imposed under this measure. I find that the penalty which may be imposed on a man who, being apprehended by virtue of a warrant of apprehension issued under the Bill, escapes from custody, may be two years' imprisonment. That is under clause 7, and under clause 8 it is provided that whoever assaults or resists any person in the execution of such a warrant is to be liable to a penalty of three years' imprisonment. I think that the second offence ought not to be punishable more severely than the offence of escaping from custody.

Senator KEATING.—The escape is the more natural thing.

Senator Lt.-Col. GOULD.—I do not know that it is. Once a man has been secured he will probably have to use some violence in order to escape from custody, and if by that means he effects his escape he cannot be punished by more than two years' imprisonment, whilst if he uses similar violence before he is actually apprehended it is proposed that he shall be liable to imprisonment for three years. I think that the penalty might very well be fixed at two years in each case.

Senator Sir RICHARD BAKER (South Australia).—I do not think it is a matter of very great importance whether we fix the penalty at two years or three years' imprisonment. I understood at the time the clause was submitted to the Standing Orders Committee that the reason why the draftsman proposed a penalty of three years' imprisonment in clause 8 was that he copied the clause from the Queensland Criminal Code, and in that measure the punishment provided for the offence of obstructing the execution of a warrant is three years' imprisonment. Surely the authority of the Commonwealth Parliament is as high as that of any of the Courts of Queensland; and if this penalty is right in Queensland, it is right here. There is some substance in the point raised, that a person obstructing the execution of a warrant might be guilty of a trivial offence, which ought not to be considered an indictable offence. I would suggest that a general clause might be inserted at the end of the Bill, covering all these clauses, and providing that, in any case where, in the opinion of the Attorney-General, of the House, or of a Committee, the offence charged is not of a grave nature, it should be dealt with summarily.

The CHAIRMAN.—I find, at page 1406 of *Hansard* for this session, that Senator Neild, in dealing with this clause, said—

I am prepared to move that the proposed new clause be amended by leaving out the word "indictable," and by leaving out the word "three," with a view to insert in lieu thereof the word "one."

The honorable senator, on that occasion, had moved the amendment of the clause by the omission of the word "indictable."

Senator MILLEN (New South Wales).—Senator Baker stated just now that if a penalty was right in Queensland, it was right here. I wish to say with regard to all these penalties that our draftsman, or those responsible for the Bill introduced in this Parliament, have apparently

adopted the following procedure:—When drafting a measure, they secure copies of corresponding Acts passed in the various States, and they adopt the severest penalty imposed by any of those Acts. The result is that we have a code of penalties now which takes one, in recollection, perilously near to the times when the statute-book of England was too appalling for present-day contemplation.

Senator WALKER.—The penalty proposed is the maximum.

Senator MILLEN.—I am aware of that, but why should we adopt the highest penalty in every case? This was done in the Customs Act, the Post and Telegraph Act, and other Acts which I cannot at present call to mind. It is done in this Bill, and I should like to know why this course is adopted, when the tendency of modern and more enlightened times is to impose lighter penalties? In view of the opinion I have just expressed, it will be understood that I shall vote for the lighter penalty in this case.

Senator Lt.-Col. GOULD (New South Wales).—With regard to the amendment indicated, as having been moved by Senator Neild, I think it would be a mistake to provide that these offences should only be punishable summarily. It might be better to leave in the word "indictable," and reduce the penalty to two years' imprisonment, to make it accord with the penalty provided in clause 7, and then to adopt the suggestion of Senator Baker, and insert a general clause. We might leave the magistrate dealing with the case in the first instance, the discretion to send it on to a higher Court, or to deal with it summarily and punish the offender by way of a fine not exceeding £50, and, in default, by imprisonment not exceeding six months. But it would not, I think, be wise to leave the matter in the discretion of either the House or the Attorney-General. Once an offence of this kind has been committed, it would be far better that the House should not be charged with the duty of saying whether it should be dealt with as a summary or as an indictable offence. If that course were adopted, contentions of a very unpleasant nature might arise in either House of Parliament. The matter would be discussed in the House, and the case canvassed before it came into Court, and that would be a serious mistake. On the other hand the responsibility should not be thrown on the Attorney-General.

On the question of issuing the warrant, I think it might be held that the authority of a Select Committee or of either House of the Parliament in these matters would not be any greater than that of a Court in dealing with people who had been committed for ordinary offences.

Senator KEATING (Tasmania—Honorary Minister).—With reference to the suggestion made by Senator Gould, I point out that the omission of the word "indictable" would not have the effect desired. In the Acts Interpretation Act Amendment Act of 1904 we have provided in section 4 that offences which are punishable under any Act by imprisonment for a period exceeding six months shall, unless the contrary intention appears, be indictable offences.

Senator Lt.-Col. GOULD.—I should not give a magistrate power to impose a penalty of imprisonment for two years.

Senator KEATING.—If we leave a penalty of two years attached to an offence under this clause, in the absence of any contrary intention apparent in the Bill, it will be an indictable offence. When the clause was previously before the Committee, I suggested to Senator Neild that we might follow the course adopted in connexion with the Wireless Telegraphy Bill. It was pointed out that some offences against that Bill might be of a very grave character, and justify the imposition of the maximum penalty, but that, on the other hand, there might be some of a trivial or technical character, and we should frame our legislation to meet both such classes of cases. I had a new clause drafted which is now section 9 of that Act, and which reads—

Proceedings for any offence against this Act may be instituted in any court of summary jurisdiction, and any person proceeded against under this section may be dealt with summarily, or may be committed for trial.

Honorable senators will see that proceedings in the first instance might be instituted in a lower Court, and the person prosecuted be dealt with summarily, or committed for trial. Paragraph 2 of the section reads—

The Court, in dealing summarily with any accused person under this section, may, if he is found guilty of any offence against this Act, punish him by imprisonment with or without hard labour, for any period not exceeding six months, or by a penalty not exceeding £50.

The substance of that section was that if an offence were committed against the Act a prosecution might be insti-

tuted in a Court of summary jurisdiction, and if the circumstances disclosed an offence of a grave character which would not be met by the maximum punishment which could be awarded by the Court of summary jurisdiction, the offender might be committed for trial. If, on the other hand, it thought that the circumstances were such that by the exercise of its power it could mete out adequate punishment, it could proceed to deal with him summarily. I have heard some criticism of the section since it has been incorporated in that Bill. It is urged that it practically deprives a man of saying whether he shall be tried summarily, or whether he shall be dealt with by the justices, with a view to being committed for trial, or being dismissed. That procedure is adopted in many States, under what is known as Petty Offences Acts. I admit that when a man is brought up under a provision of this character, he may not know whether he should enter into his full defence, or whether he should reserve it. If he were to reserve his defence, it is quite possible that he might be dealt with summarily, and, therefore, might be prejudiced in that way. On the other hand, he might disclose his defence fully at the time, and be committed for trial. A criticism of that kind may be levelled at the procedure here. But I would suggest that the way to get over the difficulty, if it is not desired to make it an indictable offence in all cases, is to leave out the word "indictable," and to put in an alternative penalty. It would then be competent for those responsible for the prosecution either to institute proceedings for recovering the penalty in a Court of lower jurisdiction, or to cause proceedings to be instituted in a Court of higher jurisdiction as for an indictable offence, and in every instance the accused person would know what attitude to take up in regard to his defence.

Senator PEARCE (Western Australia).—I trust that in this clause the Committee will not impose a penalty by way of fine. An offence under the provision will almost inevitably be a political offence. It will be a refusal to give evidence before a Select Committee, or an endeavour to obstruct that body in obtaining evidence. It will nearly always be dictated by political bias. If we enact the alternative penalty of imprisonment, what will happen? It will be an inducement to a man of means and position to defy a Select Committee, and

endeavour to defeat the law, because he will know that he would be let off with a fine in a Court of summary jurisdiction. On the other hand, a man without means might nominally be fined, but actually it would be equivalent to imprisonment, because when he could not pay the money he would be imprisoned. I hope that the Committee will provide that the penalty in every case shall be imprisonment, and not fine. The same monetary penalty in the two cases would not be the same punishment.

Senator CLEMONS.—Does the honorable senator think that the same term of imprisonment would be the like punishment?

Senator PEARCE.—Yes; because, in my opinion, the two men are equal in that respect.

Senator CLEMONS.—In any case, does the honorable senator think that we ought to make a felon of a man who commits these small offences?

Senator PEARCE.—The clause makes a felon of a man who is unable to pay the fine imposed; but the man who has money is given the option of paying the fine. A fine of £10 is infinitely more to a man without money than to a man with money.

Senator MILLEN.—Is the penalty of imprisonment even in its application?

Senator PEARCE.—Yes; because the loss of liberty is the same to each man. We might, I think, reduce the term of imprisonment from three to two years.

Senator Lt.-Col. GOULD (New South Wales).—If Senator Pearce follows out the doctrine he has just laid down, it will mean that, no matter what offence a man may commit, he shall be sent to gaol. A man may commit a purely technical offence, or an offence of very slight importance, and to send him to gaol would be very unjust and harsh.

Senator PEARCE.—He would be sentenced to imprisonment until the rising of the Court.

Senator Lt.-Col. GOULD.—I admit at once that a fine of £10 is a very serious thing to a poor man, and little or nothing to a rich man; but that is one of the inequalities which will always exist. On the other hand, imprisonment for three months is as much to one man as imprisonment for three years is to another man. Technically they ought to be treated exactly alike, and they are by the Courts; but the punishment always falls much more severely on one man than on another. Undoubtedly the provision in the Wireless

Telegraphy Act would meet the position which has been raised. It would enable a Court of summary jurisdiction to deal with the case if, in its opinion, the man ought not to be sent on for trial. It is quite possible that a man might be prejudiced in the way which Senator Keating has suggested, but that difficulty could be met by the insertion of a provision to the effect that the magistrate should, if he considered that it was a case which ought to be sent on for trial, or dealt with summarily, exercise his discretion accordingly. Probably, the accused person would reserve his defence when he heard that, in the opinion of the magistrate, it was an offence of a serious character. I am quite willing to agree to the omission of the word "indictable," and to fix the term of imprisonment at two years. The question as to whether the punishment shall be inflicted by fine or imprisonment can be fought out later on.

Senator CLEMONS (Tasmania).—I object to the creation of all these indictable offences, accompanied as they are by penalties of varying terms of imprisonment. Whether they apply to rich or poor, it is a great mistake to enact provisions which will make felons of a number of persons who may be guilty of only comparatively minor offences. We are dealing with a Bill to provide for the mode of taking evidence before Select Committees. We have already passed a measure to provide the mode of taking evidence before Royal Commissions. I presume that a Royal Commission is not inferior in status, objects, or powers, to a Select Committee of either House. But in the Royal Commissions Act we provided for only one penalty of £50. Nowhere in the Act is a term of imprisonment fixed as the penalty for committing an offence thereunder. May I ask the Ministers whether they are in charge of this Bill?

Senator PLAYFORD.—Senator Gould took charge of the Bill on behalf of Senator Neild.

Senator CLEMONS.—May I ask who has taken the place of Senator Gould since he left the Chamber to catch his train?

Senator KEATING.—Before Senator Gould left he asked me to look after the Bill in his absence.

Senator CLEMONS.—I take it that the honorable and learned senator can only act here in one capacity. Is this a Government measure?

Senator KEATING.—No.

Senator CLEMONS.—Are we to understand that the honorable and learned senator has taken charge of private business?

Senator KEATING.—Yes.

Senator CLEMONS.—It is a very extraordinary thing that an honorary Minister should be in charge of a private measure. Such a proceeding in any Parliament is unknown to me. I point out that clause 9 deals with an important offence, which strikes at the very root of this measure. That clause deals with a person who pays no attention whatever to a summons, and yet the only punishment provided is a monetary penalty. If it were Senator Pearce's long-suffering poor man who committed this offence, he would not have the money to pay, and would get off absolutely scot-free; and I do not think that even Senator Pearce would say that the offence contemplated in clause 8 is more serious than that contemplated in clause 9. I oppose every attempt to create indictable offences of this character, and shall give my support to the amendment.

Question.—That the word proposed to be left out be left out—put. The Committee divided.

Ayes	...	...	5
Noes	...	...	10
			—
Majority	...	...	5

AYES.

Drake, J. G.	Walker, J. T.
Millen, E. D.	<i>Teller:</i>
Pulsford, E.	Clemons, J. S.

NOES.

Baker, Sir R. C.	Playford, T.
de Largie, H.	Styles, J.
Givens, T.	Trenwith, W. A.
Higgs, W. G.	
Keating, J. H.	<i>Teller:</i>
Pearce, G. F.	Henderson, G.

PAIR.

Gould, A. J.	Guthrie, R. S.
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Question so resolved in the negative.

Amendment negatived.

Senator MILLEN (New South Wales).—With a view to providing a shorter term of imprisonment, I move—

That the word "three," line 5, be left out, with a view to insert in lieu thereof the word "two."

It may possibly be regarded as reasonable to substitute a punishment of two years' imprisonment, and, while I am not wedded to any particular term, I desire to have the shortest the Committee will agree to.

Amendment agreed to.

Proposed new clause, as amended, agreed to.

Amendment (by Senator KEATING) proposed—

That the following new clause be inserted:—
"9. (1) If any witness, upon whom a summons under this Act has been served, fails without reasonable excuse, proof whereof shall lie upon him, to appear or to continue in attendance in obedience to the summons, he shall be guilty of an offence against this Act,

Penalty: Fifty pounds.

(2) The fact that a witness has been apprehended, and brought before either House or a Committee shall not relieve him from liability under this section."

Senator PEARCE (Western Australia).—I move—

That the words "fifty pounds," line 7, be left out, with a view to insert in lieu thereof, the words "two years' imprisonment."

I submit this amendment because I think Senator Clemons' contention is correct, that this clause is altogether inconsistent with the remainder of the Bill. Every other clause provides for a penalty of imprisonment, and there is no reason why we should make an exception in the present instance. The offence dealt with in this clause is as deserving of imprisonment as the offences mentioned elsewhere.

Senator KEATING (Tasmania—Honorary Minister).—This is only one of the penalties that may be imposed on a person guilty of this offence. We provide in clause 6 that, in the event of a witness acting in the way described, a warrant may issue to compel his appearance in obedience to the summons, and in the schedule there is a form of warrant under which the witness may be brought before the House or the Committee, and dealt with otherwise than by punishment on summary conviction. This, I take it, is a different offence from those already dealt with: and there are two methods of dealing with the offender, neither of which is exclusive of the other.

Senator PEARCE.—There is no penalty under clause 6A.

Senator KEATING.—An offender may be apprehended on a warrant issued by the President or Speaker, and, in such case, the necessary evidence may be obtained from the witness. If a witness refuses to give evidence, or acts in the ways indicated in clauses 7A and 8A, he is liable to penalties under those clauses. I submit that the clause under consideration stands on a different plane, and we not only make pro-

vision for punishing an offender summarily, but, preferring that the breach of the law shall not interfere with the administration of justice, we provide that he may be apprehended on warrant.

Senator MILLEN (New South Wales).—I cannot enter into the spirit of honorable senators who propose to multiply crimes and criminals in this way. Such a course makes offences of acts which, in the ordinary view—

Senator GIVENS.—Does the honorable senator not really think this a most serious offence?

Senator MILLEN.—It is not sufficiently serious to deserve a punishment of two years' imprisonment. A witness might negligently, or carelessly, absent himself from an inquiry, and yet under the proposed amendment there would be no option but to imprison him.

Senator GIVENS.—The imprisonment might last for only five minutes.

Senator MILLEN.—It appears to me ridiculous to make a man a criminal, for, it might be, showing some want of respect to those before whom he is summoned to appear. The amendment seems to be supported from a feeling that a monied man may be able to escape by the payment of a fine, while a poor man would not have that advantage. For a trivial offence of that kind the money penalty would be extremely light, and would not press hardly on any man. But does any one say that a person ought to be deemed to have committed a crime merely because he has been guilty of a certain want of respect to a Committee?

Senator TRENWITH.—Why does one form of punishment make a man a criminal more than another?

Senator MILLEN.—If the honorable senator were offered the choice between paying a fine or going to prison for a month, he would know the difference. I reiterate my protest against adopting the severest form of penalty which can be inflicted.

Question.—That the words "fifty pounds," proposed to be left out, be left out—put. The Committee divided.

Ayes	...	...	...	6
Noes	...	...	...	5
Majority	...	...	...	1

AYES.

Baker, Sir R. C.
de Largie, H.
Givens, T.
Henderson, G.

Styles, J.

Teller:
Pearce, G. F.

NOES.

Higgs, W. G.
Keating, J. H.
Matheson, A. P.

Playford, T.
Teller:
Millen, E. D.

The CHAIRMAN.—Under standing order 263—

If it appears upon a division (by which division no decision shall be considered to have been arrived at) that a quorum is not present, the Chairman shall leave the Chair of the Committee, and the President shall resume the Chair.

In the Senate.

The CHAIRMAN OF COMMITTEES, having reported accordingly,

The PRESIDENT.—Order! No honorable senator must leave the Chamber after attention has been drawn to the want of a quorum.

Senator PEARCE.—Senator Millen has already left the Chamber.

The PRESIDENT.—I did not see him leave.

Senator MATHESON.—He left before the President spoke.

The PRESIDENT.—He ought not to have left. [*Quorum formed.*]

In Committee.

Amendment again put and agreed to.

Question.—That the words "Two years imprisonment" be inserted—resolved in the affirmative.

Clause, as amended, agreed to.

Amendments (by Senator KEATING) agreed to—

That the following new clauses be inserted:—

"9. (1) If any witness, upon whom a summons under this Act has been served, fails without reasonable excuse, proof whereof shall lie upon him, to appear or to continue in attendance in obedience to the summons, he shall be guilty of an offence against this Act.

Penalty: Fifty pounds.

(2) The fact that a witness has been apprehended, and brought before either House or a Committee shall not relieve him from liability under this section."

"10. Whoever, by act or omission, dissuades or prevents any witness from obeying a summons under this Act, shall be guilty of an indictable offence.

Penalty: Two years' imprisonment."

"11. (1) Either House may take evidence on oath or affirmation, and the Clerk of the House may administer oaths or affirmations to witnesses appearing before the House.

(2) A Committee may take evidence on oath or affirmation, and the Chairman may administer oaths or affirmations to witnesses appearing before the Committee."

"12. The oath or affirmation administered to a witness may be in accordance with Form C or D in the Schedule, as the case requires."

"13. A witness who conscientiously objects to take an oath shall not be compelled to take an oath, but may be compelled to make an affirmation."

"14. If any witness refuses, without just cause, proof whereof shall lie upon him, to be sworn or make an affirmation, or to answer any question put to him by the House or the Committee before which he is summoned, or by any member thereof, or to produce any document which he is required by the House or the Committee to produce, he shall be guilty of an offence against this Act.

Penalty: Two years' imprisonment."

"15. Any person who wilfully gives false evidence on oath or affirmation before either House or before a Committee shall be guilty of an indictable offence.

Penalty: Five years' imprisonment."

Senator KEATING (Tasmania—Honorary Minister).—I move—

That the following new clause be inserted:—

"16. Whoever uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before either House or before a Committee, or for or on account of any evidence lawfully given by him before either House or before a Committee, shall be guilty of an indictable offence.

Penalty: Two years' Imprisonment."

Senator MILLEN (New South Wales).—I move—

That the word "indictable," line 8, be left out.

Honorable senators must recognise that it is rather severe to make the offences enumerated in this clause indictable. The clause may be divided into two parts, but it is a serious matter to make the term apply to all the offences.

Senator KEATING (Tasmania—Honorary Minister).—I think it would be inadvisable to eliminate the word "indictable." The clause deals with a very serious class of offences—the interference with witnesses summoned to give evidence before a parliamentary Committee with the object of preventing them from giving their evidence, and so defeating the attainment of the objects for which the inquiry has been instituted. It has been pointed out more than once that we do not necessarily subject every individual who may be found guilty to the maximum penalty indicated at the foot of the clause. In this case, the maximum is two years' imprisonment; but there is nothing to prevent any Court, if the circumstances warrant it, imposing a trifling sentence. On the other hand, the circumstances surrounding an offence might be of a very serious character indeed. Bodily harm might be done to a witness.

Senator MILLEN.—I call attention to the state of the Committee.

Senator DE LARGIE.—I call attention to the fact that Senator Millen, after he had, a few moments ago, called attention to the

absence of a quorum, immediately left the Chamber.

The CHAIRMAN.—I cannot take notice of that.

Senator MILLEN.—It is not correct, either. [*Quorum formed.*]

Senator KEATING. — I was pointing out that the circumstances in a case of this kind might be such that a person summoned as a witness might sustain great bodily harm or very severe loss of property. We know that in order to prevent persons giving evidence, there are some people who might resort to violent measures and great extremes, if they thought they could do so with any degree of safety to themselves. It is necessary when providing penalties to meet such cases that we should bear in mind not only trivial offences, but also the most serious offences that might occur. Seeing that the principle we follow in attaching penalties to sections in Acts of Parliament is to fix a maximum penalty, we are not, I think, in this clause imposing too severe a penalty by providing for a maximum of two years' imprisonment; nor are we when we say that an offence under the clause shall be an indictable offence, providing that the offence for which a person may be prosecuted under the clause shall be of too serious a character. It will rest with the Attorney-General to institute proceedings, and where the circumstances disclose an offence of a trivial character, it is not usual for a person occupying the responsible position of Attorney-General to subject an individual to a prosecution by way of indictment. I ask the Committee not to agree to the amendment.

Amendment negatived.

Clause agreed to.

Progress reported.

COPYRIGHT BILL.

In Committee (Consideration resumed from 22nd September, *vide* page 2679):

Clause 26, as amended—

Any second or subsequent edition of a book containing material or substantial alterations or additions shall be deemed to be a new book, but so as not to prejudice the right of any person to reproduce a former edition of the book, or any part thereof, after the expiration of the copyright in the former edition.

Upon which Senator GIVENS had moved, by way of amendment—

That, after the word "book," line 3, the following words be inserted, "and the copyright in the same shall vest in the then owner of the copyright of the former edition."

Senator GIVENS (Queensland).—It will be within the recollection of honorable senators that we had a long discussion on this particular clause, and I moved an amendment which seemed to recommend itself to the good sense of the Committee. Since we last discussed the clause, I have had a consultation with the Minister in charge of the Bill, and the amendment has been put in proper form, and has been circulated. I believe that as it is now framed it is acceptable to the Minister. I wish to withdraw the amendment which I previously moved.

Amendment, by leave, withdrawn.

Senator GIVENS (Queensland).—I now move—

That the following words be added to the clause—"Provided that while the copyright in a book subsists no person, other than the owner of the copyright in the book, or a person authorized by him, shall be entitled to publish a second or subsequent edition thereof."

The object of the amendment is to prevent any wrong being done to the owner of a copyright by the author, or joint authors, of a book, making some substantial alteration, and then securing a new copyright for the new edition of the book. It will also protect the right of joint authors, where any alterations are made by any one of them, to the extent that no one of them can get a new copyright in the book to the prejudice of the others. The amendment will in no way injure the author, because, while apparently it compels him to make terms with the original publisher, he has always a remedy. If the publisher does not choose to accept fair terms, the author can publish his alteration in an appendix, or a new book, which will be entirely his own. As I think the matter has already been sufficiently discussed, I content myself with simply moving the amendment.

Senator KEATING (Tasmania—Honorary Minister).—As indicated by Senator Givens, I have gone into this matter with the honorable senator. Although I think that the clause as it stands provides for what he desires, I understand that the amendment will meet the wishes of the Committee, and I have no objection to its acceptance, so that every honorable senator may be certain that the right which he desires to have secured shall be secured without any doubt.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 27—

Copyright in a book shall not be infringed by a person making an abridgement or translation of the book for his private use (unless he uses it publicly or allows it to be used publicly by some other person), or by a person making fair extracts from, or otherwise fairly dealing with, the contents of the book for the purpose of a new work, or for the purpose of criticism, review, or refutation, or in the ordinary course of reporting scientific information.

Senator PEARCE (Western Australia).—I do not wish to propose an amendment on this clause, but I should like to ask the Minister whether he considers that the wording of it is sufficient to fully protect the copyright of writers of articles, or whether it does not leave a loop-hole for what is practically the theft of such copyright? The clause provides that copyright in a book shall not be infringed by extracts made for the purposes of criticism, review, or refutation. The word "review" is very elastic, and its use in this clause may open the door to all sorts of theft of copyright. I have here a copy of *Life*, a so-called review which is published in Australia. From cover to cover it is nothing but a theft of the copyright of other persons, and a theft with the very barest acknowledgment. In the name of a review, the editor of this publication practically takes articles without payment from all the journals of the world. He is thus able, without cost to himself, to take advantage of the product of the brains of writers throughout the world. I am afraid that this clause will perpetuate such a state of things. I have marked a number of these thefts in the August number of this publication. Here is a sample of the "review" of these pirated articles. In connexion with an article on "Imported Fun," this is the sole original matter published by the editor of *Life*—

Agnes Deans Cameron, Principal of South Park School, British Columbia, contributes to the *Century* a paper on school-child humour. We quote some examples that have come under her personal notice.

The editor then proceeds to appropriate practically the whole of this article for his publication. I contend that this is not in the slightest degree a review of the article. The same thing applies to almost every article appearing in this number of this so-called review. Two or three words of introduction are given, and then the whole article is put in. With very few exceptions, the review in question is prac-

tically made up in this way. It would be a farce to profess to give copyright to the writers of articles, and allow any person to pirate their productions in an indirect way by the mere preface of a few introductory words. It is evident that this procedure is legal under the different States Acts, because this publication circulates throughout Australia. I presume that if it were not legal, the writers of pirated articles would have taken some action to prevent this infringement of their copyright. I should like very much to know whether this kind of thing would be legal under the clause now before the Committee?

Senator KEATING (Tasmania—Honorary Minister).—Senator Pearce has cited an illustration of what appears to him to be an infringement of copyright. While not dealing specifically with this case, I point out that the law is that it is competent for any person to review the literary work of another. And for that purpose it may be necessary for the reviewer to draw to some extent on that work. The law holds that, so long as the reviewer draws upon a work for the reasonable purposes of review and criticism, he is not infringing the copyright of its author. But if he steps beyond that reasonable boundary, then he is guilty of an infringement of copyright. In *Copinger's Law of Copyright* it is stated at page 159 of the fourth edition—

Many cases of extracts for criticism have come before the Court. It is obvious that quotations to some extent must in some cases be made from the work reviewed, and this abstract right of the reviewer has never been impeached. To deny this privilege would be, as Lord Kinloch once said, "to sentence to death all our reviews, and the greater part of our works in philosophy."

Then come under consideration a number of instances in which the question whether the reviewer has or has not overstepped the lawful limits of quotation and extract is considered, and this rule is laid down—

Whether the limits of lawful quotation have been exceeded is a question to be governed by the circumstances in each case.

Then follow some instances in which it has been decided that those limits have not been overstepped, and other cases in which it has been decided otherwise; but, as I pointed out, each case must depend entirely on its own circumstances. The proposal in the Bill is not to extend the rights of reviewers as they are held and enjoyed at present, but simply to state that they

may abridge or quote for the purposes of review. In every book on the subject of copyright there are given a number of cases more or less interesting, simply for the purpose of showing as nearly as may be practicable to the reader whereabouts a dividing line can be drawn. But it is hard to set down as a hard-and-fast principle where the line in every instance should be drawn. Here is a case very much like the one to which Senator Pearce referred—

In a case in which the work alleged to be pirated was a play extending over forty pages, and the defendant had published a journal of theatrical criticism, in which, as illustrative of his critical remarks, he had introduced broken and detached fragments of the piece in question, amounting, in the whole, to six or seven pages, some weight appears to have been allowed by the Court to the fact of the extent of the extracts being so inconsiderable, as affording ground for doubt whether the defendant had transgressed the limits of fair quotation.

Then there is a recent case of the proprietors of the *Times* against the proprietors of *St. James's Gazette*—

In a recent case the proprietors of the *Times* brought an action against the proprietor and publisher of the *St. James's Gazette* to restrain the defendants from further publishing any copy of a newspaper containing any copy of an article by Mr. Rudyard Kipling, or substantial portions thereof, and also extracts from the *Times* contained in twenty-two separate paragraphs of the *Gazette* of the 13th of April. An interlocutory order had been made, restraining the publication of the Rudyard Kipling article. It was not denied by the defendants that they had copied some two-fifths of the article, and all the paragraphs from the *Times* practically verbatim, but it was contended that the consent of the proprietors of the *Times* might be assumed, if the four following conditions were observed:—(i.) That the source of the information was acknowledged; (ii.) That the paper copying and the paper copied were not direct rivals or competitors; (iii.) That the paper copied from had also copied, thereby implying that it agreed to a free interchange of literary and other matter; (iv.) That the editor of the paper copied had given no notice of his objection to matter being copied.

Eventually, after discussing the circumstances of the case, it was held that the defendants were entirely wrong in taking portion of a story by Rudyard Kipling, which had been published in the *Times*, and printing it in their own newspaper, and acknowledging the source of origin. The whole question is, do the quotations made by the reviewer serve the purpose practically of a substitute for the work which he purports to review or criticise? If they do substantially serve as a substitute for them, then obviously it is depriving the writer of the work of some of the benefits

to which he is entitled. In a magazine published in Australia I have noticed several instances in which I should be inclined to think that the proprietors have transgressed very much the limits of legitimate quotation, but it does not always follow that it must be an extensive quotation. A case which arose in London out of the Boer war is referred to in Hinkson's hand-book on copyright, at page 58, in these terms—

An interesting case (*Constable v. Martin* and others, December, 1902), came before Mr. Justice Byrne in the Chancery Division, having reference to an infringement of copyright in a portrait and signature. The plaintiffs published a history of the Boer War, by General Christian de Wet, the volume including a portrait of the author, together with his signature. Copies of the book were sent out for review to the press in the ordinary course, and, amongst others, to the defendants' newspapers—*The Newcastle Daily Leader* and *The Northern Weekly Leader*. In reviewing the book, both these papers published the portrait and signature of General de Wet. The plaintiffs thereupon sought an injunction to restrain the publication. The case was settled by the defendants agreeing to pay the full costs as between solicitor and client, and to give up all blocks and pictures connected with the appearance of the portrait in their papers. The plaintiffs waived their claim to damages and an account of profits.

In dealing with this point, Mr. Hinkson says:—

It should be understood that in all cases the extracts from a copyright book under review are republished at the risk of the person or persons republishing such extracts. Whether more is taken than is necessary for the purpose of an adequate review is a question of fact.

If a man starts to review a work, he makes every extract at his own risk. If he steps beyond the legitimate bounds or necessities of extract, for the purpose of review and comment, then he infringes the copyright of the author. It is not a matter which can be decided by attempting to draw a hard-and-fast line, but must be determined by the circumstances of each case. Of course, the matter cannot come up for consideration unless the party who imagines that he is aggrieved takes action to restrain the further publication of extracts from works, or takes action for damages for infringing a copyright. And, in every instance, it would be for the tribunal before which the case was brought to look at the quotations, and, judging by all the surrounding circumstances, to determine whether or not the reviewer or critic had stepped beyond the legitimate bounds of quotation, and if he had to determine that he had in-

fringed the rights of the other party, and award damages accordingly. The damages would be proportioned to the injury done. Of course, Senator Pearce and others will recognise that, in many instances, a legitimate review or criticism of a work is of great value. It acts not merely as a substitute, but as an incentive to the readers of criticism to get a copy of the book, in order that it may be read at length. That is one of the reasons why an author sends his work round for review. But if the proprietors of periodicals and magazines step beyond the legitimate bounds, and practically lift the gist of a work, then, undoubtedly, they are not reviewing the work, but infringing the rights of its author.

Clause agreed to.

Clause 28—

Where the author has parted with the copyright in his book, and a translation or abridgment of the book is made with the consent of the owner of the copyright by some person other than the author, notice shall be given in the title page of every copy of the translation or abridgment that it is not made by the author.

Senator MILLEN (New South Wales).—Two questions occur to my mind in regard to the clause. In the first place, why should notice have to be given, and, in the second place, if the form of notice is not adhered to, what penalty is provided for a breach of the provision?

Senator KEATING (Tasmania—Honorary Minister).—If an author has parted with the copyright in his book, he none the less holds himself forward to the world as responsible for the material therein from both the literary and material stand-point, and his reputation should not be subject to any injury on the part of the translator. The object of the provision is to preserve the author of a book in the cases dealt with from being criticised, as its translator, should the translation contain any errors.

Senator DOBSON.—Does the last line of the clause mean that the name of the translator must be given, or that it must be acknowledged that the translation is not made by the author?

Senator KEATING.—The clause, as it stands, does not expressly throw upon the translator the necessity of stating who he is.

Senator MILLEN.—Would it be sufficient to say that it was translated by so and so?

Senator KEATING.—Yes.

Senator MILLEN.—But does that comply with the request to state that “it is not made by the author”?

Senator KEATING.—We should not compel a translator to use his own name. Very often a man may wish to publish anonymously, or pseudonymously, a book which he has translated. If we impose the condition that the name of the translator must be attached to the book, it would bar a man from publishing a translation anonymously or pseudonymously. So long as the notice on the page indicates that the translation is not made by the author, that will suffice. An author should not be held responsible for the correctness of an independent translation of his work, or the method or material of the translator. It is obvious that many errors may creep into the translation of a book, and without this provision the reputation of the author of the book might seriously suffer, if he were to be held responsible for such errors. The object is that the author shall not be bound by any error which may creep into such a translation.

Senator MILLEN.—I am referring to the limitation on the way in which the notice can be given.

Senator KEATING.—If the Committee desire to make the matter clearer, I shall offer no objection, so long as the spirit of the clause is not departed from.

Senator WALKER. — Might the end not be attained by inserting such words as “some person other than the author”?

Senator KEATING.—I think that might meet the case, and I move—

That the words “is not,” line 7, be left out, with a view to insert in lieu thereof the words “has been”; and that after the word “by,” line 7, the words “some person other than,” be inserted.

Amendments agreed to.

Senator MILLEN (New South Wales).

—I now ask whether any penalty is proposed for a breach of this provision? It is obviously useless to make a provision of the kind unless we attach some penalty.

Senator KEATING (Tasmania—Honorary Minister).—The object of the clause is that the author's reputation shall not be prejudiced. A summary penalty is not provided, but if an author is injured by the omission on the part of a translator to comply with the clause, he will have ground for an action for damages. If we provide a penalty, and a penalty is imposed, there could be no further remedy,

and a translator might continue to injure the reputation of an author.

Clause, as amended, agreed to.

Clause 29—

Where a translation of a book into a particular language is not made within ten years—

(a) Any person desirous of translating that book into that language may make application in writing to the Minister for permission to do so.

Senator DOBSON (Tasmania).—Is the word “Minister” not an error? The word occurs three times in the clause, and I think that “Registrar” is meant. I take it that, to all intents and purposes, the registrar is to have control of the administration, and the word “Minister” is not mentioned anywhere else in the measure.

Senator KEATING (Tasmania—Honorary Minister).—This is a desirable provision for many reasons. It is necessary that the discretion shall be that of the Minister rather than of an officer like the registrar, whose duty will mainly consist of registration work, and partake little, if any, of a judicial character. This provision is international in its character, carrying out the spirit of article V. of the Berne Convention.

Senator DOBSON.—But in time will the registrar not become more a literary man than any chance Minister may be?

Senator KEATING.—In these matters a Minister does not act personally, but with a due sense of the responsibility cast upon him, and after proper consideration and report from his officers. Article V. of the Berne Convention provides—

Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in their countries the exclusive right of making or authorizing the translation of their works, during the whole duration of the right in the original work.

But the exclusive right of translation shall cease to exist where the author shall not have made use of it within ten years from the first publication of the original work, by publishing, or causing to be published, in one of the countries of the Union, a translation in the language for which protection shall be claimed.

Acting on that principle, it is provided that, at the end of ten years, if any one desires to translate a work, he may make application in writing to the Minister, who will have control of the measure, as provided in the Acts Interpretation Act. Section 17 of that Act provides—

“The Minister” shall mean the Minister for the time being administering the Act or enactment in which, or in respect of which, the expression is used.

Which Minister shall have control is, of course, a matter for subsequent arrangement.

Senator DRAKE. — "Minister" is mentioned in clause 12.

Senator KEATING. — Clause 12 provides that all powers and functions under any State Copyright Act shall vest in the Governor-General, or in the "Minister, officer, or authority" exercising similar powers under the Commonwealth.

Senator DRAKE. — There might be one Minister under that clause, and another Minister administering the Act.

Senator KEATING. — I think the object is to allow the Minister administering the Copyright Act to exercise all the functions heretofore exercised by the Ministers administering similar Acts in the States.

Clause agreed to.

Clause 30—

Copyright shall subsist in a lawfully produced translation or abridgment of a book in a like manner as if it were an original work.

Senator MILLEN (New South Wales). — In whom will the copyright subsist?

Senator KEATING. — In the author of the translation or abridgment which, under this clause, has been lawfully produced.

Senator MILLEN. — Is the Minister quite satisfied that the clause makes the intention clear?

Senator KEATING (Tasmania — Honorary Minister). — Presuming a copyright in a book ran out, and somebody then translated it for the first time, the copyright of the translation would subsist in that person as if it were an original work.

Senator MILLEN. — That opens up interesting possibilities; and if the Minister is satisfied that the object is made clear, I am not.

Senator KEATING. — In this clause we say that the copyright shall subsist as if the work were original, and under clause 18 it is provided that the author shall be the first owner of the copyright in a book which includes also any translation or abridgment he himself may make.

Senator MILLEN. — Suppose one person is the author, and another person is the translator?

Senator KEATING. — If the translation is lawfully produced, then the copyright of that translation subsists in the translator. If a translation of a book be made with the consent of the author or owner of the copyright, it is treated as a new

book, to the copyright of which the translator is entitled.

Clause agreed to.

Clause 31—

(2) Where proceedings are taken for the infringement of the performing right in a dramatic or musical work, published as a book . . . judgment may be given in his favour, either with or without costs, as the Court, in its discretion, thinks fit. . . .

Senator MILLEN (New South Wales). — I direct attention to the question whether the word "may" is used correctly in this clause. Surely it ought to be "shall." Here we state that certain circumstances shall entitle a plaintiff to a verdict. Then we proceed to say that the Court "may" grant him a verdict. Surely we ought to say that the Court "shall" do so.

Senator KEATING (Tasmania — Honorary Minister). — The honorable senator's point opens up a question that we have often had to deal with in the States, as to the desirableness of using the word "may" or the word "shall" in connexion with certain officials. The very fullest consideration has been given to the point, not only in reference to this Bill, but as to the use of the word in a similar connexion in the drafting of other measures. The clause provides that in a certain set of circumstances, where the defendant would be entitled to a verdict, judgment may be given in his favour. In other words, we set out that, the conditions precedent being fulfilled, the defendant has a certain right. We use the word "may," however, in connexion with a Court, because it is considered to be the correct word to use as to Courts of justice, and also as to the Governor-General.

Senator MILLEN. — The word "may" is used because it is thought to be more courteous than "shall"?

Senator KEATING. — Exactly; and because we have the highest confidence that the Courts will do justice in accordance with the oaths of office of their members. We never use the word "shall" in connexion with a Court, but the Court always construes the word "may" in relation to its own duties as being mandatory where a right has been established. The draftsmen have carefully considered the matter. In going through the Bill with them some time ago, I myself drew attention to this point, but I was convinced that it is not desirable to use the word "shall" in this sense. The word "may" will always be taken by a Court as casting a duty upon it, and we

can have the fullest confidence that that duty will be discharged.

Senator MILLEN (New South Wales).—Senator Keating's statement simply amounts to this—that what is meant is "shall," but that considerations of courtesy to the Court make it desirable to say "may." I know what the practice is, but I think that it is extremely desirable that we should say in an Act of Parliament precisely what we mean. I know that it is not usual to employ the word "shall" in an Act affecting the duties of the Governor-General or of Courts of justice. But if Senator Keating's contention be upheld, there was no need to introduce paragraphs *a* and *b*. If a plaintiff establishes his right to a verdict clearly, he is entitled to have that verdict given to him. To say that the Court "may" give him the verdict to which he has a right is to reduce the whole matter to an absurdity.

Senator KEATING.—We say that he may get costs.

Senator MILLEN.—The discretion given to the Court in the granting of costs is a necessary one, because proceedings might be instituted on vexatious grounds. But where we set out that certain conditions constitute a right, and that right is infringed, and where we provide also that when the plaintiff proves certain things he shall be entitled to a verdict, we ought not to say that the Court "may" grant him that verdict. Having secured him in his right, we turn round and say that the Court shall have a discretion as to whether he shall enjoy his right. Because certain things occurred in the past, when people stood in greater dread of high personages than we do to-day, that is no reason why we should keep up the pretence. The phraseology of our Acts of Parliament shows the origin of Bills as petitions presented to the Crown. But no consideration for the feelings of a Court warrants us in using in an Act of Parliament the word "may" when we mean "shall," and we ought not, after using the wrong word, to explain it by saying that the Courts will know what we mean.

Senator DOBSON (Tasmania). — We shall get into difficulties if we use the word "shall" in our Acts of Parliament when the word "may" has come to have a well-understood meaning. From a layman's point of view there is much in what Senator Millen has said, but from a lawyer's point of view what the word "may" means is

perfectly well understood. If we begin to wobble about between "may" and "shall" we do not know what confusion will arise. I see no objection to the clause as it stands.

Senator MILLEN (New South Wales).—I move—

That the word "may," line 4, be left out, with a view to insert in lieu thereof the word "shall."

There may be some force in what Senator Dobson has said, but there remains the question whether it is desirable to bring about the reform which the substitution of "shall" for "may" would lead to. Because we have used the word "may" when we meant "shall" for so many years, we are told: "Do not let us introduce a word which expresses more completely what we have in our minds, on account of the inconvenience that may arise." Such inconvenience attaches to every reform.

Senator KEATING (Tasmania—Honorary Minister).—There is a good deal in what Senator Dobson has said that ought to induce the Committee not to accept the amendment. The word "may" is invariably used in connexion with Courts, and has a definite construction. If we introduce "shall" we shall give occasion for doubt in the construction of our Statutes. *Maxwell on the Interpretation of Statutes* gives two or three instances where the word "may" is dealt with. It contains the statement—

Though the 11 and 12 Vict., c 42, s. 9, enacted that justices "may" issue a summons on an information laid before them, only, "if they shall think fit," it was held that they were not at liberty to refuse it on any extraneous considerations, such as that the prosecution was inexpedient, or that the law would operate unjustly in the particular case.

Again, the authority from which I quote says—

So, in *Backwell's case*, Lord Keeper North held, and of the same opinion were all the Judges, that the Statute which enacted that the Chancellor "should have full power" to issue a commission of bankruptcy against a bankrupt trader, on the petition of his creditors, imperatively required its issue; declaring that "may" was in effect "must" . . . Under the provision of s. 5 of the Arbitration Act 1889, that where a submission provides that the reference shall be to a single arbitrator, and all parties do not concur in appointing an arbitrator, any party may serve the other parties with a written notice to appoint, and if the appointment is not made in seven clear days, the Court "may," on the application of the party who gave the notice, appoint an arbitrator, it is obligatory on the Court to make an appointment if applied to.

In all the cases referred to the word "may" was used in connexion with the Court. Here is another case—

A bankruptcy rule, which provided that where the court has given no directions as to the disallowance of the costs of improper or unnecessary proceedings, the Taxing Master "may" look into the question, was held equally imperative.

Senator MILLEN.—The honorable and learned senator does not pretend that any other interpretation would be given than that "shall" means "shall"?

Senator KEATING.—It is desirable that we should adhere to the language that is universally adopted in Commonwealth and State Acts and in the old country. When the reasons for change are weighty we should be influenced by them. I do not say that the construction necessarily placed upon the word "shall" would be wrong, but it is desirable that we should preserve uniformity until there is something in the nature of an uniform deviation from it.

Senator MILLEN (New South Wales).—It is undesirable to continue that form of drafting if it requires twenty lines to set out what might be clearly stated in five or six. All that it was necessary to do was to say what constituted a right, and what constituted an infringement of that right, leaving the Court to determine whether the verdict in any case should be in favour of the plaintiff or defendant.

Senator DOBSON.—But "may" means "shall" here.

Senator MILLEN.—I am aware of that, but is it not absurd to say so? Why should we say that the Court may do something which we know it will do? I decline to believe that any Court intrusted with discretion would find for the defendant if the merits of the case were clearly with the plaintiff. There is no need to say that the Court shall enjoy a discretion which all Courts do enjoy from the very nature of their functions.

Senator WALKER (New South Wales).—If Senator Millen has made up his mind to depart from accepted legal verbiage, he will have a very great deal to alter. The honorable senator understands as well as I do that a "nominal consideration," which is usually fixed at ten shillings, really means nothing, and is only a legal fiction. When we know that "may" means "shall," we should leave the clause as it stands.

Senator DOBSON (Tasmania).—In measures of this kind "may" almost invariably means "shall," and Senator Millen has overlooked the fact that if he insists on the use of "shall" in this Bill, whilst "may" is used in other similar measures, the Courts will have a most perplexing task given them to decide what their discretion in a particular matter is.

Senator MILLEN.—Would it not have been better to have stated shortly what was a right and what was an infringement of it?

Senator DOBSON.—It might have been; but, speaking generally, I have found this Copyright Bill to be an admirably drafted measure, and I should not care to interfere with any of these provisions, unless an absolutely good reason for doing so is given.

Amendment negatived.

Clause agreed to.

Clause 32 (Report of lecture in a newspaper).

Senator DOBSON (Tasmania).—In discussing the interpretation clause, I presume we shall have another opportunity of dealing with the matter to which I propose to refer. but I should like to know whether the word "lecture" will be held to include a sermon?

Senator KEATING.—In the interpretation clause as it at present stands, the word expressly excludes a political speech or a sermon.

Senator DOBSON.—I think we ought to consider whether a man who preaches a set of really good sermons should not have copyright in them. In my young days I read many most admirable sermons by men like Robertson, Caird, Temple, and Kingsley. It seems to me that such sermons are as worthy of protection by copyright as are lectures.

Senator KEATING (Tasmania—Honorary Minister).—Senator Dobson will have an opportunity to refer to the matter when we are considering the interpretation clause. In the meantime I may say that there is nothing to prevent a preacher of good sermons obtaining copyright in them. Honorable senators must distinguish between copyright and lecturing right. If a clergyman prepares a series of sermons he will have no lecturing right in them, but if he publishes them in the form of a book he will have copyright in them. If, on the other hand, a man prepares matter which will come within the definition of a lecture, he will have a lecturing right in his produc-

tion. He may part with the manuscript of his lecture, and still retain his lecturing right; and if he should publish his manuscript in a form which will come within the definition of a book, he may at the same time hold a copyright and a lecturing right in respect of the same production.

Senator MILLEN.—Why should there be any discrimination between a lecture and a sermon?

Senator KEATING.—It has been the law throughout that sermons and political addresses are not the subject of a lecturing right, although if printed they are held to be the subject of copyright.

Senator DOBSON.—If celebrated men like Kingsley and Farrar deliver a series of sermons, is it legal for a shorthand writer to take them down and then publish an edition of them?

Senator KEATING.—Sermons are delivered ordinarily in a place of public worship, which is open to the world, and once delivered they are held to be dedicated to the public. That is the principle, I take it, on which sermons are excluded from the protection of a lecturing right. In many instances a lecture is not delivered to the world, and the lecturer reserves to himself the right to make a charge to people who desire to hear his lecture. Sermons and political addresses are delivered in such circumstances that in the eye of the law they are held to be dedicated to the public from the moment of their delivery.

Clause agreed to.

Cause 33—

(1) The proprietor of any newspaper or news agency, who has obtained specially and independently news of any fact or event which has taken place beyond the limits of Australia, shall, as against all persons who have not obtained the news in the same manner, be entitled for the space of twenty-four hours immediately succeeding its publication to the exclusive right of publishing that news.

(2) For the purposes of this section a person shall be deemed to publish any news protected thereby if he publishes the whole or part of the news or of the intelligence contained in the news or the substance of the news or intelligence contained therein.

(3) Any person who publishes any news protected by this section, without the consent of the person who is entitled to the exclusive right to publish it, shall be liable to a penalty not exceeding One pound for each copy of the newspaper or document in which he publishes the news, but not exceeding in the whole Fifty pounds.

(4) Proceedings for the recovery of any penalty under this section may be instituted by or in

the name of any person aggrieved in any court of summary jurisdiction or court of competent jurisdiction, and the penalty shall be paid to him.

(5) An injunction or order restraining the repetition of any contravention of this section may also be awarded and granted by any court of competent jurisdiction.

Senator MILLEN (New South Wales).—I am aware that Senator McGregor has circulated an amendment to this clause, but I wish to direct attention to the words "specially and independently." As these words are used in this clause, I think it is wise to consider whether they might not interfere with the operations of a combination of newspaper proprietors to obtain cablegrams. The big metropolitan dailies of Sydney and Melbourne combine to have one cable service, and I question whether under this clause they could be said to act independently.

Senator STEWART.—They form a news-agency.

Senator MILLEN.—No; because they do not supply news.

Senator GIVENS.—They form a monopoly, or a ring.

Senator MILLEN.—Any reference to a business on a big scale and with a little money behind it is sufficient to bring the indignation of Senator Givens to boiling point. I believe that the object of the clause is to secure to newspaper proprietors combining in this way twenty-four hours' copyright in the cables which they receive, but it does seem to me that, as it is worded, the clause might block co-operative action by newspaper proprietors. It is very necessary that the matter should be looked into, because in all the States the proprietors of country newspapers have made a practice of publishing cables which appear in the metropolitan papers. If the clause is effective in giving newspaper proprietors who have combined in the way I speak of a copyright of twenty-four hours' duration in their cables, we shall have a number of other newspaper proprietors, who are unable to pay for an independent cable service, joining together in some way or other to secure cable information, just as the proprietors of the metropolitan newspapers now do. Senator McGregor's proposed amendment deals with that aspect of the case, but I think it will be many years before we shall have newspaper proprietors independently providing for a cable service. I ask Senator Keating whether he thinks the words "specially and

independently" would not absolutely prevent copyright accruing to the metropolitan newspaper proprietors who to-day do not act independently, but in unison.

Senator KEATING (Tasmania—Honorary Minister).—Since the adjournment for dinner, I have looked at the clause in the light of the criticism which was offered by Senator MilLEN. I think that the word "proprietor," as used in the first line, would be held to cover the case of a number of proprietors acting in conjunction in the way he described; but in order that there may be more clearness, perhaps his views will be met by the omission of the words "and independently" in the second line, and the words "in the same manner" in the fourth line, and the insertion in the place of the latter of the word "independently." With those alterations made, the clause would read as follows:—

The proprietor of any newspaper or news agency who has obtained specially news of any fact or event which has taken place beyond the limits of Australia, shall, as against all persons who have not obtained the news independently, be entitled for the space of twenty-four hours immediately succeeding its publication to the exclusive right of publishing that news.

It is quite conceivable that there may be some persons who, acting in conjunction, may get news into Australia from abroad, and that outside that body there may be an individual person who may obtain the same news from abroad. Suppose that the clause is amended as I suggest, then if any one who had not obtained the news independently from abroad were to publish that news it would be competent for any one of the proprietors in the combination who had obtained the news by special arrangement from abroad to take proceedings and enforce the penalties provided in clause 3.

Senator MILLEN (New South Wales).—So far as I can see, the amendments which Senator Keating has suggested admirably meet the case I submitted. I am obliged to him for having looked into the matter. I trust, however, that if they be found not to be quite sufficient he will consider the expediency of making the clause clearer.

Senator KEATING.—I shall have no objection.

Senator DOBSON (Tasmania).—I am inclined to think that, although the suggested amendments may meet the situation, still the clause will not be absolutely clear. I would suggest the insertion of the words

"alone or in conjunction with others," after the word "who," in the first line.

Senator MILLEN (New South Wales).—Of the suggested amendments, I am inclined to think that it would be an advantage to adopt that of Senator Dobson.

Senator KEATING.—I have no objection to the amendment other than that it will lengthen the clause a little.

Amendment (by Senator DOBSON) agreed to—

That, after the word "who," line 2, the words "alone or in conjunction with others" be inserted.

Amendments (by Senator KEATING) agreed to—

That the words "and independently," lines 2 and 3, and the words "in the same manner," line 6, be left out.

Amendment (by Senator KEATING) proposed—

That the word "independently" be inserted after the word "news," line 6.

Senator PEARCE (Western Australia).—I should like to know the effect of inserting the word "independently." Will it mean that the proprietor of a newspaper, acting independently, will be entitled for the space of twenty-four hours to the exclusive right of publishing the news, or will it mean a proprietor who has obtained the news independently?

Senator KEATING.—The latter.

Senator PEARCE.—In that case is it not proposed to insert the word in the wrong place?

Senator KEATING. — No; previously we had the words "in the same manner."

Senator PEARCE.—But this is a prohibition against a person who has not obtained the news independently.

Senator MILLEN.—Two persons acting independently may get the news of an event, and both would be entitled to publish it.

Senator PEARCE.—But this part of the clause applies to a person who has not obtained the news independently. I think that the words "in the same manner" were preferable to the word "independently." If a man is a member of the combination he is entitled to publish the news independently, otherwise he is not so entitled.

Senator MILLEN.—Does not the honorable senator see that a person outside the combination may obtain the news independently, that is in like manner?

Senator PEARCE. — I should like to hear a better reason given for the insertion of the word "independently."

Senator KEATING (Tasmania—Honorary Minister). — Before the amendments were made the clause said that the proprietor of any newspaper or news agency who had obtained specially and independently news had the exclusive right of publishing it for the space of twenty-four hours as against all persons who had not obtained the news in the same manner. It is quite possible that some person may obtain the news independently of the others, that is in a like manner. Therefore, it is now proposed to say that a person who has obtained specially any news shall have protection for the news for the space of twenty-four hours against all persons who have not obtained the same news independently.

Amendment agreed to.

Senator DOBSON (Tasmania). — I move—

That the word "twenty-four," line 7, be left out, with a view to insert in lieu thereof the word "thirty-six."

It is well known that some outlying townships are becoming important. For instance, a morning newspaper cannot reach Mildura until the evening of the publishing day, or the evening of the following day, and cannot be obtained until the following morning. A local journal can get hold of a copy of a Melbourne newspaper and publish its cables next morning at six or seven o'clock simultaneously with the appearance of the *Age* and the *Argus* in the township. I am inclined to think that in view of the vastness of our Continent, and the fact that many towns are far distant, the protection, in order to be full and ample, ought to be extended to a period of thirty-six hours.

Senator MILLEN.—That would not be sufficient if it is to apply to the whole Commonwealth.

Senator DOBSON.—The proprietor of a newspaper told me that a protection of thirty-six hours would do. He was inclined to think that the shorter term of twenty-four hours would answer; but that I think is too short, and therefore I have moved the amendment.

Senator MILLEN (New South Wales). —If we are going to give protection absolutely against the proprietor of a newspaper in the remotest hamlet in Australia then the period of thirty-six hours will not

be sufficient. There are places to which a newspaper cannot be conveyed within a fortnight. In Western Australia I believe a period of two or three weeks will not be sufficient. Again, in Queensland a train from Brisbane with a newspaper hardly reaches the terminal point in thirty-six hours, and to that has to be added the time to be consumed in a coach journey. Therefore, a period of thirty-six hours is not sufficient to secure protection against newspapers published in the remoter portions of the State. If Senator Dobson wishes to be logical and thorough he must give protection to news not for a limited period, but for a period so extended as to amount to actual copyright. The time occupied to reach various places within the Commonwealth is altered every day. One place which it now takes thirty-six hours to reach may in the future be reached in twenty-four hours, and later on in twelve hours; and there is no possibility of framing a provision which will apply equally to all the different newspapers of the Commonwealth. In my opinion, twenty-four hours is a reasonable compromise between the interests of the public on the one hand and the interests of the newspaper proprietors on the other.

Senator DOBSON (Tasmania). — The honorable senator forgets that there is now telegraph communication with almost every part of the Commonwealth, and in the case of Mildura, which I have already cited, it would be possible for the local journals there to publish the whole of the cables simultaneously with the *Age* and the *Argus*. In conferring with a person interested in one of the newspapers, I mentioned thirty-six hours as reasonable, and he approved of the suggestion. If we affirm the principle that cables are to be protected, let us give ample protection, but, at the same time, not lock up the cables for all time.

Amendment negatived.

Senator DOBSON (Tasmania).—I think there ought to be some definition of "publication," and I suggest that a new subclause be inserted with that object. Some of the morning journals are sent away by train at 2 o'clock a.m., while others are despatched at 3 o'clock or 4 o'clock, and thousands of copies are issued at 5 o'clock and 6 o'clock a.m.

Senator KEATING (Tasmania—Honorary Minister).—The question of publication depends on the hour at which newspapers are offered to the public, and the

hour varies with each newspaper. Some newspapers claim to be out earlier than others; and I have noticed letters in the newspapers from country correspondents, commending the enterprise which enables copies to reach the country before breakfast. That means that the newspapers must have been in the hands of other persons outside the offices some hours before 7 or 8 o'clock in the morning. The whole question depends on the time at which the newspapers are sent out to the public?

Senator DOBSON.—What time is that?

Senator KEATING.—That depends on the circumstances in each case. I do not know that any provision could be framed to meet all cases, because the hour of publication cannot be made the same for every particular morning newspaper. There is as much difference between early and late newspapers as there is between an early baker and a late one; and each case ought to be settled on the facts.

Senator MILLEN (New South Wales).—I see no other course but to accept the suggestion of Senator Keating. Even breakfast hour varies, and yet the newspapers are always on hand. I remember distinctly, on occasions of late sittings of Parliament, receiving the newspapers before 5 o'clock in the morning.

Senator PEARCE.—We had the newspapers here at 3 o'clock last session, when we were discussing the Kalgoorlie to Port Augusta Railway Survey Bill.

Senator MILLEN.—I was fortunately absent on that occasion. Not only does one newspaper vary from another in this connexion, but even in the same newspaper office the hour of publication may be later or earlier, according to circumstances, such as when important news is expected and waited for. A paper is published when it is issued to the public.

Senator STANFORTH SMITH (Western Australia).—I do not think we ought to adopt the suggested amendment, because the hour of publication depends entirely on circumstances. Newspapers are issued as late as possible so as to contain the latest news, providing that the copies are in the hands of the public when required. The hour of departure for railway trains is one element in the case, and since the alteration of the service, many metropolitan newspapers are sent away, perhaps, even as early as midnight. If cable news is pirated, the aggrieved paper may, I presume, commence an action, and on that

newspaper would lie the onus of proving the hour at which it was put into circulation. It is impossible to fix any specified time, and, in my opinion, the matter ought to be left to the Court.

Senator DOBSON (Tasmania).—All the arguments which have been adduced seem to be in favour of the amendment which I have suggested. Of course, the hour of publication varies; and it is for that very reason that I regard an amendment as necessary. The first case which arises under this clause will cause no end of dispute as to the hour of publication; and I only desire a definition in order that it may be clearly shown when protection is to commence and to end.

Senator MILLEN.—If the honorable and learned senator desires to fix an hour, let him make it half-past twelve.

Senator DOBSON.—Newspapers are not put into circulation at that hour; but if Senator Keating thinks an amendment is not required, I do not desire to press the suggestion.

Senator PEARCE (Western Australia).—I beg to direct attention to sub-clause 2, from which it would appear that a person who published only part of the news which he had received, would thereby obtain copyright in the whole.

Senator MILLEN.—That sub-clause refers to a pirate, who might, as it were, take the soul out of an extensive cable message and publish it.

Senator PEARCE.—I should like the assurance of the Minister that that is the intention of the sub-clause.

Senator KEATING (Tasmania—Honorary Minister).—That is the intention of the sub-clause; but, perhaps, the position would be made clearer if sub-clauses 2 and 3 were transposed. I did not at first agree with the view of Senator Pearce; but it is now apparent to me that the clause, as at present arranged, might leave room for a little doubt. I move—

That sub-clauses 2 and 3 be transposed.

Amendment agreed to.

Senator MILLEN (New South Wales).—I should like to direct attention to sub-clause 4. I take it that the penalty is distinct from damages?

Senator KEATING.—Yes; the penalty is provided for in sub-clause 3.

Senator MILLEN.—Is the penalty in sub-clause 4 limited to clause 3?

Senator KEATING.—Yes.

Senator MILLEN.—And does that apply to the whole part of the Bill?

Senator KEATING.—No; there is, I think, a common law right to copyright in news, apart from any right that this Bill may confer.

Senator PEARCE (Western Australia).—I desire, on behalf of Senator McGregor, to move the insertion of two new sub-clauses to follow sub-clause 5. I move—

That the following new sub-clause be added:—

6. The protection afforded by this section shall not apply in the case where the proprietors of any two or more newspapers or any two or more news or press agencies have entered into an agreement for a supply of current news of any facts or events taking place beyond the limits of Australia, unless such proprietors or news or press agencies allow any other proprietor of a newspaper or a news or a press agency (so desirous) to become a party to such agreement, or to participate in the reception of news obtained by virtue of such agreement, on such proprietor or news agency giving an undertaking to contribute *pro rata* to the expenses or costs of such agreement and of the obtaining of news supplied according to the terms thereof.

If this amendment is agreed to, I shall move the addition also of the following:—

7. A news or press agency within the meaning of this section shall be deemed to include any persons who have entered into an agreement or arrangement, or have formed any company, corporation, syndicate, trust, or combine for the purpose of obtaining news of any facts or events happening beyond the limits of Australia.

The practical effect of this proposal is to prevent any combination now in existence, or to be formed, from obtaining and keeping a monopoly in the news of the world, to the detriment both of the people of Australia and of other newspaper proprietors who may be prepared to pay an equal share of the cost of obtaining the news, but who are debarred from so doing by existing agreements.

Senator DOBSON.—The proposed sub-clause does not speak of an equal share; what is meant by "*pro rata*"?

Senator PEARCE.—That means an equal share. At the present time, the position is that half-a-dozen newspaper proprietors—I do not believe that there are more than half-a-dozen—have an agreement with the Eastern Extension Company, and also an agreement with a news-collecting agency in England, which practically pirates news that is published there. These people in Australia do not pay for the cost of collecting the news first-hand. It is practically a scissors and paste collection from the news

published in the English newspapers. That news is cabled to Australia by this combine, and any newspaper proprietor wishing to obtain a share of it has to pay the rate laid down by the combine. The rate has been fixed at such a figure that it is a matter of common repute that the newspaper proprietors who form the combine practically get their cables for nothing.

Senator MILLEN.—How for nothing?

Senator PEARCE.—Those to whom they farm out the news which they get have to pay such a price for it to the combine as more than covers the whole cost of cabling out the news.

Senator MILLEN.—To what State does the honorable senator refer?

Senator PEARCE.—I think that applies practically to every State in the Commonwealth.

Senator MILLEN.—So far as the press of Sydney is concerned, I believe that it has been supplying the country newspapers gratuitously for years; I mean that the country press makes use of the cables without payment.

Senator PEARCE.—I am speaking of the daily press. Certain daily newspapers which have been started, and others which it has been attempted to start, have been met with this difficulty—that the combine refuses to allow them to come into the arrangement. It refuses to allow any other newspaper to come into it; and the news that is cabled from England can only be obtained at the combine's own price, which is fixed at such a rate as to compel the newspapers which do obtain their European news second-hand, to pay the whole cost of cabling. I am informed—taking two daily newspapers in my own State, published in the same town, one in the combine and the other out of it—that the newspaper which is out of the combine has to pay such a rate as practically to incur the cost of its own cables, and to pay for the cables of the rival journal.

Senator MILLEN.—Why does it not start on its own?

Senator PEARCE.—Because the agreement is of such a character that it cannot. The combine works in with the cable company. Unless another combine could be formed, there is no possibility of anybody getting the same facilities. These two new sub-clauses would have this effect—that newspapers could form combinations for obtaining cable news if they desired, but that they would be robbed of the protection

of copyright given them by this clause unless they allowed other newspapers who wished to get the news to come in with them on an equal footing. That seems to me to be a perfectly fair proposal. It only takes away a monopoly right—a right which has grown out of a set of fortunate circumstances. It does not in any way do an injury to the newspaper proprietors. They are not placed in a worse position than are the other newspaper proprietors who would come in with them. I think that this is a question of national importance. It is of the utmost importance to Australia that we should have an unrestricted flow of news from outside sources. At the present time we have practically only one source. That is largely due to the existence of this combination. If we pass clause 33 as it stands, we shall give added power to the combination. At present the rights of newspaper proprietors in this respect are safeguarded by copyright in only three States of the Commonwealth. I understand that they have rights which are largely safeguarded by the common law, or in some other way in the other States. But only in Western Australia, South Australia, and Tasmania, have newspapers the protection of copyright, such as is provided by this Bill. I am not sure what the common law rights are, but I suppose there must be some protection in the other States, or they would not have been able to work their combination successfully. There is this further fact to be borne in mind. It cannot be said that the combination is put to great expense to collect its news. It is practically news that has appeared in newspapers in the old country.

Senator MILLEN.—Still it costs something.

Senator PEARCE.—It costs something to cable it to Australia, and there has to be an agency in London and a means of distribution on this side. I know of cases where newspapers have endeavoured to start in centres where newspapers belonging to the combine are published. They have practically had to start without any cable news, because no single newspaper could enter into competition with a newspaper that belongs to the combination. The cost to a single newspaper to get cables independently from England would be too much. The newspapers which get their news collectively, if there are six of them in the combine, get it for one-sixth of the cost that a single newspaper would have to pay.

But we have the additional fact to consider that, not only does it not cost them more than one-sixth of the whole expense, but that by selling the news to newspapers that are not in the combination they get their news for nothing. Any one can easily understand, therefore, how impossible it is for an independent newspaper, no matter how heavily capitalized it may be, to compete on such terms. Competition should be on something approaching fair lines; and I think that if these people want to have the protection of the copyright law they should be prepared to extend to their rivals in business the same terms that they themselves enjoy in this respect. That is only asking for just and equal treatment.

Senator WALKER.—Does *pro rata* mean paying an equal share of the cost?

Senator PEARCE.—I take it to mean that the cost is to be equally distributed—*pro rata*—amongst all those who are parties.

Senator WALKER.—If there were ten parties they would have to pay one-tenth each?

Senator PEARCE.—Yes. But the circulation of the newspaper would perhaps be a consideration, and also the quantity of cable news that was used. If one newspaper did not publish as much cable news as another, it should not pay a *pro rata* share of the expenditure. I should think that the quantity of news published and the circulation of the newspaper would be taken into consideration.

Senator DOBSON.—That would hardly be fair, I think.

Senator PEARCE.—Of course, the matter would have to be determined by the persons interested, and the only way in which it could be definitely decided would be by some one who was refused the opportunity to come into the combination because he would not pay what was deemed to be a *pro rata* share of the expenditure taking action.

Senator DOBSON (Tasmania).—I understood my honorable friend Senator Pearce to say, when I first interjected, that the term *pro rata* would mean the payment of an equal share of the expense. That is to say, if there were ten newspapers, and an eleventh newspaper wanted to come in, it would have to pay an eleventh share. Now, however, he tells us that he does not think that it would mean that, but that the newspapers would pay only in proportion to the cables they used. That does not seem to me to be a fair idea. He also says that they would pay in proportion to

their circulation. Suppose that two large morning newspapers have a circulation of 50,000 each, and that another newspaper with a circulation of only 1,000 wanted to use the cables. The third newspaper would pay a very small proportion of the cost.

Senator KEATING.—That is not what is meant by *pro rata*.

Senator DOBSON.—I do not think it is. I think that Senator Pearce's first idea was right. If, for instance, 500 words were cabled out to Australia, and one newspaper took 500, whilst another took only 250 words, it would not be fair that the latter should pay only half of what the former paid. We must understand the probable effects of the amendment before we pass it. It is quite likely that it would be a gross injustice to say in an Act of Parliament that one newspaper proprietor should be allowed to pick the eyes out of the cables, and only pay in proportion to what he used. I quite see that it would not be right to give newspaper proprietors the protection of copyright, and to allow them deliberately to keep out all persons who wanted to start fresh papers. Therefore, I am prepared to support an amendment, provided it is in fair terms. It must also be recollected that those who founded these news agencies have gone to a considerable amount of trouble and expense. No doubt, in the first instance, they had to pay a great deal for their experience. It certainly would not be fair to allow the proprietors of journals with a small circulation to pick the eyes out of a long message, and to pay for it in proportion to the number of words used. It is not a question of paying in proportion to the words, but in proportion to the value of the news obtained. If I had the choice of fifty words out of 500, I might choose fifty, the money value of which would be greater than that of the other 450. We should be very careful about adopting any amendment of this clause.

Senator STANFORTH SMITH (Western Australia).—I have a great deal of sympathy with the contention of Senator Pearce, but I can see no ethical reason why certain newspaper proprietors should not combine, in order to obtain cable information or any other kind of information. It seems to me that we shall be treading on very dangerous ground, if we say that a partnership can be altered by Act of Parlia-

ment. What is proposed is really that we shall say that, where three or four individuals are partners in a commercial concern, by an Act of Parliament we can compel them to admit others to the partnership, whether they like it or not.

Senator MATHESON.—It is a ring.

Senator STANFORTH SMITH.—It may be a ring, but I am referring to what I think is a matter of principle. Certain individuals have joined together to purchase something for a certain sum of money, and they give the benefit of the operations of their partnership to their clients. Are we going to say by an Act of Parliament that we will alter that partnership, and compel those engaged in that business to allow others to come into it on the same terms as themselves? If so, I see no reason why the principle should not be extended to every other business.

Senator STORY.—What if they are doing an injury to the public by their combination?

Senator STANFORTH SMITH.—I have every sympathy with what Senator Pearce has said, but the question is, where this proposal will lead to? If we can do this we can do the same thing in connexion with every line of business in which we may happen to think there is a monopoly.

Senator O'KEEFE.—The proposal is not to force the combination to admit other newspaper proprietors, but to provide that unless they are prepared to admit them on reasonable terms, they shall not have copyright in their cable news.

Senator STANFORTH SMITH.—That is to say that some property which they have paid for shall not be of any value to them. The news they get is a marketable commodity which they sell to the readers of their newspapers. As a matter of broad principle, I think they have an exclusive right to the cable news for which they pay.

Senator O'KEEFE.—They have pirated the news in the first instance.

Senator KEATING.—And they cannot be got at, because they do not publish it in England.

Senator STANFORTH SMITH.—If certain sharebrokers combine together to get out by cable every morning certain share quotations, that will be a partnership formed to obtain certain information which is, and should be, the exclusive property of the partners. We might just as well say that those people must admit others to their

partnership, whether they choose to do so or not.

Senator PEARCE.—That is a combination to acquire private information.

Senator STANFORTH SMITH.—The circulation of newspapers is exclusive, inasmuch as they are circulated only to people who are willing to pay a certain price in order to obtain cable and other information. Senator Pearce has said that the news cabled out to Australia is practically pirated from English newspapers. The correspondents of the combine may take the evening papers published in England, and cable out the news they contain for publication in the newspapers issued here on the following morning. It seems to me that their right is created by the cost of the transference of the property from Great Britain to Australia. If these people, by combining together and defraying the necessary expense, bring news from one end of the world to the other, as a matter of principle I think they should have an exclusive right in the publication of that news. I admit that it would be an advantage to the public if the information obtained were distributed as widely as possible, but that might with equal force be said of a great deal of other information which is imported. I do not think it is possible to pass such an amendment without violating what I believe to be a great principle.

Senator DOBSON.—We certainly ought to see the partnership agreement.

Senator STANFORTH SMITH.—I understand that the press agency is located in Adelaide, and that the information acquired is distributed from that centre throughout Australia. I believe that these cable messages from Great Britain cost the partnership 1s. per word. They may get each day 1,000 words, which would mean an expenditure of £50. It would certainly be difficult for any individual newspaper proprietor to compete against a partnership in newspaper telegraphy if he had to incur so much expense, but there is nothing to prevent other newspaper proprietors combining and getting their news in exactly the same way. I heard of an instance where certain persons desired to establish a newspaper in a certain centre. The capital required was subscribed or guaranteed. The publication proposed was to be a daily newspaper, and the persons interested applied to the newspaper association for admission to its press agency.

As the proposed newspaper would come into competition with one owned by a member of the newspaper association, the application was refused, and the proposed new daily newspaper was not issued for that reason. I admit that such a thing is regrettable, and possibly injurious in the interests of the public, but I do not see how we can legally prevent the newspaper association refusing to allow other persons to be admitted to their press agency. I do not believe that the refusal is in any sense immoral, and we should not by Act of Parliament force the newspaper association to admit other partners, whether they wish to do so or not.

Senator PEARCE.—Does the honorable senator think that we should give a privilege?

Senator STANFORTH SMITH.—I think that when they have acquired certain property which they have paid for, and their right is created by the cost of bringing information from one part of the world to another, they should be given the same right in their property as they would have in any other commodity of a more tangible nature. I have given notice of a motion that the Commonwealth Government, which has a one-third share in the Pacific Cable, should endeavour to obtain press messages through that line. These messages could be sent to an agency here, from which they could be telegraphed to all parts of Australia. The small country newspapers, and other newspapers doing good work in disseminating information, should have an opportunity, irrespective of the operations of this newspaper syndicate, to obtain equally good information at the mere cost of telegraphing it from a centre in the Commonwealth. I refer to this as an illustration of the way in which such a combination as the newspaper association could be broken up without injury to its members, because they would be able to obtain equal facilities.

Senator GIVENS.—The honorable senator is proposing that the Government should nationalize the collection of foreign news.

Senator STANFORTH SMITH.—Yes. The proposal was, I think, first made by Sir Sandford Fleming, who suggested that the Pacific Cable Company should send out a certain quantity of press news. He pointed out that, from a national and imperial point of view, it was exceedingly desirable that the fullest knowledge of various momentous affairs occurring within

the Empire should be disseminated in every part of it. I remind honorable senators that the Pacific Cable is never utilized to the fullest extent of its sending capacity, and that with exactly the same operators we can send a very much larger quantity of cable news at no greater expense. Therefore it would be practicable to send through the cable, without cost to the Government, press news which would have the effect of nullifying the exclusiveness of the syndicate, and giving to all the newspapers in the Commonwealth a full opportunity of obtaining this information for the benefit of the people.

The CHAIRMAN.—Does the honorable senator propose to connect these remarks with the question before the Committee?

Senator STANFORTH SMITH.—I recognise, sir, that my illustration has been rather lengthy. I do not feel that I can support the amendment, although I have the greatest sympathy, as Senator Pearce knows, with the object he wishes to attain. It seems to me that if the members of the partnership have, by using their money, obtained a certain commodity we should not say that it must admit other persons on the original terms, if they want to have the ordinary right of copyright in news. We cannot admit a principle like that, because if we do we shall have to withdraw a certain privilege from persons in other classes of business if they do not allow partners to come in and share with them.

Senator KEATING (Tasmania—Honorary Minister).—With Senator Smith, I feel that Senator Pearce is entitled to sympathy to some extent with his amendment.

Senator PEARCE.—I want votes.

Senator KEATING.—I am very much afraid that on this occasion votes will not assist my honorable friend very far on the road he wishes to go. He has pointed out that in the Bill we propose to give to persons enjoying what may be termed a monopoly certain rights which they have not hitherto enjoyed, and which they can not enjoy apart from its provisions. As I indicated by interjection, I am not altogether inclined to the opinion that apart from statutory provisions, such as these, newspapers have nothing in the nature of copyright in their news. At page 47 of *Hinkson on Copyright*, this passage may be seen—

There is a copyright in the literary form in which news is conveyed, so that one newspaper proprietor can restrain another from copying

special articles or telegrams from his paper, but to enable him to do so he must prove his copyright.

That is altogether apart from any statutory provisions of this kind in Great Britain. Before the Royal Commission which sat, not in 1875, but a few years ago, Mr. Bell, the manager of the *Times*, gave some very interesting evidence, and singularly enough he suggested that it might adopt as English statute law on this point, the law in force in Tasmania. I mention that fact in order to show that apart from any provision such as we have in the Bill, there seems to be, without very much doubt, in newspapers a copyright in the news which they have specially acquired.

Senator MILLEN.—It has been very largely latent, I think.

Senator KEATING.—That may be so. The difficulty always has been, as in many instances of copyright, for the plaintiff to establish an infringement of copyright in addition to establishing the copyright itself. An interesting case is given in *Copinger's Law of Copyright*, an English law book published as lately as 1904. At page 43 the learned writer says—

There can, of course, be copyright in newspaper telegrams.

Senator Pearce said that in Tasmania, South Australia, and Western Australia there was statute law on this subject, but the learned editor of this work on copyright says—

There can, of course, be copyright in newspaper telegrams. A case came before the Supreme Court in Melbourne in which it appeared that the proprietors of the Melbourne *Argus* paid a large sum for the purpose of obtaining the latest telegrams from Europe, and any newspaper proprietors who might wish to publish the telegrams so obtained could do so by paying a contribution towards the expenses incurred. The proprietor of the *Gippsland Mercury* made an agreement for the right of republishing the telegrams, but after carrying out the arrangements for some months cancelled the agreement. The European telegrams received by the *Argus* were, however, republished in another form, as from a Melbourne correspondent of the *Mercury*, with the preliminary words, "It is reported," or "The news about town is." This was considered a breach of the copyright which the proprietors of the *Argus* possessed in the telegrams, and a suit was instituted in the Equity Court to restrain the proprietor of the *Mercury* from republishing the telegrams.

After dealing with the arguments advanced on behalf of the defendant, the editor goes on to say—

Mr. Justice Molesworth held that the plaintiff had a property in the telegrams, and that no

one could republish them without the permission of the person to whom they had been sent in the first instance. An injunction was, therefore, granted to restrain the defendant from publishing the telegrams.

Senator STANFORTH SMITH.—What was that—common law?

Senator KEATING.—Judge Molesworth did not hold that on a common law principle, but on the general principle of an old Copyright Act, which did not deal specially with newspapers. The case is reported rather extensively in Volume I. of the *Victorian Law Reports*. To show honorable senators how an infringement of a copyright of that character can take place, I shall read a few instances of the alleged infringement of some telegrams in the *Argus*, of the 7th May, 1875—

ENGLISH RACING INTELLIGENCE.

London, 6th May.

The Chester Trades Cup, of 500 sovs. in specie, added to a handicap sweep of 25 sovs. Two miles and a quarter. 81 subs. Mr. Heneage's ch g Freeman, by Kettledrum—Haricot, 6yrs., 6st. 13lbs., 1.

GERMANY AND BELGIUM.

The Belgian Government, in reply to a communication from the Chambers, promises to follow the initiative of Germany in a modification of the ecclesiastical laws.

HEALTH OF THE POPE.

The Pope is suffering from weakness.

These three telegrams were compressed into one telegram from Melbourne in the *Gippsland Mercury* of the 8th May, 1875—

The news about town to-day is that the Chester Cup, England, was won by Heney's (?) Freeman. We also hear that the Belgian Government promises to follow the initiative of Germany in a modification of the ecclesiastical laws. The Pope, it is reported, is suffering from weakness.

Here are four telegrams which appeared in the *Argus*, of the 10th May, 1875:—

TERRIBLE LOSS OF LIFE.

LONDON, 8th May.

The reported arrival of the Californian mail on the 4th inst. was false. The steam-ship *Schiller*, homeward bound, from New York, with the Australian and New Zealand mails, *vid* San Francisco, and over 260 passengers, has been totally wrecked off the Scilly Islands. Only a few of the passengers were saved.

GERMANY AND BELGIUM.

The Berlin *Post* considers the recent Belgian note, in reply to Germany, to be meaningless and unsatisfactory.

COMMERCIAL.

The April exports from Great Britain show an increase on those of the previous month. Wheat is depressed. Metals are unchanged.

THE WOOL SALES.

At the wool sales the competition continues unabated, foreign buyers, especially French, operating keenly, the buyers being eager to supply the immediate requirements of the trade. The average prices obtained are equal to the highest realized at the March sales. Total sales to date amount to 26,000 bales.

These four telegrams were compressed into one telegram from Melbourne in the *Gippsland Mercury* of the 11th May, 1875—

The steam-ship *Schiller*, with the Australian mails, *vid* San Francisco, was, it is reported, lost off the Scilly Isles on the 7th instant with 260 passengers, of whom only a few were saved. The Berlin *Post* considers the Belgian note meaningless and unsatisfactory. The commercial news to-day is that at the London wool sales buyers were operating keenly; the average prices were the same as at the March sales; 26,000 bales were sold.

A very elaborate argument was indulged in on each side in connexion with the alleged infringement, and in giving his decision Mr. Justice Molesworth said—

The defendant represents that he employs a correspondent in Melbourne to collect and send him all the news which is in circulation; and his counsel have argued that the news may be thus learned in Melbourne as a matter of common talk, and sent by the correspondent, and so inserted by the defendant. If that were so, I would say that the news was like gas escaped into the atmosphere, the property in which was lost; but here the odour of defendant's publication is so perfectly identical with the plaintiffs' that I think it clear that it is as of gas taken from the plaintiffs' pipes. The defendant and his correspondent give a long story of the manner of their proceedings, but the correspondent does not say, as upon a matter within his knowledge, nor the defendant as upon a matter within his belief, that the Sale news is not virtually copied from the *Argus*.

The Judge ordered that—

the defendant, his printer, publisher, agents, and servants be restrained from printing or publishing as news from Melbourne, or in any other form, in the *Gippsland Mercury* newspaper, or otherwise, any copy or colorable alteration, or adaptation in the nature of copies of any telegrams from England received and published by the plaintiffs, until further order. Let an injunction issue, if necessary; under the seal of the Court to this effect. Cost of application to be in cause.

That injunction was afterwards made perpetual. From these extracts honorable senators will see that, apart altogether from any statutory provisions of this character in Victoria dealing with this sub-

ject, the Court held in these instances that colorable adaptations of the telegrams published in the *Argus*, and republished in a provincial newspaper under such headings as "It is reported," or "The news about town is so-and-so," were infringements of a copyright which the *Argus* had.

Senator PEARCE.—I thought the Minister mentioned a little while ago that the Judge based his decision on an old copyright law which did not deal specifically with this particular subject.

Senator KEATING.—In the Statute there is nothing such as is now before us specifically dealing with newspapers. The *Argus* was registered as a newspaper, and it was also registered under the Copyright Act which was in force here. In the course of his judgment Mr. Justice Molesworth said—

In *Cox v. Land and Water Journal Company*, Vice-Chancellor Malins held he had power to grant an injunction against a newspaper publishing a list of meetings of hounds borrowed from another paper which got information by writing to the owners of hounds (although he did not hold that under the Act the copyright protection extended to newspapers, and the plaintiff's paper was not registered), as upon a common law right apparently, though in that particular instance he did not think he should grant an interlocutory injunction.

He went on to say that—

The existence of a common law right of copyright is questionable, and I have not to deal with it.

On the whole, I think that the person who gets the news together is entitled to a measure of copyright protection, just the same as is a person who collects information for a directory or guide. Let me point out why the amendment does not meet the case. We are not giving for the first time something in the nature of copyright to newspapers. Apart from any special provision such as is contained in clause 33 of this Bill, the newspapers have a copyright which the Courts would secure to them in cases such as the one I have cited, and in cases such as those which have occurred in the English Courts.

Senator MILLEN.—We are continuing it to them.

Senator KEATING.—We are continuing it to them in a certain form.

The CHAIRMAN.—Would the newspapers have that copyright in spite of any provision in this Bill?

Senator KEATING.—They would have a copyright, and I think it would not be so limited as to time. On the 20th June,

1898, Mr. Bell, the manager of the *Times*, gave evidence before the Royal Commission. After speaking of the decisions which had been given as to copyright protection for news, Mr. Bell gave the following evidence, in answer to the question—"I gather that in your opinion some protection beyond that is necessary?"—

I consider that there is a very gross injury which the press sustains, for which there is nominally a legal remedy; but for which we have practically no legal remedy. A person who walks down a street, and takes a list of the names over the shops in the street is granted copyright in that—

That refers to the case of a directory,

and in the case of *Kelly v. Morris* he got a perpetual injunction. Another man going down a street, and giving an account of an accident, a cab accident, or anything of the sort, has no protection whatever, because it is in a newspaper.

The witness here deals with domestic news as well as with foreign news. Question and answer 870 is—

He would have protection as regards the literary expression of it, I gather from you?—He might have; but it is an illusory protection that we have even in that. For this reason: When I speak of a cab accident, that is a matter of no importance; but the *Times* publishes a telegram on Monday, say, which costs £1,200, in reference to (I am speaking of an actual case) a revolution in Argentina; it interests the City very largely; there is an immense demand for the paper, all the papers are sold in a very short time, and we cannot print fast enough to supply it for sale. At 10 o'clock the demand stops, the papers come back; another paper has taken out *verbatim* the whole of that thing, and is selling for a penny. What is our remedy? You say we have one? We can go to a Judge in Chambers. After a great deal of formality to prove that we have the copyright, we have an audience fixed for Wednesday; the matter is discussed for two days, and then, lastly, there comes out the result. What is it? An injunction that the *Piccadilly Gazette* of Monday is no longer to be sold. But they never wanted to sell it after Monday. The wrong has been done, and we have no remedy. We have an injunction which is valueless, and have spent £600, perhaps, in getting it.

Senator DRAKE. — Could they not get damages?

Senator KEATING. — That may be. The witness is dealing not with a special statutory provision for protection, but with what I might call the ordinary right for protection as a publication. Then the witness was asked—

But then the giving a copyright in news would make no difference in that respect, because the remedies against infringement would remain the same as they are at present?

The answer is important—

I think that the declaration that there was copyright in news would form a protection, but I think we ought to have protection such as is accorded in Australia, which was found necessary because, of course, the majority of telegrams which appeared in Australia, were naturally very costly, and they passed a Bill giving forty-eight hours' actual copyright in the news; if we had a distinct pronouncement of law to the effect that there was copyright in news, then there would be a certain danger in infringing it.

Senator PEARCE.—That shows that not only is the clause necessary, but also my amendment.

Senator KEATING. — Question 1001 is—

I understand that you think that twenty-four hours would be enough for the purpose?—I think twenty-four hours would be fair. May I draw attention to the Tasmanian Press Act on copyright?

The witness then quoted from *Copinger's Law of Copyright*, the substance of the Tasmanian Act; and it is evident, later on, that that is the principle for which he contended. Question 1068 is—

Then the Act of Parliament would make it dishonorable, so that if we gave you this remedy they would be so discouraged that the practice would cease; that is what you mean?—Yes; that is what I mean.

The witness was asked just before that—

Then do you think that people would be so frightened by the fear of being fined?—No, not the fear of being fined, but it would come to be considered a dishonorable thing.

Question 1069 is—

Would that be the case, if the interest were so great in the particular fact; would they not risk any degree of penalty?—I do not think so.

What the witness meant was a practical declaration of the law, with a limit for a certain time, and a provision for a summary remedy. Mr. Henry Whorlaw, who was examined before the Commission on the 12th June, 1899, was asked a question, No. 1647, in connexion with the literary form of telegrams, and after a long reply, he added—

I speak, for instance, of Reuter's Telegram Company, that spend many thousands a year in collecting news. There is no real danger that any newspaper will deliberately and systematically appropriate Reuter's telegrams, relying on the fact that they could not be touched under the copyright law. We have no case of the kind.

In that case, of course, provision is made by the agency for the distribution of news. This touches the amendment submitted by Senator Pearce; and all honorable senators who have addressed themselves to the ques-

tion, have dealt with one set of circumstances. They have dealt with an agreement which is stated to exist amongst a number of newspaper proprietors in Australia to obtain from Great Britain news of current events in Europe and the outside world. But this amendment goes further. For instance, it might happen to-morrow, if a war broke out in the East, that the Melbourne *Argus* and the Sydney *Morning Herald* would, in conjunction, send a special commissioner at great expense to the seat of war, and obtain from him, either by cable, or by post, news for publication in Australia. Clearly that news would come from outside Australia, and those two newspapers would be acting conjointly. On the other hand, the Melbourne *Age* and the Sydney *Daily Telegraph* might send to the Philippines, in the event of trouble there, and incur a considerable amount of expense in obtaining news. The special commissioner, in either case, would have to be well paid, and would incur many risks to his health and life; and even, after he had obtained news, it might cost an amount very much in disproportion to the intrinsic value of the news, to get it conveyed with the utmost despatch to Australia and published. If the amendment were carried, it would be competent for any other newspaper proprietor to claim to join the two newspapers, and to threaten that if he were not allowed to do so, he would publish the news without consent. In sending out commissioners in this way, newspapers show considerable enterprise, and this is a field in which there is a great deal of competition, resulting in much benefit to the public. During the war between Russia and Japan, many newspapers of the old countries sent special correspondents to the seat of operations, and the London *Times* not only had an Australian officer there to represent them, but instituted a system of wireless telegraphy, the messages by which were, by the way, intercepted by others. If two Australian newspapers exhibited sufficient enterprise and energy to send a special commissioner to South Africa, China, Siberia, Canada, or elsewhere, and thus obtained news at great expense, it would be, as I say, competent under this amendment for other newspaper proprietors to be allowed to participate in the advantages.

Senator PEARCE.—If they paid an equal share of the expense.

Senator KEATING.—Does the honorable senator think that would be fair?

Senator PEARCE.—Why not?

Senator DRAKE.—If the principle is right as applied to two newspapers, why should it not apply to one newspaper?

Senator KEATING.—Honorable senators have addressed themselves mainly to the question of cables from England; but it would be quite possible for a combination of newspapers to take such steps as I have indicated. Indeed, I am not sure that some of the Australian newspapers did not send special correspondents to the Chinese-Japanese war. At any rate, I know that Mr. Lambie for the *Age*, Mr. Donald Macdonald for the *Argus*, Mr. Paterson for the *Sydney Morning Herald*, and a special correspondent of the *Sydney Daily Telegraph* were sent to South Africa during the war; and if any two newspapers had joined in securing the services of these gentlemen, other newspapers here, on the arrival of the news, might have claimed to participate in the benefit on paying a certain proportion of the expense.

Senator MILLEN.—Other newspapers would only come in when the venture was successful.

Senator KEATING.—Exactly. I myself know of cases where people, in starting newspapers in populous centres, have been confronted with the difficulty pointed out by Senator Pearce. It is absolutely useless for a newly-established newspaper to attempt to compete with the older newspapers, unless the former are able to obtain a fair supply of cable news from the outside world; and to get such a supply independently, would mean the expenditure of several thousands of pounds. The older newspapers, who get their cable news on the combination or farming-out system, incur much less expense, and thus the competition is very unfair. As I say, people have asked to be allowed to participate in the supply of news thus obtained, but have been refused, although they were willing to pay what might be considered by the other parties to the agreement a fair share of the cost. The amendment, however, would not effect the object in view, and is full of dangers.

Senator O'KEEFE.—As the Minister appears to sympathize with the object of the amendment, will he postpone the clause and endeavour to frame a provision to meet the case?

Senator KEATING.—I have intimated to Senator Millen that if he is not satisfied

that the clause indicates with sufficient certainty the meaning which, so far, we have all agreed upon, I shall have no objection to its recommittal.

Senator GIVENS.—If the amendment is not accepted, then undoubtedly a copyright for twenty-four hours is too much.

Senator KEATING.—That may be, but I really think the amendment will not achieve what Senator Pearce desires, while it may have results of which we should not approve. I have endeavoured to frame a provision which would, while fair to the public and newspaper proprietors generally, be also fair to newspaper proprietors who have embarked their capital and displayed enterprise and business ability in obtaining news from abroad. But, so far, I candidly confess that I, and those with whom I have conferred, have been unsuccessful in finding a proposal which would not infringe the rights of somebody. Senator Smith has pointed out that the newspaper proprietors, who now obtain this news, have established the system by which it is obtained; and there is no principle on which we can call upon them to open the door of their partnership on terms we lay down. It has been stated that this combination is a monopoly; but it is not a monopoly in the sense in which the word is ordinarily used. The newspaper proprietors do not withhold anything from the public—they only have the benefit of their own enterprise and business ability. Their answer to any suggestion of monopoly is that it is quite open to other newspaper proprietors to establish an organization of the same character. Suppose there was an organization of the kind comprising seven or eight distinct news agencies, and one man after another claimed the right to be admitted; those who originated the system must have met with a certain degree of success before others would desire to join them. They would have their own regulations and principles which they follow in collecting the news; and if a number of other people were admitted, could it be contended that the latter ought to be given an equal voice in the management and control?

Senator MILLEN.—The originators have taken all the risks.

Senator KEATING.—That is so; and I ask whether it is intended that ten or twelve other people are to be allowed to join, and, if they do not approve of the methods adopted, to outvote the originators?

By that means you would have an organization which would be capable of indefinite expansion, and perhaps all the ability and all the intelligence displayed by those who originally formed it and brought it to successful fruition would go for nothing, and would be overshadowed by the influence of persons who were subsequently admitted. Under the circumstances I must ask the Committee to reject the amendment.

Senator STORY (South Australia).—With all due deference to Senator Keating, I think that the whole of his argument is based upon supposititious cases. He has pointed out certain dangers that he thinks might arise if this amendment, which I consider to be a most desirable one, were agreed to. He has alluded to newspapers that send special commissioners to obtain war news. That was done by leading journals at the time of the South African war. But the contributions of special correspondents are quite different from the cabled news provided for by this clause.

Senator MILLEN.—But the amendment is not limited to cabled news.

Senator STORY.—The letters of special correspondents are not likely to be pirated, because they are published, as a rule, weeks after the events to which they relate.

Senator MILLEN.—They may be cabled.

Senator STORY.—I propose to give an instance showing the necessity for the amendment. Senator Smith has mentioned a case where an attempt to establish a newspaper was frustrated by the fact that this combine existed, and refused to allow the new venture to obtain cable news even by paying for it. A similar case occurred in South Australia. Senator Dobson has said that the fact that a news combination was able to withhold news was not a public injury. It was proposed to establish a new daily newspaper in South Australia, because the present newspapers do not satisfy the public. Now, the public are injured if they are not satisfied in this respect. There are two leading newspapers in South Australia. One of them publishes news only in accordance with its political views; or perhaps I should put it in this way—that it suppresses certain news that is against its political convictions. Advertisers also complain that as there is a combination between the two leading newspapers they have to pay exorbitant rates. The establishment of another newspaper would be to the advantage both of the reading public and of advertisers. That is what I had in my mind when I inter-

jected that it was a public injury that a combination in news should be allowed. It was found that the capital to establish a fresh newspaper could be obtained. The promoters entered into correspondence with the syndicate, or press agency, or whatever may be the term by which it is known. They were willing that the new venture should have the right to purchase information from them, on condition that the two other Adelaide newspapers had no objection. As far as I can understand, there is a syndicate of two or not more than three newspapers who get the information, and who have agreed to sell it to various other newspapers; but they cannot sell to any other newspapers that may be established in Melbourne, Sydney, or Adelaide, unless the journals with whom they have already made arrangements are agreeable. In this case one of the Adelaide daily newspapers was perfectly willing that the syndicate should, if it thought proper, sell news to the promoters of the new paper. The other newspaper, fearing competition, said that it objected. That stopped the venture. But I feel satisfied in my own mind, that the public are determined to have a better daily newspaper than they have at present, although it may be necessary to form a new combination, or even to obtain news from Europe independently. I believe the thing will come off. But the fact remains that it is within the power of two newspapers to prevent competition, and that they can object to the syndicate selling press news to new ventures.

Senator DOBSON.—Suppose that these two newspapers are buying the cables under contract; if two other newspapers could also get them, the cables would not be so valuable.

Senator STORY.—As far as I understand, the people who purchase the news from Reuter sell it again to such newspapers as the *Adelaide Register* and *Advertiser*. The *Register* and *Advertiser* are not in the syndicate. That does away with the objection that any one should have the right to come in, and that the number might be increased to hundreds. That could not possibly occur. The number is already limited. The newspapers who buy from the syndicate have made the stipulation: "You shall sell to no others in our city."

Senator DOBSON.—Because the more newspapers the cables are sold to, the less

valuable they are. It is evident that this amendment would interfere with private contracts.

Senator STORY.—Information is always valuable. It would be a very great advantage to the people if they were dissatisfied with their newspapers, to have the right to establish others.

Senator DOBSON.—Suppose the two Adelaide newspapers have made the condition that the honorable senator suggests; how could we interfere with a contract of that sort?

Senator STORY.—I do not think that the proposal would interfere with any contract.

Senator DOBSON.—The honorable senator says that there are contracts now.

Senator STORY.—It is not proposed to interfere with them. This Bill will give further protection to newspaper proprietors. If we extend further protection to them we should say—"You shall not withhold your news to any purchaser, who is prepared to pay a price for it."

Senator DOBSON.—I doubt whether we are giving the newspaper proprietors any further protection than they have already.

Senator STORY.—Then what is the use of the clause?

Senator DOBSON.—We are defining the existing law.

Senator STORY.—I should be in favour of striking the clause out rather than leaving it in its present form. It has been shown that the newspaper proprietors are already protected, and we ought not to protect them further, unless we compel them to sell their news to those who are willing to purchase it. I hope that the amendment will be carried.

Senator MILLEN (New South Wales).—The principal reason why we are asked to insert the amendment is the alleged existence of a combination. Have we sufficient information regarding the alleged combination to enable us to take legislative action? Can any one tell us anything as to its scope, the agreements that at present exist between its members, its objects, and so forth? In the absence of definite information of this character we ought not to legislate either to suppress the combination if it exists, or to restrict its operations.

Senator STORY. — This amendment would not suppress it.

Senator MILLEN.—We ought not to legislate regarding it at all, unless we have definite information.

Senator STORY.—We should give it no further protection.

Senator MILLEN.—We are not legislating with respect to trusts and combinations, but as to copyright.

Senator STORY.—We ought to study the public.

Senator MILLEN. — Certainly; but newspaper proprietors are a portion of the public. If we are going to study the public, irrespective of individual rights, do not let us give copyright at all. Let us say that the moment an author publishes a book or a newspaper publishes news it shall be made available for the public. We are asked by this amendment to legislate adversely to newspaper proprietors, without a full inquiry into the circumstances which are alleged to exist. I have no doubt that the circumstances which have been alleged are fairly accurate, but it would only be common-sense, before legislating adversely to newspaper proprietors, to make ourselves acquainted with the true state of the case by inquiry. Let us understand the facts. We have not the facts before us now, and for that reason I shall vote against the amendment at this stage.

Senator KEATING.—The best way to deal with a press monopoly, if it existed, would be by means of the charges for telegrams.

Senator MILLEN.—I also wish to show how the amendment would fail in its object. Take that part of it which deals with the making of proportionate charges. So far we are not agreed as to what is meant by *pro rata*.

Senator STORY.—What does it usually mean?

Senator MILLEN.—If we accept the usual meaning the amendment is useless. If it means that every additional newspaper that uses the cables is to pay *pro rata* in the ordinary meaning of the term, we shall certainly block every country newspaper proprietor. Say that there are half-a-dozen newspapers in the alleged combination. They are, I suppose, the leading newspapers of Australia. The *Age*, in Melbourne, claims to have a circulation of 100,000. The number would also include the *Argus*, the *Sydney Morning Herald*, the *Sydney Daily Telegraph*, and perhaps the leading newspapers of the other metropolitan cities. Suppose that a provincial news-

paper, with a circulation of 1,000, were to claim under this arrangement the right to come in *pro ratâ*. Does any one think it could afford to pay the price? Could a small provincial paper say, "You are paying £15,000 a year for your cable service from Europe, and we want to pay our share"?

Senator O'KEEFE.—It would not be allowed to come in if it did not.

Senator MILLEN.—If that is the meaning of *pro ratâ*, honorable senators opposite are not securing the object they have in view.

Senator O'KEEFE.—There are cases in which the *pro ratâ* amount could be paid.

Senator MILLEN.—Then the fact is that honorable senators wish to legislate for a certain section only.

Senator PEARCE.—The reply is that there are newspapers that buy news at greater than the *pro ratâ* cost at present.

Senator MILLEN.—All that that means is this: that the amendment would benefit some people, and not the whole. It is injurious enough to legislate for a class, but it is ten thousand times worse to legislate for a section of a class. If the object of the amendment is good it should be drafted in such a way as to apply to every case likely to arise under it. I have dealt with Senator Story's definition of *pro ratâ*. Let me now deal with Senator Pearce's explanation of the term. The fact that we have two varying explanations from advocates of the amendment is sufficient of itself to show that its drafting ought to be further considered. Senator Pearce's explanation of *pro ratâ* is that the amount to be paid should be in proportion to the quantity of matter used. Senator Dobson has answered that by showing that if newspaper proprietors are given the right of selection they will cull only the more valuable portions of the news.

Senator STORY.—That would be unfair.

Senator MILLEN.—Exactly. I take another meaning which might be given to the words *pro ratâ*. It might be held that the payment should be in accordance with the benefit conferred, and the proprietor of a small country newspaper having a circulation of 1,000 might come in and say that, as the *Age* has a circulation of 100,000, he should pay the one-hundredth part of what the proprietor of the *Age* pays. These are all factors which should be taken into consideration in apportioning the

charge, and surely it will not be contended that they are clearly expressed by the words *pro ratâ*. There is much to be done before we can adopt any proposal of this kind. Even if it were thought desirable to give any newspaper proprietor the right of admission to the alleged combination we must provide machinery by which he could be admitted in a manner equitable to the combination. This amendment does not provide that machinery. In the circumstances I would suggest that at this stage it should be withdrawn, in order that some further consultation might take place, with a view to providing effective machinery to carry out the intention of the proposal.

Senator PEARCE. — This is quite good enough to test the principle, and the amendment can be re-drafted afterwards if that is found to be necessary.

Senator MILLEN.—The honorable senator has spoken without a knowledge of what I was going to say. I feel that something should be done in the way of restricting any injurious combination, if such a combination exists, but I am unable to vote for this amendment. The honorable senator submits an amendment which is full of defects, and then says that it is good enough to test the principle.

Senator PEARCE.—I do not admit that.

Senator MILLEN.—Will the honorable senator deny it.

Senator PEARCE.—Yes.

Senator MILLEN. — The honorable senator's denial amounts to an affirmation that the words *pro ratâ* provide adequate machinery for the equitable apportionment of the cost of the joint service amongst the various beneficiaries. No man free from prejudice in the matter can accept this amendment as providing a reasonable solution of that difficulty. Further, a distinction must be drawn between a combination of newspaper proprietors and a press agency. The terms have been used rather loosely to-night. Certain honorable senators have used the term press agency as applying to the alleged combination of newspaper proprietors. There is a vast difference between a combination of newspaper proprietors for the purpose of obtaining information for publication in their various newspapers, and a telegraphic agency such as that carried on by Reuter, who supplies news, not to the public, but to newspaper proprietors. Senator Drake, I think, interjected that if it is desirable to permit persons to join such a combination as has been

suggested, it should be equally desirable to give them the right to join a private individual engaged in the same business. I have heard no answer to that. We have not legally, and have we morally, the right to say that any one is entitled to approach Reuter, who, after many years, and by marvellous enterprise and considerable capacity, has established a world-wide business of this kind, and claim to participate with him in the Australian branch of his business?

Senator STORY.—That is not proposed under the amendment.

Senator MILLEN.—I am aware of that, but would any person have any better right to make such a demand if Reuter joined with, say, Gordon and Gotch, to provide a more economical service for Australia? If such a thing is unfair in the case of an individual firm it would be equally unfair if Reuter and Gordon and Gotch entered into a joint agreement to carry on the same business. No one will contend that it would be reasonable or fair, after this business has been built up by the expenditure of considerable sums of money, and a great deal of enterprise, and has become an assured success, that any person should have the right to come in and participate in that success. The proposition has only to be stated in an abstract way to insure its condemnation by every one willing to consider it on its merits. I have said just now that I should have some sympathy with a clause proposed to restrict a combination if it existed, and could be shown to operate injuriously to the public. That is my attitude with regard to all trusts. But I say that with the information available we are not now in a position to legislate on that aspect of this question. It does not follow that because two or three persons combine to do a certain thing their action will, on the whole, be injurious to the community. I venture to say that Australia has benefited considerably from the existence of the combination which has been referred to. The people of Australia have been supplied with a volume of news, the cost of the collection of which would have been absolutely prohibitive if each individual newspaper proprietor had had to pay for it himself. The effect of the agreement between the newspaper proprietors has been distinctly beneficial to the Australian people, and we must remember that those concerned in the matter had to run very considerable risks. I have

no doubt that in the earlier stages of their operations they had many difficulties to meet, and spent considerable sums of money in excess of their returns. With considerable enterprise they undertook the risk, and have been successful. If their operations had turned out unsuccessfully I venture to say that no one would be seeking to join them. Is it fair or equitable that whenever a successful effort is made to obtain news any person should be entitled to step in and claim to share in the profits of it? Whilst I should be willing, if a simple proposition were put before us, on sufficient information, to support those who seek to restrict any injurious combination in the nature of a trust, I believe that this amendment would utterly fail to achieve the object for which it is proposed.

Senator DE LARGIE (Western Australia).—The principle underlying this clause is one of protection to newspaper proprietors provided they act fairly towards others, and are willing to remedy the injustice from which the journalistic world has been suffering for a very considerable time. In each State of the Commonwealth we have two principal daily papers voicing the political views of two sections of the people. There is a section holding other political views which never find expression in these newspapers. This state of things amounts to a monopoly, and it has existed in the different States for some time. By passing clause 33 as it stands we shall be strengthening that monopoly. If I can gauge public opinion and the tendency of our legislation to-day, the general desire is that we should weaken, and not strengthen, monopoly, and in consequence there is a demand for anti-trust legislation. Only a very little time ago we had the Arbitration and Conciliation Bill under consideration in this Chamber, and when a certain measure of protection was asked for unionism, we were told that this preference to unionists, as it was termed, should only be granted on condition that the unions should give the right of entry to any workman engaged in the callings in connexion with which they were organized. Applying the same principle in this case, we can reasonably say that if we are to give these rich newspaper corporations any preference or protection under our law, it must be fair and equitable to all.

Senator DOBSON.—The honorable member's analogy fails because they have protection.

Senator DE LARGIE.—There is no reason why we should not extend the privilege to others.

Senator DOBSON.—Honorable senators are proposing not to extend it, but to cut it down.

Senator DE LARGIE.—When, in dealing with the Conciliation and Arbitration Bill, we pointed out that in two of the States the compulsory principle was in operation, the fact did not influence Senator Dobson to agree to extend the principle to the Commonwealth. I hold that at the present time there is a press monopoly, which is likely to continue, because it is a well-known fact that no newspaper can hope to exist in Australia unless it supplies cable news from all parts of the world. Local news takes a very secondary place, and people will not buy a newspaper unless they can be sure that they will find in it cablegrams giving news from all parts of the world. We know that the cablegrams appearing in the principal daily newspapers have been pirated and collected from newspapers published in the old country.

Senator DOBSON.—They have to be paid for, I presume.

Senator DE LARGIE.—Yes; but that is not the principle underlying this Copyright Bill. We are considering the question of protecting the production of the brain rather than the culling of news from newspapers. Although we do not consider that the publication of second-hand matter deserves to be protected, we recognise that the proprietors of newspapers have certain rights, and these we are willing to continue, if they will consent to admit the proprietors of other newspapers to the combination on fair and equal terms. In Australia the press has acquired a great amount of influence, though not so great as in other countries. Although in some States the press is in the hands of certain political parties, those parties cannot get very much representation. At the last Federal elections in Western Australia, only one party could secure representation. Apparently public opinion was wholly in favour of the Labour Party. We can afford to be somewhat liberal towards the newspapers, knowing that their claws have been somewhat clipped. They are not so powerful as they used to be, and perhaps that may induce us not to deal so harshly with them as we might do if they had that powerful political influence which they used to possess in certain States. So

long as we have had a press, there has been going on a struggle to break down its monopoly in cablegrams. Unless this amendment be enacted, these rich corporations will continue to control the supply of cable news to the public. That, I hold, is a danger against which we ought to provide as far as possible. The proprietors of these journals ought to be well satisfied with the advantages which they have enjoyed so long, and ought not to be granted additional advantages. From a financial stand-point, the amendment will inflict no great hardship upon the newspapers, because if they are obliged to share their news with other newspapers, the latter will have to pay their fair share of its collection and transmission to Australia. It has been said that it would be unfair to allow the proprietors of other newspapers to enter the combination on equal terms. But our duty is to consider what is best for the whole of the community, and not what is best for the interests of a few rich corporations. It would be a very great error indeed on our part to continue a monopoly which is in a position to do very much harm by stultifying news, spreading misstatements, suppressing the expression of certain opinions, and so manufacturing public opinion. If the principle of the amendment is acceptable to a majority of honorable senators, and only certain alterations are required to meet their views, I hope that Senator Keating will frame a clause for that purpose. I really cannot understand how the honorable and learned senator, who is reputed to hold liberal ideas, can say one word against this very liberal proposition. I hope, however, that he will see whether he cannot embody in the Bill, that principle which has been outlined in this amendment.

Senator PULSFORD (New South Wales).—I earnestly hope that the Committee will not dream of accepting the amendment. So far as business arrangements are concerned, it seems to me to be distinctly unworkable. And I do not see much difference between the principle of the amendment and a deliberate steal. If this be allowed, will the principle be carried any further? If I, or any two or three persons are in business, and have made arrangements for receiving cable messages relating to market prices, will somebody else be allowed to come in and demand the information upon paying a certain proportion of the cost? Or, if a

merchant has imported a cargo of goods which have been well bought, will it be proper to allow certain persons to say, "We cannot let you have this monopoly; we want a portion of the profits accruing from the sale of these goods"? That is practically the principle at stake here. Certain persons enter into an arrangement to buy news from all parts of the world, and then to sell it. If the power to deal with the news is largely taken out of their hands, its value is lessened, and consequently a blow is at once aimed at this system of contracting for news. The cost of cable and inland messages has been decreased considerably of late, and it is not a great difficulty for new journals, or a new combination of newspapers or news agencies to arrange for getting a fresh cable service. Surely in this age we must allow them freedom to buy the news, and freedom to dispose of it! I hope that this absurd amendment will be rejected.

The CHAIRMAN.—I am very much interested in this provision. I believe that although the majority of the speakers have opposed the amendment, still, if they could see their way clear to destroy the present monopoly in cable news they would pass an amended clause to that effect. The instance of the *Times* paying £1,200 for a cablegram, as mentioned by the Minister, and the instance of the share-brokers and others do not apply, I think, to the very palpable newspaper monopoly which is known to pretty well everybody throughout the Commonwealth. The cable news which appears in the daily press of Australia is the same. There is no resemblance whatever to the case mentioned by Senator Millen and the Minister, where two newspapers combined to send a correspondent to the East. The news which appears in the principal daily newspapers of the Commonwealth is the same morning and evening.

Senator MILLEN.—But the amendment does not deal with that.

The CHAIRMAN.—I am afraid that the amendment does not deal with that question in a practical way. I think that a clause might be proposed to allow the Minister to discriminate, and to withdraw the copyright from, say, the Melbourne *Argus*, Melbourne *Herald*, and Melbourne *Age*, if those three newspapers prevented any person or persons from starting a newspaper in Melbourne, and getting equal privileges in the way of cable news. This afternoon

Senator Guthrie instanced a case where the daily newspapers put in their objections successfully against a fresh newspaper obtaining cable news. I remember a case where the Brisbane *Telegraph* and the Brisbane *Courier* refused to allow a fresh newspaper to enter the combination. A similar case has occurred in Victoria. From a newspaper man in Tasmania I received a letter asking if I could find some person in Queensland who would go in with him, and endeavour to obtain cable news. If the gentlemen forming the combine were acting upon their individual responsibility, and receiving no concession from the Commonwealth, it would be a very different matter. Their successful business has been built up by the grace of the people in the various States who have granted them certain concessions which are not given to the general public. If a sharebroker as mentioned by Senator Keating wants information by cable from the old country he has to pay the full rate of 3s. a word, but the newspapers are enabled to get their cable news at about a third of that price.

Senator KEATING.—That is where the honorable senator ought to deal with them.

The CHAIRMAN.—I suggested that the Minister should have jurisdiction in the matter. The Minister would be enabled to withdraw the copyright if it could be shown that any section of this combine had refused to allow another individual or firm to share in the benefits; and provision of the kind would allow newspapers who send correspondents to the East, and so forth, to retain their copyright.

Senator PEARCE (Western Australia).—The cases which Senator Keating has quoted from both the Victorian law and the English law form no objection to my amendment any more than they form an objection to the clause. If the quotations mean anything they mean that without the clause the newspapers have all the protection they require. Senator Keating, in referring to the case of the *Gippsland Mercury*, admitted that the decision of Judge Molesworth was based not on common law, but on an old copyright law, which did not specifically deal with newspapers, but with the question generally.

Senator KEATING.—Judge Molesworth in his decision found that a newspaper was a book.

Senator PEARCE.—In the absence of the statutory provisions which are now proposed, the copyright of newspapers would

exist for the term laid down in the general copyright law. In Victoria, for instance, the copyright in a press message would extend for the same term as the copyright of a book, and the Minister, in introducing this limiting clause, admits the necessity there is for taking away from newspapers that extended copyright. If my amendment takes away existing rights, so does the clause; and the Ministry, in introducing this provision, recognise the necessity, in the public interest, in the three States where there is no limit, of imposing a limit in this connexion. Even in the three States where a limitation is imposed, the Minister proposes a further limitation. What harm would my amendment do in the case of correspondents sent by newspapers to the East or to South Africa? In the South African war the newspapers acted individually, and the news so obtained would, even under my amendment, be copyright.

Senator MILLEN.—But what if two newspapers sent one correspondent?

Senator PEARCE.—As Senator Story pointed out, the usual practice in the case of war correspondence is for the cables from South Africa, China, or elsewhere, to come by way of London, only the weekly letters of the special commissioners coming direct from the scene of operations. In the case of a weekly letter, it could not be copied until it had first appeared in the columns of the newspapers which engaged the correspondent. Only when two or more newspapers acted together would the amendment operate; and how would it operate? The whole of the expense of telegraphing, and all the incidental expenses, would have to be shared by every person who wanted to participate in the copyright. The person who wished to use the news would have the alternative of paying one-third of the share of the enormous cost, or of waiting for twenty-four hours, at the expiration of which he could publish it without any expense. If the particular case mentioned by Senator Keating comes under clause 33, the news is safeguarded for only twenty-four hours, and where, then, would be the terrible hardship under my amendment? In almost every instance, the alternative of waiting twenty-four hours would be accepted, especially in the case of a weekly letter, which has not the same value as a cable message. Under all the circumstances, the particular illustration given is of no value as an objection to the amendment. Senator Millen endeavoured to make

some capital out of the fact that, when my mind was concentrated on the main principle of the amendment, and I was being met with a fire of interjections, I could not, on the spur of the moment, give an exact definition of the words *pro rata*. I said I thought that they would mean an equal share, but, subsequently, I was of opinion that the circulation of the newspaper in question might have to be taken into consideration. I was careful to say that I was not prepared to give a definition off-hand, especially in reply to an interjection which broke the thread of my thought; but, on reconsideration, and having consulted with the draftsman, I feel sure that the only meaning is that, if twelve people were sharing in the cost, they would each have to pay one-twelfth.

Senator MILLEN.—Then the amendment is useless.

Senator PEARCE.—I cannot see that. There are newspapers to-day in Australia which are outside the combine, and which pay infinitely more than a *pro rata* share for the news supplied. Those newspapers would gladly embrace a chance of paying a *pro rata* share, and obtaining better news. At present the news is supplied by the grace of the few companies in the combine, and at the price fixed by the combine; and, further, the prices paid by those outside newspapers amount to practically the whole cost of cabling the messages. Thus the newspapers in the combine get their news practically free.

Senator PULSFORD.—If that be so, these outside newspapers could, for the same money, get their news independently of the combine?

Senator PEARCE.—The honorable senator was not present when I submitted the amendment, or he would have heard me explain that there is an agreement between the Eastern Extension Telegraph Company and the newspapers, which debars other newspapers from carrying out such a plan. This agreement practically constitutes a monopoly arranged between the newspaper proprietors and the Eastern Extension Telegraph Company; and outside newspapers which have tried to obtain cable messages on the same terms have failed on innumerable occasions. The amendment might be accepted, and any drafting alterations which are absolutely necessary could be made afterwards.

Senator DOBSON.—We have no business to pass an amendment which may do injustice to others.

Senator PEARCE.—I do not think the amendment will do any injustice.

Senator DOBSON.—Why does the honorable senator wish to push this amendment through now?

Senator PEARCE.—Because the Committee are in full possession of the facts, and this is the proper time to deal with the question.

Senator KEATING (Tasmania—Honorary Minister).—In spite of what I said, in opposing this amendment, it seems that there is some misconception in the minds of one or two honorable senators. Senator de Largie seems to be under the impression that I am opposed to the principle of the amendment; but what I am opposed to is the insertion of such an amendment in this Bill. If the amendment be inserted, it will be absolutely out of place, and will not serve the purpose intended by the framer and the mover, and, so far from having the result expected, it will inflict hardship in many cases.

Senator DE LARGIE.—Where would the amendment be in place?

Senator KEATING.—I do not think the amendment would be altogether in place in this Bill at all, for the reasons I gave in opposing it in the first instance. Senator Pearce, if I may say so with all due respect, misconceives the scope and purpose of this clause. By providing a limit of twenty-four hours for the exclusive publication of news, we do not take away from any newspaper proprietor any right he now enjoys at common law, or would enjoy under the provisions of the Statute. I have not the case of the *Argus v. Gippsland Mercury* at hand, but it was decided in 1875 by Judge Molesworth, who referred to the *Argus*, which had been registered under the Copyright Act, as a book; and, therefore, the copyright of the pirated news existed for a much longer period than twenty-four hours. What we propose now is to declare the law. I have read the evidence of Mr. Bell, the manager of the London *Times*, given before the Imperial Commission in 1898. That gentleman, it will be remembered, admitted that already there was a certain amount of copyright, but the difficulties in enforcing that right were so great that many people were tempted to commit piracy. Mr. Bell gave an instance

in which one particular cable cost the *Times* £1,200, and before ten o'clock that cable had been copied, and was being sold at a penny, with the result that the *Times* edition, which had been in great demand for a few hours, began to come back unsold. You, Mr. Chairman, have pointed out that that evidence applies more to England than to Australia, but the amendment would cover not merely cables from Europe, but all kinds of news regarding current events outside Australia. I gave as an instance the possible case of two newspapers banding together for the purpose of sending a special commissioner to the East in the event of hostilities between, say, China and Japan. We know that during the South African war several newspapers sent correspondents to the front.

Senator PEARCE.—Was that for the purpose of cabling news?

Senator KEATING.—It does not matter whether it was for cabling news or for sending letters. The honorable senator has said that a weekly letter would have to be published before it could be pirated, and that a pirate would have to wait twenty-four hours. The same applies to cabled news. If cabled news is published in this morning's *Argus*, another newspaper could not "lift" it until it had been published. In this clause we are simply giving expression, so to speak, to the sentiment expressed by Mr. Bell before the English Commission: That a newspaper proprietor should have copyright for a certain period in news for which he has paid, and that if any one republishes that news a summary remedy should be available. This is an additional privilege. And we are making the offence punishable in a Court of summary jurisdiction, instead of leaving the proprietor of a newspaper to apply for an injunction which he might obtain at a cost of hundreds of pounds several days after his rights had been infringed and when it could be of no use to him. Exception has been taken to the drafting of the amendment, and we have been asked to accept it, leaving defects to be remedied afterwards by the draftsman. But some of these defects are, to my mind, inherent. No matter what ability was put into the redrafting, the amendment could not be made to deal with the subject in a manner that would be practicable and satisfactory. Before the Bill was circulated I gave a great amount of attention to this particu-

lar point. I sought, with the assistance of others, to draft a provision to give effect to what was desired. But I candidly confess that I was unable to frame any provision that would effectively meet the case, and at the same time conserve the undoubted rights of those people who have put their enterprise and business acumen into this cable service, and who wish their rights to be conserved against others who desire to be purveyors of news to the public largely at their expense. Many of the defects of the amendment, I repeat, are inherent, and I fear that we should be unable to eradicate them from it. Some of them are obvious on the face of it. Suppose that a number of men are banded together to get news from the outside world, and another man comes along, and says to the people in the combination, "I want you to allow me to participate in the news which you get, and I will pay a *pro rata* contribution towards the cost." If they answer "No," what is the position? This amendment would provide that not merely the individual who has been refused but the people of Australia as a whole should have the right to participate. Surely that would not be equitable. The amendment also provides that a person shall be entitled to participate in this news on giving an undertaking to contribute *pro rata*. Any number of men may be prepared to give an undertaking, but what is to compel them to honour the undertaking when it comes to be a matter of paying?

Senator DE LARGIE.—There would be a remedy.

Senator KEATING.—What remedy will there be against a man of straw? It is like saying to a sheep-owner, "Take me into partnership with you, and I will pay a certain amount; but if you do not, I will tear down your fences." If the members of a syndicate for obtaining news held an unprofitable venture no one would care to share the burden with them. But if such a venture is profitable, the supporters of this amendment want to allow any one else to come in and share the benefits. I have already said, by way of interjection, that in my opinion the proper way to deal with the difficulty, if it exists, is by means of the cable rates.

Senator O'KEEFE.—It would be impossible to impose larger charges on one set of newspaper proprietors than on another.

Senator KEATING.—But where a press agency claimed press rates, we could require to be satisfied that the agency distributed news to all who wished to obtain it on reasonable terms.

Senator TRENWITH.—Could that be put in this Bill?

Senator KEATING.—A Copyright Bill is not the proper place for such a provision.

Senator TRENWITH.—We are giving newspaper proprietors a remedy which they did not formerly enjoy, and can we not make provision against what are alleged to be gross abuses?

Senator KEATING.—We cannot provide the necessary machinery in this Bill.

Senator O'KEEFE.—Does the honorable senator think that we can provide the remedy he speaks of in another way?

Senator KEATING.—I think we might. At any rate, I certainly think that this amendment will not carry out Senator Pearce's intentions.

Senator GIVENS.—Then why oppose it?

Senator KEATING.—Because it will be a blot on the Bill, and will lead to a great deal of mischief in the case of people whom we do not desire to affect at all.

Question—That the new sub-clause proposed to be added be added—put. The Committee divided.

Ayes	10
Noes	11

Majority	1
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AYES.

Croft, J. W.	Pearce, G. F.
Dawson, A.	Stewart, J. C.
de Largie, H.	Story, W. H.

Givens, T.	<i>Teller:</i>
Higgs, W. G.	Henderson, G.
O'Keefe, D. J.	

NOES.

Baker, Sir R. C.	Playford, T.
Dobson, H.	Pulsford, E.
Drake, J. G.	Smith, M. S. C.
Macfarlane, J.	Trenwith, W. A.
Matheson, A. P.	<i>Teller:</i>
Millen, E. D.	Keating, J. H.

PAIRS.

Guthrie, R. S.	Gould, A. J.
Turley, H.	Walker, J. T.

Question so resolved in the negative.
Amendment negatived.

Senator GIVENS (Queensland). — We may consent to the passing of the clause without a division if the Minister in charge of the Bill will agree to its recommittal in order that we may see whether it is not

possible to reduce the time for which copyright shall subsist in news of this description. I am strongly of opinion that twenty-four hours is too long.

Senator KEATING.—I think that it is a very reasonable time.

Senator GIVENS.—Then the Minister refuses to consent to the recommitment of the clause?

Senator KEATING.—I do not refuse to consent to its recommitment if honorable senators will agree to pass it now.

Senator DE LARGIE (Western Australia).—If the Minister is not disposed in a reasonable way to meet honorable senators who are opposed to this clause I shall be compelled to vote against it. We know that at the present time proprietors of newspapers derive great and special benefits from the operation of Government agencies, such as our Post and Telegraph Department. In consideration of those advantages we have, I think, a right to insist that something like fair play shall be extended by them to persons who may desire to start newspapers in the various States. Unless the Minister in charge of the Bill will agree to recommit it, I shall be compelled to vote against it.

Senator TRENWITH (Victoria). — I voted against the amendment reluctantly, because I was afraid that possibly some injustice might be done under it. But I distinctly recognise, and it is indeed notorious, that the principal press combination exercises at present an influence in connexion with cablegrams which is baneful and against the general weal. Although I was not prepared to vote for the amendment as submitted, I do think there ought to be devisable some means by which injustice might be remedied, and the power of this vicious, baneful combine somewhat weakened.

Senator DOBSON.—Ministers have heard all these arguments.

Senator TRENWITH.—I am arguing now in support of the applicant for a recommitment of the clause.

Senator KEATING.—I have said that I am not opposed to its recommitment.

Senator TRENWITH.—I did not understand that. That is all I rose to urge, so that a further opportunity might be afforded honorable senators to consider the matter, though I confess that I do not at present see any way in which the difficulty can be met.

Senator KEATING (Tasmania—Honorary Minister).—As soon as the division on

the amendment was recorded, Senator Givens intimated that he was prepared to consent to the clause being passed without a division if I had no objection to its recommitment. The honorable senator stated that his object was to cut down the term of twenty-four hours for which it is proposed that copyright in news should subsist. I intimated by interjection that I had no objection to the recommitment of the clause, and I thought that honorable senators generally heard what I said. I had previously informed Senator Millen, in connexion with sub-clause 1, that I should have no objection to the recommitment of the clause if he thought his views and the views of other honorable senators would not be given effect to by the clause as amended. I have all along indicated that I think something should be done in the direction suggested by the amendment moved by Senator Pearce. I did all I possibly could to put something into the Bill which would be in conformity with the rest of the measure, and at the same time secure to every one his just rights. If honorable senators can frame something of the kind that can be shown to be workable, I am sure that several honorable senators who have voted against Senator Pearce's amendment, will be found supporting such a provision.

Senator DOBSON (Tasmania).—This matter has been most fully discussed, and every argument used in connexion with it has been carefully listened to. Honorable senators have voted against the amendment who have expressed themselves in sympathy with some restriction of what may be an injurious monopoly. But apparently if Senator de Largie cannot secure just what he desires, he is prepared to wreck the Bill.

Clause, as amended, agreed to.
Progress reported.

Senate adjourned at 10.40 p.m.

House of Representatives.

Thursday, 28 September, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

SWEATING IN CONTRACT POST-OFFICES.

Mr. MAUGER.—I desire to ask the Postmaster-General whether, in view of the

revelations which have taken place as to the terrible sweating that is going on in contract post-offices, it having been stated amongst other things that married men are being paid as little as £1 per week, he will refrain from letting any further contracts until arrangements are made for the payment of a minimum wage and the consequent protection of employes in such offices?

Mr. AUSTIN CHAPMAN.—Inquiries are being made into the matter. I can assure the honorable member that the Department do not propose to allow sweating, and that immediate steps will be taken to put a stop to anything of that kind.

SUNDAY WORK: PARTIALLY-PAID FORCES.

Mr. WATKINS.—I should like to know if the Minister representing the Minister of Defence is in possession of the information which, at my request, he promised to obtain with regard to the payment of partially-paid forces for Sunday work.

Mr. EWING.—I made inquiries, but at present I am not in a position to afford the honorable member a satisfactory reply. I hope to be able to do so next week.

VISIT OF AUSTRALIAN SQUADRON TO PORT PHILLIP.

Mr. MALONEY.—I desire to ask the Prime Minister whether, in view of the fact that Victoria contributes one-third of the Naval subsidy, he will endeavour to induce the Naval authorities to permit the vessels belonging to the Australian Squadron to stay in Port Phillip—and other ports, such as Brisbane and Adelaide—for a portion of the year.

Mr. DEAKIN.—I am not officially familiar with the facts, but my impression is that the Squadron visits all the capitals in Australia once in each year.

Mr. MALONEY.—The vessels always visit Melbourne about Cup time.

Mr. DEAKIN.—Some of the vessels are now in Hobson's Bay, and yet we are still some distance off the racing festival. I shall endeavour to ascertain what the practice is.

PAPUA (BRITISH NEW GUINEA) BILL.

Mr. REID.—I should like to ask the Prime Minister whether he is not aware that serious inconvenience and confusion exists in consequence of the great delay in passing the Papua Bill. He will doubtless

remember that at the end of last session only one topic—a specially vexed one, I admit—required to be considered, and I strongly suggest that some steps should be taken to complete the consideration of the measure without further delay.

Mr. DEAKIN.—I thoroughly agree with the right honorable gentleman, and have been watching anxiously, from the first day of the session, for an opportunity to dispose of the Bill. Unfortunately, however, the one question that has to be dealt with is of such importance, and is one upon which the House is so divided, that, in the absence of some understanding with regard to it, the measure would probably be lost. It is in the hope of saving the measure that I am endeavouring to arrive at some fair arrangement in regard to that matter.

Mr. REID.—I hope that the Prime Minister's efforts will be crowned with success.

MILITARY CLERKS.

Mr. HUME COOK asked the Attorney-General, *upon notice*—

Whether the military clerks who were in the employment of any State at the establishment of the Commonwealth are eligible for appointment to a corresponding division of the Public Service of the Commonwealth, under Section 33 of the Commonwealth Public Service Act?

Mr. DEAKIN.—The reply of the Attorney-General is as follows:—

I find it impossible to give one answer that would apply to all the cases included in the honorable member's question. Each case will have to be considered on its own facts, but the Government will endeavour to afford every officer the fullest opportunity of obtaining the benefits intended to be given by section 33 of the Public Service Act.

ADMISSION OF JAPANESE TO AUSTRALIA.

Mr. BRUCE SMITH (Parkes).—I move—

1. That, in the opinion of this House, in view of the facts that the Japanese people have placed themselves in the front rank of civilized nations; that they have proved themselves to be one of the most progressive peoples in the world; that, as a nation, they have become the honoured and trusted friend and ally of the British people, and therefore of the British Empire; because of their high national character; and because they have become one of the greatest naval and military powers of the world: the time has arrived for differentiating the Japanese people from other Asiatic races with whom they have been impliedly grouped under the Immigration Restriction Act of 1901, and for placing them, in their relationship to the people of Australia, upon the same footing of international amity as that which is now extended to European peoples.

2. That the Immigration Restriction Act of 1901 should be so amended as to admit of the regulation of the admission of the Japanese people to Australia being made the subject of diplomatic negotiation and mutual arrangement, subject to any proposed treaty being submitted to the approval of Parliament, or so as to admit of the Japanese language being included with those of European nations as the basis of an educational test of the rights of immigrants: thus to remove from the Japanese people the implied stigma, of which they have complained, of being grouped with other Asiatic races as "prohibited immigrants."

Whatever other honorable members may think with regard to the motion, I consider it one of the gravest importance, because it will afford this House an opportunity to recede from the step which it took in 1901 in regard to the Japanese nation—a step which I then regarded, and still regard, as a diplomatic mistake of the first order. It is a singular fact that, although this notice of motion has been on the business paper for nearly twelve months, I am afforded the first opportunity to bring it forward, upon the very day on which there appears in the daily press a detailed statement of the second alliance entered into between the mother country and Japan. I do not hesitate to say that that alliance is one of the most intimate diplomatic alliances that the mother country has made in modern times. It is in the nature of a diplomatic marriage, because each nation has paid the other the compliment of agreeing to afford mutual assistance, for better or for worse, in the event of war during the next ten years. One cannot read the second clause of that treaty without feeling that the mother country, of which we always acknowledge the greatness, and of which we all feel proud, has paid the Japanese nation the most profound compliment. In order to show the far-reaching effects of this agreement, I would point out that it is provided in article 2 that—

if by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other power or powers, either of the contracting parties should be involved in war for the defence of the territorial rights or interests mentioned in the preamble of the treaty, the other power shall immediately come to the assistance of her ally, conduct the war in common, and make peace in mutual agreement with her.

This intimate alliance and diplomatic marriage has been effected with a nation in whose face we have slammed the door; and it seems to me that the motion affords us an admirable opportunity for reconsidering the step which we took in 1901, though we can

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hardly take that course to-day with the same grace that would have characterized similar action on our part in that year. The motion has, I fear, not been understood by more than a small number of honorable members. I have gleaned from conversations which I have had with many members that they were under the impression that I was seeking to induce the House to alter the law in such a way as to permit of the introduction of Japanese into this country without reasonable limit. I wish honorable members to understand that I am attempting nothing of the kind—not that my view of the Japanese is not sufficiently liberal to incline me to do so, if I saw an opportunity of giving practical effect to my wish; but I recognise that as this Parliament is constituted the chances of inducing it to go back on the principle of restriction are hopeless at the present time. All I am now asking is that the House shall deal with the Japanese people in the manner in which they asked us to deal with them in 1901, namely, to take them out of the category of Asiatic nations generally with whom they have been grouped, and to deal with them in the same way and in the same spirit that the mother country has adopted in regard to the much greater question of a common ground of defence in war. All I ask the House to do is to pass a resolution, which will authorize the Government to take some legislative step that will recognise the great national power of the Japanese people, as well as their international claims to our consideration, at the same time taking whatever precautions are required to guard against an unlimited influx of Japanese—if there should be any fear of such a thing in the future. It is necessary that I should deal briefly with the correspondence which took place, not only between the Commonwealth and the Japanese people, but between some of the States authorities, especially those of New South Wales, and the Japanese people prior to the passing of the Act which has so much offended them in their national pride. I know that anything I can say on my own account would not receive very much consideration at the hands of many honorable members.

Mr. FISHER.—Why should the honorable and learned member say that?

Mr. BRUCE SMITH. — I say it in no unpleasant spirit, but I have noticed that whenever I have spoken upon questions of this kind I have been

credited with taking a rather singular view; and my opinions have not been regarded as worthy of quite as much consideration as those of many honorable members whose views seem to be of a more elastic character.

Mr. FISHER.—I venture to say that no honorable member's speeches are more entertaining, or are more generally read, than those of the honorable and learned member.

Mr. BRUCE SMITH.—I am obliged to the honorable member for his observation, but it does not accord with the impression which I had gleaned. I am very glad to learn that my impression was a wrong one. I have acted upon the assumption I have indicated. In my endeavours to lay before the House material which in my judgment ought to induce it to act in the manner I have suggested, I have attempted to collect data from various sources—from the press, and from members of this House whose opinions are more likely to carry weight than my own. I am very much afraid, therefore, that a large part of my speech will consist rather of the reproduction of other people's opinions than of an expression of my own thoughts, to which I have frequently given utterance in this Chamber. I assume my hearers to possess a certain general knowledge of the history of Japan, because I contend that this is a question which involves the national pride and self-respect of a great nation; and the extent to which that pride and self-respect are valued by that nation cannot be fully understood unless we possess some knowledge of its history. I know that until a very few years ago—until Japan loomed up as a possible opponent of Russia—a large proportion of the people of Australia were under the impression that it was a barbarous nation. When the fleet of the Japanese arrived in Australia, I not only saw in the press, but I heard from different members of the public, exclamations of the most profound surprise that Japan should possess an organized army, a navy, and a civilized form of government. That state of ignorance has passed away, and the world now knows much that it did not know previously. Still it is necessary, in order to understand the national character and *morale* of the Japanese, to realize the extent to which they have been offended by our action as a Parliament in 1901. It

is some satisfaction to me to reflect that, in that year, I stood in this House with very few other honorable members to vindicate the cause of the Japanese. I knew the nature of the correspondence which had passed between the representatives of Japan and at least one State Government in regard to this question; and I understood how that representative had emphasized the importance of the Japanese being treated upon terms which would, at least, entitle them to be placed upon the same footing as some of the smaller European nations. It was in consequence of my knowledge of these people, of their national power, of their self-respect, of their civilization, and of their morality, that I contended five years ago that we ought to treat them in a very different manner from that in which we have treated them in the Immigration Restriction Act.

Mr. MAHON.—Did the honorable and learned member use the term "morality"?

Mr. BRUCE SMITH.—Yes. I did not use it, perhaps, in the Sunday-school sense in which the honorable member seems to be applying it. I am using it in a broad philosophical sense, and I say that it is a word which is peculiarly applicable to the Japanese people. I think I shall satisfy the honorable member, if he will allow me to deal with that attribute in a less restricted way, that some of the greatest authorities in the world—authorities whose opinions he will admit are entitled to respect—have pronounced the judgment which I have just uttered in regard to them. Recently there have been two small but interesting books published, one by the honorable member for Melbourne, entitled *Japan and the East*, and the other by Colonel Bell, who, for some years, filled the position of United States Consul in New South Wales. In addition to these works, an interesting *brochure* has been written by Senator Pulsford, entitled, *The British Empire and the Relations of Asia and Australasia*.

Mr. THOMAS.—Still another book has been published by Mr. Cole.

Mr. BRUCE SMITH.—That is so. In Senator Pulsford's book the author summarizes the history of Japan in two paragraphs, which I shall take the liberty of reading to the House. Speaking of China and Japan, he says—

These Empires, for generation after generation, century after century, asked nothing of the

rest of the world, save to be left alone. The world—specially Great Britain—would not leave them alone, but by fire and sword won from reluctant peoples rights of trade and residence.

As history is counted, the years were but few since British guns had thundered at the portals of one Eastern country after another, and demanded that all doors be opened to the Britisher, not only for trade, but for residence. This historical fact certainly carried with it some counter obligations, even if there were no such things possible as international treaties or courtesy. Those who demand a privilege should be careful how they withdraw a similar privilege.

Colonel Bell, who is an able thinker, has put in a very succinct way the same aspect of the question in a small work called *Little Giants of the East*. He says—

Japan, to the great busy world fifty years ago, was little more than a geographical expression. True, a few foreign traders knew something of its resources, and a few more knew of it as the home of happy, smiling, artistic heathens, who associated with their gods, worshipped their earthly despot, and painted fantastic figures on small and trifling things; but, to the many, the notions regarding Japan were of dreamy vagueness.

It was in 1853 that Commodore Perry anchored off Unagai; and, under the persuasive influence of the American guns an official communication was received by the Japanese Government from President Philmore. The next year the first modern Japanese treaty was signed with a foreign power, and soon a flood of light poured in which startled this wonderful nation into resolute action.

Japan was not aroused from "savagery" in a few years; but, having evolved splendid capabilities, with unparalleled alacrity she moved out of a dark and narrow path, into a higher, a broader, a nobler, and better sphere of thought and action—and never raw recruit handled new armour more dexterously. It was not the sudden development of an intellect; it was the application of an intellect already developed to new fields of action.

I have said that the Japanese are a proud, self-respecting, and sensitive people, and the correspondence which passed between them and the Commonwealth Government—preceded as it was by correspondence between the then Premier of New South Wales and the representative of Japan in that State—clearly shows that the public men of Australia had had placed before them the full effect which this legislation was likely to have upon the Japanese people. I do not hesitate to say that the urgent correspondence of a great country was never treated with scantier courtesy than was this Japanese correspondence by the public men of Australia. I have here a letter, written by the Japanese Consul to

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the Premier of New South Wales in 1897, from which I propose to read a short extract.

Mr. WILKINSON.—Who was Premier of New South Wales at that time?

Mr. BRUCE SMITH.—I think it was the right honorable member for East Sydney. That circumstance, however, does not affect my opinion as to its character. The Japanese Consul wrote as follows:—

Sir,—As Consul for Japan, I deem it my duty to formally enter my protest against the unfriendly character of the legislation now proposed with regard to the immigration of aliens.

Permit me to say that, so far as Japan is concerned, New South Wales has no reason to fear alien immigration. The Japanese Government does not wish to lose any of its subjects, and so far as the people themselves are concerned, they are under no necessity to emigrate—as may be judged from the fact that wages have nearly doubled within the last three years, consequent upon the marked development that has taken place in many industrial pursuits.

I may say here that, when the question was before this Parliament in 1901, I had an opportunity of looking carefully into certain figures which were laid on the table by the Barton Government, showing the number of the arrivals and departures of Japanese, Chinese, and of people of other Eastern nations, in and from Australia. I quoted those figures then to show that during the two years immediately preceding 1901, a larger number of Japanese had left Australia than had entered it. Consequently, I contended that there was no justification for legislation of what I then described and still consider to be, "an hysterical character." The statement that the Japanese were not anxious to enter Australia—however much persons who entertain racial prejudice may doubt it—is substantiated by the figures which were laid upon the table of this House by the then Prime Minister, Sir Edmund Barton. The Japanese Consul went on to say—

Although I am without instructions on the point, I do not hesitate to say that the Government of Japan will be quite prepared at any time to make an arrangement by treaty or otherwise, that will practically secure for New South Wales, so far as Japan is concerned, all that the proposed legislation can secure.

In the course of his letter, the Japanese Consul enumerated a number of developments in Japanese enterprise, and said—

In conclusion, I desire to express my most earnest hope that nothing will be allowed to occur calculated to check the development of the commercial intercourse of the two countries, and to destroy the friendly feeling that now exists in Japan towards New South Wales.

That correspondence took place in 1897. In 1899, Mr. Eitaki wrote to the Premier of New South Wales upon the same subject, and from his letter I make the following brief extract:—

My Government, I am sure, will be quite ready, at any moment, to give any assurance, or to enter into any suitable arrangement, for controlling emigration to New South Wales; and they do not wish it to be believed for a moment that they have any thought or wish to promote Japanese emigration to your shores, or elsewhere.

In May, 1901, the Federation had already been established; and when it became known that legislation of the character to which objection had been taken in 1897 was likely to be submitted for the approval of this Parliament, Mr. Eitaki addressed a letter to Sir Edmund Barton, the Prime Minister of the Commonwealth. From that epistle I shall make two extracts which contain its gist. The writer said—

The friendship that exists between the Empires of Great Britain and Japan leads me to suppose that your Government would not, willingly, take steps, calculated to wound the feelings of the people whom it is my privilege to represent.

The Japanese belong to an Empire whose standard of civilization is so much higher than that of kanakas—

I ask honorable members to take particular notice of the point which was emphasized and italicized in this letter in 1901, because it forms the basis of my motion—

negroes, Pacific Islanders, Indians, or other Eastern peoples, that to refer to them in the same terms cannot but be regarded in the light of a reproach, which is hardly warranted by the fact of the shade of the national complexion.

My Government recognises distinctly the right of the Government of Australia to limit in any way it thinks fit the number of those persons who may be allowed to land and settle in Australia, and also to draw distinctions between persons who may, or who may not be admitted.

As Japan is under no necessity to find an outlet for her population, my Government would readily consent to any arrangement, by which all that Australia seeks, so far as the Japanese are concerned, would be at once conceded.

Might I suggest, therefore, that your Government formulate some proposal, which, being accepted by my Government, would allow of the people of Japan being excluded from the operation of any Act which, directly or indirectly, imposed a tax on immigrants on the ground of colour.

In September, 1901, the Japanese Consul again wrote—

An impression appears to exist in some quarters, and to find voice in certain sections of the Australian press, that Australia is in danger of an

influx of Japanese immigrants. I have already endeavoured to show that this impression is altogether erroneous, and in support of this position I have been requested by the Minister for Foreign Affairs in Tokio to bring under your notice some clauses of the Japanese Act (passed in 1896, and amended this year, 1901) for the regulation and control of emigration and the protection of Japanese emigrants.

Under this Act it is provided that no Japanese may go abroad without first applying to the Government (in writing) for permission to do so, and his application must be accompanied by a guarantee, signed by two or more responsible sureties, for the good conduct of the emigrant while abroad.

On receipt of such application, the Government may grant a passport, provided that it is satisfied as to the character of the applicant, the position of the sureties, and also that there is no danger of the emigrant's presence being in any way offensive to the people of the country whither he intends to go.

I would respectfully ask you to refer to the extract from my letter to the Right Hon. G. H. Reid, dated 16th May, 1899, which I enclosed in my letter to you of the 3rd May last. The extract reads as follows:—"My Government, I am sure, will be quite ready at any moment to give any assurance, or to enter into any suitable arrangements for controlling immigration to Australia."

Mr. MAHON.—Are these bonds given as a guarantee of the good conduct of the emigrants while abroad?

Mr. BRUCE SMITH. — Mr. Eitaki says so.

Mr. MAHON.—If they are of any value, the Government of Western Australia should be able to recover something under them.

Mr. BRUCE SMITH. — No Government is omnipotent; no Government could absolutely regulate the conduct of its people when abroad, although it might take every precaution—

Mr. MAHON.—But I am referring to recognised bad characters, who were introduced into Western Australia from Japan.

Mr. BRUCE SMITH.—I have just put before the House the statement of a Minister of a great nation, and I think we might well pay that Minister and the nation itself the compliment of presuming that, if there were any lapses from the principle contained in the Act to which he refers, they were of an accidental character, and that the Government of Japan could not be held responsible for them. I think that is the fairest explanation.

Mr. MAHON.—That is possible.

Mr. BRUCE SMITH.—If we began to look closely into the circumstances of our own people, I think we should be able to enumerate hundreds of cases in which the implied guarantee of our Governments has

not always been justified by those whose conduct is vouched for.

Mr. MAHON. — Has not the honorable and learned member heard that certain Japanese were imported into Western Australia for immoral purposes?

Mr. BRUCE SMITH. — I have not. On 14th September, 1901, Mr. Eitaki again addressed the Prime Minister. I shall not read the letter, because it merely reiterates the protests made in former communications against the passing of legislation of a character offensive to the Japanese. He pointed out in it the character of certain legislation that had been passed in Japan, and requested that some effort should be made to enter into a treaty by which the desired exclusion might be effected. In the same month Mr. Eitaki addressed a further letter to the Prime Minister with reference to the proposed education test. The following extract from it is certainly interesting:—

In Japanese schools and other educational establishments the most approved European methods are adopted, and the most important works on science, literature, art, politics, law, &c., which are published in Europe from time to time are translated into Japanese for the use of students. Thus a Japanese, without being acquainted with any other language than his own, is frequently up to a very high educational standard in the most advanced branches of study, by means of a liberal use of these translations. I cannot imagine any sufficient reason why the Japanese language should not be regarded as upon the same footing with, say, the Turkish, the Russian, the Greek, the Polish, the Norwegian, the Austrian, or the Portuguese, or why, if an immigrant of any of the nationalities I have mentioned may be examined in his own language, the same courtesy should not be extended to the Japanese. . . .

That paragraph has a bearing upon the aspect of the question now under consideration. In the Immigration Restriction Bill, as introduced, it was provided that if any European immigrant could pass an examination of fifty words in an European language, he should be considered entitled to land here. It was reasonable that the Japanese should think that, if the passing of an educational test in such languages as the Greek, the Polish, the Norwegian, or the Austrian, were a sufficient guarantee that the immigrant was educated in such a way as to entitle him to come into Australia, the passing of an examination in the language of Japan should be considered equally satisfactory, having regard to the position in which their nation stood in 1901. A

further letter was addressed by Mr. Eitaki to the Prime Minister on 18th September, 1901, and still another on 20th September. I ask honorable members to notice what an immense volume of correspondence took place on the one side, in order that they may appreciate what I have to say with regard to the scant courtesy afforded by the answers which were sent. On 20th September, the Japanese Consul addressed a letter to the Prime Minister, in which he referred to the *Hansard* report of a speech made by the honorable and learned member for Ballarat—the present Prime Minister—in which he said—

We hold that the test should exclude alien Asiatics as well as the people of Japan, against whom the measure is primarily aimed.

Mr. Eitaki went on to say—

My request is that the Japanese may be treated in the same manner as an European nation. The Bill is unmistakably and confessedly aimed at the Japanese, upon grounds which must form the subject of the strongest possible protest should it be passed.

On the 5th October, 1901, he again wrote—

My correspondence, however, was not fortunate enough to produce the desired effect, inasmuch as the educational test decided upon is racial, pure and simple . . . the subsequent insertion of the word "European" in an amendment . . . emphasizes the intention of the Bill to make racial distinctions.

I think honorable members will recognise that so long as the Immigration Restriction Bill was so worded as to require the passing of an educational test in the English language the Japanese offered no objection, because all European and Eastern nations were treated alike. But when the Bill was so amended as to require an immigrant to pass an examination in an European language, it was held that the differentiation of the Japanese language from those of all Europeans was such as to give rise to a sense of injury to their national pride. In this last letter, Mr. Eitaki stated—

I have received a cable from His Imperial Japanese Majesty's Government, stating that they consider the two Bills named clearly make a racial discrimination, and requesting me, on that account, to convey to Your Excellency their high dissatisfaction with those measures.

Senator Pulsford says, very pertinently, of these letters—

This mass of correspondence makes it perfectly clear with what thoroughness, perseverance, authority, and unflinching good temper the Japanese representatives sought recognition of the wishes and claims of Japan.

I now wish to show the House how this long series of letters addressed first to the Premier of New South Wales, and, subsequently, to the Prime Minister of Australia, was dealt with. The Premier of New South Wales answered in these terms—and this is the only letter which I find on record as a reply to the three that were directed to him, as Senator Pulsford observes, in such an exceedingly good-tempered spirit—

Sir,—I have the honour to acknowledge the receipt of your letter of 24th inst., and hasten to assure you that the proposed legislation to which you refer proceeds from no unfriendly feeling towards the Japanese Government, but simply from a desire to prevent a state of things which might give rise to much agitation and friction within our borders.

The Prime Minister of Australia wrote even more vaguely, in answer to the series of something like eight long diplomatic letters—

Sir,—I have the honour to acknowledge the receipt of your letters of the 11th, 16th, and 20th inst., on the subject of the effect of the Immigration Restriction Bill (now before Parliament). So far as Japanese are concerned, I need scarcely say that your representations are receiving the fullest consideration of the Government.

This, so far as I have been able to ascertain—and I shall be glad to be corrected—is the only letter which was ever sent by the Prime Minister to the Japanese Consul, in acknowledgment of the many communications to which I have referred. I submit that the Japanese authorities were treated in an off-hand manner. Apparently, it was not sufficient to have passed legislation of this kind. I cannot conceive why the Japanese Consul should not have been addressed in a spirit of diplomatic friendliness. It might have been pointed out that—whatever the Japanese might think of the attitude of Australia—so long as the people of the Commonwealth entertained a fear that the Japanese might come some day in large numbers to our shores, it was necessary to take steps to give assurances against such an influx. Had that been done, I think that the Japanese would have felt that they had at least been paid the compliment of receiving a clear, explicit, and straightforward explanation for the action of the Commonwealth. Senator Pulsford uses even stronger language with regard to this correspondence. He writes—

It can safely be asserted that the whole records of consular and diplomatic correspondence contain few, if any, instances of an offer so courteously and repeatedly made by a great and friendly nation being so contemptuously ignored.

As the House knows, notwithstanding these protests—despite our larger knowledge of Japan, and our growing recognition of its national pride—the Bill was passed. I, and others, protested against it. I do not like to use unguarded language, but at the time there was a sort of exaltation throughout the country, and every one seemed to respond to the demand that the Commonwealth should be freed from all possible contact with any race which was not absolutely white or pure in the eyes of the people of Australia. What I contend is, that whilst we may have been justified from the point of view of “the people” in passing a Bill to exclude Eastern races, we were not justified in differentiating between this great nation and all the other nations of the world, of which perhaps not more than four can be compared to her. We were not justified in so differentiating between them and all the European nations, as to say, “We do not even intend to provide that your language shall be one of those in which an educational test may be made.”

Mr. HUTCHISON.—Why was it decided to have an educational test?

Mr. BRUCE SMITH.—I can only say that many of us regarded the measure as a most hypocritical one. It was not honestly intended that educational fitness should be the qualification for admission to the Commonwealth. The provision in question was an indirect and politically dishonest method of overcoming a difficulty, and was designed to give the Government a plausible sort of excuse for keeping the Japanese out of the country.

Mr. HUTCHISON.—That is a departure from the line of argument which the honorable and learned member has so far pursued.

Mr. BRUCE SMITH.—Surely not. It is only another reason why we might have been more straightforward with the Japanese. We knew that we were not dealing with a dull, stupid, uneducated race; and when we found that we were legislating in regard to a people as intelligent as ourselves, it would have been better for us to have said in a straightforward way, “We shall not allow Asiatics into Australia, until we see how public opinion evolves.”

Mr. POYNTON.—Where did this provision emanate from? Why does not the honorable and learned member tell us the facts about the matter? Was it not due to a suggestion of Mr. Chamberlain?

Mr. BRUCE SMITH.—I am telling the House the facts as I know them, and I shall be very glad if the honorable member will supplement my statement. He mentions Mr. Chamberlain, but I could, if it were necessary to do so, in a very short time find a copy of a despatch sent by Mr. Chamberlain to the Commonwealth Government, in which it is pointed out that, although we may have ample justification for excluding men from Australia on the ground that they are diseased, criminal, or dirty, we have no justification for excluding them on the ground of their colour. The Prime Minister will remember the communication to which I refer.

Mr. POYNTON.—Did not Mr. Chamberlain recommend the adoption of the education test?

Mr. BRUCE SMITH.—I must decline just now to reply to a series of more or less irrelevant questions on this subject, because I desire to preserve some sort of sequence in my remarks. I contend—though I am not going to spend time in discussing this aspect of the case, because I think the House recognises the truth of what I am about to say—that the Japanese rank with the people of the first four nations of Europe. No one who has looked closely into their civilization, habits, government, constitution, and administration, can doubt that, whilst the world has believed them to be asleep, or continuing in the old exclusive manner of living which they followed for many centuries, they have really been making tremendous strides in every channel of human activity. Twenty-five years ago, when I was a law student in England, reading at the Temple, I met scores of young Japanese, who also were studying law, in order that they might take back to Japan a full knowledge of the legal system of Great Britain.

Mr. MALONEY.—The honorable and learned member might have met Hindoos there as well. It is they who gain all the scholarships.

Mr. BRUCE SMITH.—I learnt from them that for ten or fifteen years past the same thing had been going on in every department of life, although the outer world did not know of it. A few who had travelled or read works about Japan knew of it, and those who have looked into their history, and are acquainted with their present condition, are aware that, for the last forty years, they have been making an advance such as has been unheard of in the records of any other nation. In 1901 I reminded

the House that Japan is our ally; and I could not then understand why we, who professed to desire the consolidation of the British Empire—by which is meant, I suppose, the wish to make it more compact, by harmonizing one part with another, and the whole with the outside world—could, in face of the fact that England was making Japan her greatest national friend, act so insultingly towards her. Because England has no compact in existence, nor has had any such compact in modern years, which will compare for its “intimacy”—that is the only word that I can use in regard to this compact—with that with Japan.

Mr. CROUCH.—Nor for its limitations.

Mr. BRUCE SMITH.—Its limitations are very small. If the honorable and learned member has read it carefully, he must know that it is an undertaking on the part of both countries to come to the rescue of each other if the *status quo* should ever be interfered with by another nation, either as affecting Japan, or as affecting Great Britain in India, China, Japan, or Corea. It is a big thing for the English people to undertake to abide by the *status quo* which Japan has brought about in the East, but their *quid pro quo* is in the undertaking of the Japanese to help England if the *status quo* in India should be aggressively affected in any way. I challenge the honorable and learned member to name any treaty or alliance which has been entered into by Great Britain with any other country during the last fifty years which will compare with this treaty for what I have called intimacy and mutual trust. I have said that the Japanese as a nation are hurt, and I could, if necessary, quote the statements of fifty Japanese public men to support that assertion. I shall quote the remarks of one or two very prominent men, to show what the feeling is in this matter on the part of the Japanese, and I am sure that honorable members, however strongly they may hold the opinion that these people should be excluded from Australia, will not shut their ears to this evidence that our action has greatly hurt the pride of the Japanese people. Mr. Zumoto, the editor of the *Japanese Times*, one of the leading Japanese newspapers, has said—

I have written very much against it. I think it very unfair, and we feel very strongly about it.

I shall quote only a line or two from the remarks of each authority, because these

communications are lengthy. Dr. Hodzumi, a talented and influential member of the House of Peers, has said—

It is unjust to make distinction on account of colour. When the coloured Egyptians and Arabians were civilized the white races of Europe were uncivilized. If one people look down upon another as inferior, there is enmity, and, besides, intercourse and trade are prevented.

The trade question is a very important one. I do not wish to ask support for my motion on considerations of pounds, shillings, and pence; I wish it to be supported on grounds of international respect. I want honorable members, if they can, to take so broad a view of this question that, notwithstanding our desire to exclude all coloured races from Australia, we shall at least act like gentlemen towards the people of other nations, and tell them, "We shall treat with you and converse with you, although we as a people are strongly prejudiced against your coming to this country. At the same time we are ready to discuss the matter with you, and to tell you honestly what our reasons for this feeling are—how much moral, how much economic—so that some mutually respectful conclusion may be arrived at." A well-known Vice-Minister of Finance, Dr. Sakatani, has said—

I consider it an Act against humanity at large, and detrimental to the interests of the Australians themselves. All Japanese are against it as an offence to our nation.

Communications have appeared in the newspapers within the last day or two which clearly show that there is a likelihood of an enormous wool trade growing up between Australia and Japan, and honorable members know that already Japan has established differential rates, giving an advantage of 15 per cent. to Queensland as compared with the rest of Australia, merely because that State was in the past ready to deal with her on treaty lines. How Japan will discriminate between Queensland goods and goods passing through Queensland I do not know, but the existence of such differential rates shows the extent to which national feeling has operated in the minds of the Japanese. Honorable members, and especially those who represent Queensland, know that the effect of the treaty has been most satisfactory—that Japan has observed her part of the undertaking, and that Queensland has had no need to protest against any breach. Dr. Nitobe, the author of that very able and

interesting little book, entitled *Bushido, or The Soul of Japan*, says—

When coming home from London to Japan I applied for a passage at Ceylon, but none of the captains of the ships would take me. I then applied to "Cook's" for an explanation, and they informed me that the reason was because I was a coloured man. I think that the Act is a wrong against humanity, and will be an injury to Australia itself, especially to Queensland, and I think it cannot last.

Could a greater insult to a man of culture and fine feeling be imagined? Count Okuma, one of Japan's leading statesmen, has said—

When I was Foreign Minister, seventeen years ago, the Australian legislators were considering the question of excluding the Japanese. I then represented to the English Government that such a course would be a wrong to humanity, and against the interests of the Australians themselves, and that the English Government should advise the Australians not to take such a course. About seven years ago, when I was again Foreign Minister, the question of Japanese exclusion was again raised. I then represented to the British Government that such a course would be offensive and wrong, particularly as the Japanese nation was making such great advances in civilization and material progress.

I have many other quotations from Japanese holding high positions. Mr. Noma, a member of the House of Representatives, has said—

I brought the matter before the House, and all the members agreed with me that it was an insulting action towards our people.

I wish honorable members to understand that this subject has been brought before the Parliament of Japan, which is elected on a franchise as free as our own; and our action has been condemned by the members of the Japanese House of Representatives—

So keenly did my countrymen feel the slight that I think they would sooner fight Australia and America on this excluding question than they would fight the Russians on the vexatious territorial question.

In 1902 Mr. Oishi brought the matter forward, and the House again condemned such an insulting piece of legislation against Japan. The *Japanese Weekly Mail* reports Mr. Oishi as follows:—

With regard to the Australian Exclusion Bill, Mr. Oishi spoke in the strongest terms. He declared that a gross insult had been put upon the Japanese nation; an insult which a thousand years would not wipe out. The whole of the people were in mourning about the indignity they had suffered.

Those extracts ought to convince honorable members that this is a matter which is not being lightly treated in Japan. The comments which have been made upon our action there have all been of the most

peaceful and friendly character, but they ought to suffice to show that the Japanese national pride has been seriously wounded ; and, in view of that fact, we ought to consider whether it is not possible to effect the purpose of our legislation by diplomatic means, so as to save this great nation from offence, and our own good name as a discreet people.

Mr. CROUCH.—Does not the honorable and learned member think that the Chinese also are hurt by our action ?

Mr. BRUCE SMITH.—They have not expressed themselves in the same way ; and, moreover, I do not think that they have so far qualified themselves as the Japanese have done by their progress, or by their enlightenment, to receive the same consideration at our hands. Perhaps I recognise as fully as does the honorable and learned member, the prospect that in the near future the Chinese, under the tutorship of Japan, will realize the strength of their position, and the possibilities of their people ; but, at present, China is not so educating herself, or distinguishing herself, among progressive peoples, as to make the call upon us so strong as that which Japan puts forward. However, my feeling in this matter is such that if the honorable and learned member for Corio will bring forward a suitable motion, relating to the Chinese, I shall be happy to co-operate with him. I have had to look on many sides to obtain material in support of my motion, because I recognise that I might stand here for a very long time, and speak my own personal opinions of the civilization, culture, morality, and progress of the Japanese without making much impression upon honorable members. If honorable members are not prepared to take the step that I am now about to propose, they must decline, with the full knowledge that the extreme progress which has been made by the Japanese people is now being generally admitted, and has secured for them the respect of Europe. The conditions of to-day are very different from those which obtained in 1901. Our knowledge of Japan and of the Japanese is very much greater than was then the case, and the position which the Japanese occupy is very much more forward. Altogether, Japan occupies towards Australia a very different position from that which she filled in 1901. In that year we might have taken the step I am now proposing, as an act of national courtesy, but to-day we

shall have to act rather from considerations of international policy, because we know that Japan has become one of the great factors of the world's peace. Honorable members may recollect a well-worn text which recommends us in certain cases to make peace quickly. It is not, however, upon that ground that I am asking the House to move in this matter, because in all the literature that has come under my notice, I have never read of one phrase used by the Japanese which would indicate that they were likely to allow their disappointment or pride to prompt them to say an angry word about us. In fact, magnanimity is a national characteristic which will lead the Japanese rather to heap coals of fire upon our heads than to utter words of anger. I remember one remark of the Marquis Ito spoken by him after he had commented on the action of the Australian people, and the effect it would have upon the Japanese. He said that he wondered what the Australian people would say if some day when they were in trouble, the Japanese sent their fleet down into their waters—to help them out of their difficulty ! That is the spirit of the Japanese people, and no Britisher who has not studied their national characteristics can thoroughly realize their magnanimity with regard to others who have given them offence. I have not met with one report of an utterance by a Japanese politician or public man, in which an angry spirit was allowed to escape. All that was indicated was a feeling of disappointment and offended pride at the way in which their nation had been treated. I should like to quote an utterance of the honorable member for Gippsland, which seems to me to accurately present the position to-day. In the course of an interview on 13th June, he said, with regard to Japan—

The question as to what Australia should do, in view of the altered condition in the East, is a big one—the whole situation will require to be carefully considered by the Federal Government. It must be apparent to every thinking man that the sense of security we have always considered we derived from our great distance from the bases of all the great military or naval powers of the world, has now been removed. We now find one of the great naval and military powers of the earth within a very short distance of our shores. That puts us in a very different position from that which we considered we occupied heretofore. . . . It is fortunate for us that the great power that has recently arisen in the East is friendly with Great Britain. She is an ally of the Empire. Of course, that condition of things might not always continue.

The honorable member for Melbourne recently visited Japan, and wrote a little book describing his impressions. If I were asked to make a succinct summary of that publication I should say that the honorable member started from Australia with very many racial prejudices, and a determination to keep all Asiatics out of Australia. The book shows that his visit to Japan has caused him to completely shed all the grounds for his prejudices; although I am bound to say that it demonstrates that his prejudices continue, and that he is as determined as ever to keep the races of the East out of Australia.

Mr. MALONEY. — The honorable and learned member's conclusion is right, but it is based on wrong premises.

Mr. BRUCE SMITH.—The book has been very valuable to me. It contains a number of extracts of a very interesting character, and is written in a very eloquent and informing manner. It shows that the honorable member kept his eyes and his ears open all the time he was in Japan.

Mr. MALONEY.—The language used is that of my companion, Mr. Francis Myers.

Mr. BRUCE SMITH.—I take it that the ideas expressed are those of the honorable member. In the course of his book he says—

It should hardly be necessary now, in face of the handling of battalions on land, and of battle-ships at sea, to deal with the notion that the Japs are a small people in all things; that their industries are petty, that steam hammers, blast furnaces, and the control of mills where spindles in millions whirr, are beyond them. They never were incapable of great, colossal, even Titanic, works. Read Rudyard Kipling's account of their ancient fortifications. He wrote well of them in his book of the *Seven Seas*. Look at their stupendous castings in bronze, the mighty wood work of their temples. Turn back to their armadas of the thirteenth century. Though self-excluded from the world, they have been well abreast of the world in all arts and industries; and now in the world they take their place in front along the whole line.

That is the testimony of a member of the Labour Party in this House, who has opened his mind to whatever impressions might be made upon it by travel in Japan during the past few months. Some testimony as to the reasonableness of my motion has been borne by several sections of the press. The *Argus*, in speaking of my motion, but generally of the

movement which I am seeking to further, said—

Probably her Government will be as ready to co-operate with the Commonwealth Government in limiting Japanese immigration in our direction as Australia can desire; but, as a great power, admitted into the fraternity of civilized nations—and the result of the war must be to place her in that position—she will need to be approached with a courtesy and a consideration hitherto conspicuous by their absence. With tact on our part, there should be no real reason why Great Britain's ally should not become our permanent friend.

Some persons are under the impression that the civilization of the Japanese is a kind of veneer, and that if you probe deeply into the national life of the Japanese you will find barbarism, as you find the Tartar nature under the skin of a Russian. A very interesting observation was made recently by a Japanese Ambassador at one of the European courts. The *New York Times* says—

A Japanese ambassador, at one of the European Courts, recently pointed out that, though his country had for many years charmed the Western world with its exquisite works of art—even those of its workmen—it was excluded from the list of civilized nations up to the beginning of the Twentieth Century; "but," said the ambassador, "within the past year we have managed to slay some 70,000 Europeans, and we are suddenly accepted as civilized."

Japan has been able to take such intelligent care of her soldiers—that is, to save lives—that the record of no other nation is one-fourth as creditable; and she has employed the armies cared for in this scientific manner solely for the defence of her vital interests.

The Melbourne *Herald*, which occasionally indulges in a cosmopolitan spirit in its leading articles, has paid its tribute to the national character of the Japanese. In its issue of 29th May, it said, comparing the dissipation of the Russian Army with the conduct of that of Japan—

On the one hand we have the Japanese filled with patriotism of the highest order—self-reliant, well-disciplined, and fully realizing the importance of the situation they are called upon to face, and determined to face it.

In the same issue the following quotation from a writer in the *Fortnightly Review* is published. He speaks of the

steady, sober bravery and fervid patriotism of the Japanese, as distinguished from the national character of their enemies.

This motion was placed upon the business-paper in November last, and the *Daily Mail* thereupon published an article which is distinctly interesting, as it shows in advance what a very important section of

the English press has to say with regard to this intended step on the part of a member of this House. It expressed itself as follows:—

The motion of which Mr. Bruce Smith gave notice yesterday in the Australian Federal House of Representatives will evoke a feeling of gratitude and satisfaction both in England and Japan. His reason for the proposal is that Japan, by her work of civilization and reform, has shown her right to be regarded as one of the great nations of the world. Japan is England's ally; and it were only right and proper that the subjects of a State, whose policy, as we know, from a note of Lord Lansdowne's, is identical with that of England, should be treated with a full measure of respect by the New England of the Southern Hemisphere. Like the Italians of the Risorgimento, they have conquered the world's esteem in battle; and whatever the issue of the present struggle, their conduct during it will be embalmed in history as one of the most precious examples of human fortitude and devotion in the hour of tribulation. The war may be said to have made an end of the ancient superstitions regarding the illimitable gulf between Europe and Asia. In Japan the impartial observers of the world have seen a State which obeys the Western code of honour, whose subjects make war in the most chivalrous manner, whose statesmen keep the pledges which they give, whose people are ready to a man to be killed for a great idea. The hard things which are said to-day about Japan upon the continent were said forty years ago about Sardinia, and will hereafter be said about any State which arises to disturb the existing conditions of world power. But they cannot hide the fact that Japan is in the right, and fighting, as we in England believe, for a cause which is the highest and greatest to be conceived by man—her freedom, her integrity, her very existence as a nation.

Quite apart from the war, however, the question which we have to consider is: Are the Japanese as a nation worthy of Australian consideration? Honorable members will notice that I do not at present ask that they shall be permitted to enter Australia. I merely ask that we shall deal with them by treaty, in order that their national feeling may not be wounded, as it has hitherto been. I do not suggest that they shall be permitted to enter Australia in large numbers, but I wish to ask whether they are worthy of our trust? That question ought to be answered without the slightest hesitation. The mere fact that the mother country has entered into so remarkable a treaty with them should be conclusive evidence that they are so worthy. But if we must look more closely into the history of Japan as a nation, and the *morale* of her people, let us see how she stands when compared with other nations. In the first place, it is well known—and I regard it as one of the

greatest tributes to her stability as a nation—that she has lived for 2,500 years under the same line of monarchy. For twenty-five centuries there has not been the slightest departure from the Imperial line of descent from which the present Mikado springs. That is certainly a strong argument in favour of national stability, and that is the attribute to which the British nation should look more than to any other. Japan had her census as far back as 86 B.C. It is recorded in her history that at the time the people in Great Britain—prior to the visit of Cæsar—were running about with their bodies painted, the Japanese had established a census, and as late as 658 A.D.—that is, 400 years before the Norman conquest—they had systematized it to such an extent that it could be relied upon as a trustworthy record of her population. In 1900, no less than 13,000 foreigners visited Japan. That nation had advanced to such an extent that no difficulty appears to have been experienced by outsiders in entering her territory and travelling through it. Only the other day I heard some honorable member say that the Japanese really excluded other races from their country, and that consequently other nations were justified in retaliating. In refutation of that statement I would point out that it is recorded in statistical works—the accuracy of which there is no reason to doubt—that no less than 13,000 foreigners—one-sixth of whom were Britishers—visited Japan in 1900, without any embargo being placed upon their movements.

Mr. RONALD.—A visit is one thing; and domicile is another.

Mr. BRUCE SMITH.—I am not asking that the Japanese should be allowed even to visit Australia. But I shall show in a moment what Canada and the United States have recently done in this connexion.

Mr. DEAKIN.—The Japanese can and do visit us freely.

Mr. BRUCE SMITH.—Certainly, they do.

Mr. DEAKIN.—The honorable and learned member knows that, but the statement which he made just now is capable of a wrong interpretation.

Mr. BRUCE SMITH.—Certain classes of Japanese come here at the present time without experiencing any difficulty. That fact, however, only strengthens my argument. If we allow them to enter this

country, surely they are entitled to expect us to deal with them in the less offensive way I suggest—that is, by treaty—so that their intercourse with us other than by mere visits may be regulated in a manner which is not calculated to wound their national pride. I am aware that my speech must resemble an historical essay; but the nature of the case demands that I should put before the House the character and history of the Japanese, whom we have hitherto treated in so arbitrary a way, and whom I wish should be treated differently in the future. I come now to some testimony with regard to the monarch who stands at the end of a dynasty which extends for 2,500 years without a break. In his book, Colonel Bell says—

While I deny that the achievements of Japan are more wonderful than those of the British race, though the latter was struggling upward for near two hundred years, and the former was rushing forward but forty, every student must confess that in the whole range of history, there has never appeared another man, who in far-seeing wisdom, in a generous love of justice, in keenness of perception, in enlightened statesmanship, and patriotism, worthy to be compared with this Oriental potentate; and to my notion, the ablest statesman and diplomats of this age, are those now controlling the destinies of our Eastern ally.

I hold in my hand a manifesto from which I should like honorable members to allow me to read four short extracts. It was the first of the kind issued by the present Mikado, in later years, when the desire for reform became accentuated in Japan. It reads—

1. That a deliberative Assembly should be formed, and all measures decided by public opinion.
2. That the principles of social economy should be studied by all classes of the people.
3. That the foundation of the Empire may be firmly established, we should seek knowledge throughout the whole world.
4. All old and absurd customs should be discarded, and impartiality and justice should become the basis of action.

I say that if any reigning monarch had been asked to lay down four great primary principles upon which the success of a nation could be founded, he could not have outlined four more succinct and comprehensive principles than those which I have quoted. Many people in this country, and elsewhere, are under the impression that the daily life of Japan of to-day is regulated by old, crusted, conservative principles which we should con-

sider unworthy of a civilized people. But honorable members will observe that the Japanese themselves are here admonished by their Mikado to discard all old and absurd customs, and to make impartiality and justice the basis of action.

Mr. CROUCH.—Her practice is altogether different.

Mr. BRUCE SMITH.—I should like to say that if we ourselves were to be judged by precept and practice, and if true Christianity were taken as the basis of conduct in our own country, we should find that there is a greater chasm between the actual and the ideal than is to be found in any other country in the world. There is no country in which one standard is being preached, and another practised more than is the case in our own. I would therefore ask the honorable and learned member for Corio, who has had a legal training, to consider for a moment the logic of his interruption. What possible bearing can it have on my present contention? I am not suggesting that we should shake hands with the Japanese—that our people should be compelled to intermarry with them—in short, that we should take them to our national bosom. I am merely urging that we should deal with them in a diplomatic manner, in order that we may regulate their inability to enter our country. The Constitution of Japan is one which every honorable member would do well to study. I had the advantage of receiving a copy of it some four years ago, and I venture to say that it is one of the most enlightened Constitutions that the world has seen. Everybody is aware of the immense trouble which was taken in its preparation and drafting. The Marquis Ito—one of the most eminent statesmen in the world—spent years in Germany, the United States, and Great Britain, during which time his attention was almost exclusively devoted to the drafting of a Constitution for Japan, because the adoption of that Constitution was to mark an entirely new era in the history of that country. It placed her people and affairs upon an entirely new basis, and substituted for a rational despotism—a despotism which was certainly in the hands of a very wise man—a system of representative government which is as liberal as is our own. I now propose to read some of the views which have been expressed regarding that

Constitution. No less a person than Mr. James Bryce said—

He looked upon the work of drafting a constitutional form of Government upon the traditions, history, and usages of a people whose memories reach back so far as an extraordinary success.

Mr. Herbert Spencer said—

He considered it an almost miraculous feat that the new Constitution of Japan did no violence to the traditions and history of so ancient a race.

The late J. G. Blaine, statesman and journalist of the United States, pronounced it "the most perfect Constitution in structure that he had ever read"; and Baron Kaneko, one of its four authors, recently reproduced in the *Century Magazine* some important opinions upon it, in order that the world might know what leading Europeans thought of that great work. Baron Kaneko himself said—

The adoption of a constitutional form of Government proves to the world that it is our desire to follow in the footsteps of civilized nations; and the record of our Parliamentary proceedings must show that we possess the capacity to master the mechanism of liberal Government; that Japan, by her earnest study of modern science, her keen appreciation of the benefits of civilization, her strong perception of national responsibility, and her perseverance in mastering the principles of right conduct, as accepted by civilized peoples, has justly earned a place in the family of nations.

If we look to her Parliament, what do we find? She has a House of Representatives, like our own, and a House of Peers. But in connexion with the House of Peers, we find a novel feature, which is suggestive even to ourselves. That branch of the Legislature includes not only Princes of the blood and Peers, but men of distinguished service, of remarkable erudition, and representatives of the highest taxpaying section of the people. In Japan it is held that the particular district which can show that it has paid the largest share of the taxation of the country shall be entitled to send representatives into the House of Peers to take part in checking its legislation.

Mr. CROUCH.—That provision is copied from England, where wealthy brewers are made members of the House of Lords.

Mr. BRUCE SMITH.—It is scarcely copied from England, because it does not provide that men who have succeeded in industry merely shall enter the House of Peers. The Japanese Constitution makes provision for the nomination to that branch of the Legislature of men of distinguished service.

of remarkable erudition, and of representatives of the highest taxpaying section of the people. Every Englishman looks upon the practice of transferring wealthy brewers, who may, possibly, never have opened their mouths in the House of Commons, into the House of Lords, as an abuse of a fine principle. There is no justification whatever for declaring that the procedure in Japan finds a parallel in the old country. In Japan, the Constitution merely allows the district which has paid the highest proportion of the revenue, to nominate its own representatives in the House of Peers. It is very unfair to attempt to introduce a parallel which has no application, whatever. Let us now look at Japan's Courts of Justice. In that country we find that there is one Supreme Court—a sort of Privy Council—seven Appeal Courts, forty-nine local Superior Courts, and 310 District Courts. They have seven Judges to every Supreme Court, five to every Appeal Court, three to every local Court, and one to every District Court. Colonel Bell, who visited the Parliament and the Courts of Japan, said—

In no Legislative Assembly or Court of law whose sitting I have ever attended, is there more earnest dignity and decorum.

That is striking testimony to the way in which the Parliament of Japan and its Courts are conducted. Their laws were codified and systematized as far back as 1882, and again in 1889, and I may also say—although being a senior member of the Bar myself, I cannot claim that it redounds to their credit—that they have an organized Bar of advocates for suitors before their different Courts. Their Parliament is as deliberative and at least as level-headed as our own. Their laws are as certain as our own, their Bench is as pure as our own, and their Bar is as honorable as our own.

Mr. MAHON.—Can a foreigner own property in Japan?

Mr. BRUCE SMITH.—I cannot undertake to give opinions on Japanese law. It is very difficult now-a-days to say what is the English or Australian law, but it would be much more difficult for an Australian to express an opinion on a Japanese law point. I hope, therefore, that the honorable member will not put such questions to me. The population of Japan in 1903 was 46,732,000, and an interesting fact bearing on our present loss of population in Australia is that her excess of births over deaths

in the same year was 542,000. I wish now to refer briefly to the character of her people. My first witness, if I may speak in *Nisi prius* language, is the honorable member for Melbourne, who, in a little book upon Japan which he recently published, writes—

We do not understand these people. The twaddle about the little brown man and the monkey man is altogether misleading—may be disastrously misleading.

I ask honorable members to note that point. The writer continues—

Though I have called this chapter the "Head of the Peril," I do not propose for one moment to stint my admiration or modify in any way my appreciation of the people of whom I have seen a little, and taken some pains to understand. If I find concentrated here the wisdom of Solon, the patriotism of Brutus, the heroism of Leonidas, and the war genius of Julius Cæsar, all the more terrible is the peril to us, once that head begins to direct the movements of the appallingly gigantic body, as yet but dimly discerned.

It is a head in which exquisite pathos and tenderest sentiment are blent with iron determination, and courage which is absolutely identical with the back to back courage of sternest despair; identical with the courage of the Zulu, who went on because certain death was behind; and with that of the Moslem, who saw, plain as the rising day, beyond death, the voluptuous paradise.

And with all that there is a love of country, such as, with all deference, I do not think even an Australian can understand.

I think that testimony like this—coming as it does from an honorable member who stands in the forefront of the party which took such active steps to exclude the Japanese from Australia—as to the national character and morality of the people of that country, is of the highest value. If I were in a Court of law I should regard the honorable member as a witness on the other side who had made valuable admissions, carrying much more weight than the asseverations of one's own witnesses. He says, further—

They honour their parents who begot and bore them, and their forefathers, to all generations. A working race, a fighting race, a clean, law-abiding race, a courteous, cheerful race.

Could we have stronger testimony than this from the honorable member, who so lately visited Japan? Will the House now permit me to quote from the Tokio correspondent of the *Times*, who in May of the current year wrote—

There is a foolish notion, surviving all that we have seen during the war, that the Japanese, not being a Christian nation, cannot possess what some Russian writer loftily describes as certain fundamental principles of morality and justice,

upon which the West plumes itself. If Christianity has any connexion with the teaching of its founder, the Japanese might well claim to be the best Christians of us all.

I wish, too, to read to the House a manifesto, or sort of moral code, issued by the Mikado to the schools of Japan. Manifestos of this kind are issued from time to time by His Majesty, and are read to the schools on important national festival days. This is what the Mikado said, and I think it is one of the most touching series of admonitions that I have ever read—

It is our wish that you, our loyal subjects, at all times honour and obey your parents, and love your brothers and sisters. Man and wife should live together in peace and love. Be faithful to your friend. Practice self-sacrifice and self-possession.

Be just and honest in all your dealings. Be merciful. Do what you can to help science and education. Be peace-loving.

Educate your minds, and try to reach perfection in everything.

Always think of the common-wealth, and spread light among your neighbours by good deeds. Watch over the Constitution of the country, and obey its laws.

Be ready to sacrifice all—your lives, your property—when danger threatens your country. Always remember that you owe your country everything, and that you should exert all your influence to further its interests.

The honorable member for Melbourne, from whose book I have taken this address, concludes with these words, which emphasize the whole point—

In giving these rules, the Mikado solemnly promised to keep them himself, and made the same promise for his successor.

Apart from outside criticism, I have here a very valuable extract from an article in the *Nineteenth Century*, written by Baron Suyematsu—

Our moral notions do not materially differ from either the Greek ethics of the Platonic school and the moral teaching of the Gospel in essence and purport. Morality has been a feature in Japanese education for centuries. It has developed side by side with Bushido or chivalry, the dicta being chiefly founded on the precepts of Confucius.

He quotes the following admonition from the Emperor to his people:—

It is our desire that you, our subjects, be dutiful to your parents and well disposed to your brothers and sisters—

and so on, in the terms of the manifesto I have just read. He continues

Throughout all grades of the educational system in Japan this Imperial code forms the basis of the moral and ethical teachings. Regular hours are devoted in the State schools to lessons in this law; and on the great days of festival it is read aloud, and addresses given on its precepts.

I shall now read an extract from a leading article recently published in the *Age*, which is a great tribute to the national character of the Japanese, and which I think they are entitled to have read throughout Australia—

Beneath all this amazing power of devoted co-operation for a common national ideal there must, of course, be a solid ground of individual character; and the elements that go to make that form the most interesting part of the study which the Jap has drawn upon himself by his prowess. In the first place, his religion looks nebulous to us, on account of our different point of view. What it lacks in definiteness of dogma and mythology it makes up for in depth of sentiment—affection, which is the motive power of active morality, is the inner spirit of the Japanese religion. The intense appreciation of family affection in Japan causes the people to practice kindness and consideration from their earliest years. The passage to the civic virtues is then easy. Family affection widens to friendship and friendship to patriotism. Hence the whole Japanese ethical system, known as Bushido, rests without dogma on the principle that the highest satisfaction is to be found in the exchange of kindness. Bushido makes the interests of the family the concern of each member, it makes the interests of the State the concern of each family.

I might make further quotations from the *Age*, bearing equally important testimony to the worth of these people; but I shall content myself by quoting again from the book published by the honorable member for Melbourne—

I have no desire to raise a scare or to promote any distrust of our allies—the Japanese. No man appreciates more highly than myself their masterly action in war, and patient, untiring industry in peace. I gladly bear evidence, also, to their magnanimity and level headedness in triumph, and to their fine toleration in matters of faith and form.

Passing over other quotations, I propose to read a tribute from the enemy of the Japanese, which was published in the *Russ*, one of the most popular of the newspapers of St. Petersburg:—

All the stories told of the brutality of the Japanese have been shown to be unfounded. Our soldiers, who have been prisoners, and escaped, are unanimous as to the kindness shown them by the Japanese. And the same feeling is expressed in letters coming from our soldiers, prisoners of war. A feeling of mutual respect has grown up between ourselves and the Japanese. Our opinion of the Japanese has completely altered.

My limit of time has been almost reached, and I am anxious to come to some of the more substantial testimonies with regard to the civilization of these people. I have before me testimony as to Japanese statesmanship, and also testimony from various

sources as to the Japanese civilizing and colonizing policy. I have also a *résumé* of an article which appeared in the *Times*, giving an account of the astonishing work which has been done by the Japanese Government in colonizing the island of Formosa. They found in the interior of that island people of no higher grade than are those of the interior of New Guinea to-day—cannibals—while pirates and a variety of other criminal classes were living on the coast. But since entering into possession of the island, they have established manufactories there, constructed railways, opened up mines, built for the people, and taught them agricultural pursuits. Formosa is now one of the most promising possessions of the Japanese people. A striking contrast of some of the work that has been done by our own people is offered by the honorable member for Melbourne, whose testimony the House will see I highly value, regarding it, as I do, in the nature of admissions by the other side. He says, speaking of Western colonization—

I find it impossible to doubt that in their own lands and in their own waters the Easterners, as represented by the Japs and the Chinese, must henceforth be regarded as invincible, and not to be touched aggressively with any impunity. And, following immediately on that appears the advisability—nay, the urgent necessity—of every power of the West considering forthwith its position in the East.

A reckless and rapacious inconsiderateness has so far characterized all their exploitations, for every "Sphere of Influence" is but a field of exploitation. The one object has been to make profit—that is, to drag away the wealth, the accumulated produce of the East for the support and enrichment of the West. All talk of civilization and Christianization is mere pretence and humbug. Wherever the West has settled down in most force, there degradation of the native people is most deplorable. Bryce states this plainly as regards Canton, and it is true all along the coast. The white settlements are made up of a few high-class officials, some few of them, it may be admitted, white flowers of the garden of our highest civilization. But the bulk is vile; and in the general system there are elements mixed, repulsive to honest democratic ideas, as insulting and offensive to the great people trespassed on.

That passage and the facts it embodies offer a very striking contrast with the effect which Japanese colonization has had upon Formosa. For want of time, I pass away from a mass of interesting matter to quotations in a more concrete and statistical form. I have in my possession to-day two most valuable and complete statistical works on Japan.

One is called the *Financial and Economical Annual of Japan*, and the other *Japan in the Beginning of the Twentieth Century*. Both have been translated into English, and both have attached to them diagrams of a most careful and scientific character. I do not hesitate to assert that no country in the world is at the present time publishing statistical works which are more carefully and scientifically prepared, or more beautifully and informingly illustrated by their diagrams, than are those published in Japan. These works treat of finances, loans, currency, money market, banks, clearing houses, army, navy, post and telegraphs, railways, shipping, education, colonization, and industries. They show that the trade of Japan with the outside world is worth something like £21,500,000; the trade with Europe being worth about £9,500,000, and the trade with Asia about £12,000,000. Japan's trade with British India is worth about £5,000,000 a year, and with Great Britain about the same. In Japan there are 28,000 public schools, attended by 5,085,000 scholars, and 1,676 private schools, attended by 173,000 scholars. There are 109,000 professors and teachers in the public institutions of the country, and 8,000 in the private institutions. Japan's schools are classified as primary, blind, deaf and dumb, normal, higher normal, middle, higher girls, high, universities, special, and technical. There are seventy-eight high schools and 400 technical schools. Occupying university chairs are twenty-nine professors of law, twenty-seven professors of medicine, twenty-one professors of literature, twenty-one professors of science, and twenty-two professors of agriculture. There are also special schools which give instruction in agriculture, commerce, navigation, and fisheries. The Japanese Imperial library contains 419,000 volumes, and there are forty-nine country libraries, containing 408,000 volumes. A writer on Japanese education says:—

The Japanese have an intense love for learning. There are about 30,000 schools, 100,000 teachers, and 5,000,000 scholars in Japan. Ninety per cent. of the boys, and 71 per cent. of the girls, throughout the entire country are receiving an education. The Government schools are all secular, and neither of the four religions of the country—Buddhism, Shintoism, Confucianism, or Christianity—is taught, but good moral science is taught in them all. In the school books they are taught to be honest and truthful, and sober and modest, polite and respectful to their parents, and to their brothers and sisters, and neighbours, and charitable to the

poor; to train and cultivate their moral faculties; to train and cultivate their intellectual faculties, and to be upright in every thought, word, and action. . . . In the matter of writing Japanese excel; they are beautiful penmen, and good draughtsmen.

Education is compulsory in Japan; the school attendance is exceedingly good. I quote the following return from the *Japan Times*, July 18, 1903:—

"The number of Japanese boys and girls who were of school age at the end of the 34th fiscal year (1901) was 6,497,489, of whom 776,565, that is, 12 per cent., did not attend any school. The causes of non-attendance were poverty in 84 per cent. of the cases, sickness in 13 per cent., and miscellaneous causes in 3 per cent.

There were, in 1902, 250,072 pupils studying English, while only 8,973 pupils were studying other languages foreign to the Japanese, a great compliment to the country to which we belong. Although Japan has a population of only about 47,000,000, and a territory of about 163,000 square miles, while Russia has a population of about 130,000,000, and a territory of nearly 9,000,000 square miles, Japan has more pupils in her schools than there are in the Russian schools. In Japan's elementary schools there are 4,302,000 pupils while in Russia's elementary schools there are only 4,193,000 pupils. In Japan, 92 in every 1,000 of the inhabitants go to school, and in Russia only 32 in every 1,000. The figures for secondary schools and universities are equally in Japan's favour. The Japanese are great readers of both books and newspapers. I find that in one year the books taken from the public libraries numbered 668,703. The greatest number of books read in that year related to mathematical science and medicine. In the next class were those relating to history, biography, geography, travels, and voyages. Then came those relating to literature and language. Next came those relating to law, politics, sociology, economy, and statistics. After them came those relating to arts, industries, engineering, and military and naval science, while the rest were encyclopedias or related to miscellaneous subjects. Apparently no works of fiction were supplied by these libraries; or, if such books were issued, there is no record of them. Japan encourages inventions; 7,000 patents have been granted in that country, together with 21,000 trade marks and 2,000 designs. The Department of State records a farming population of 28,000,000. There is an agricultural department, whose branches deal with irriga-

tion, drainage, reclamation, and fertilization, and in connexion with which there are experimental farms for instruction in agriculture, sericulture, cattle breeding, and horse breeding, while publications on agricultural subjects are issued. There is a hypothec bank, with local branches, which makes advances to farmers for all purposes of their industry. Mining for coal, oil, iron, copper, and sulphur is carried on in the country. Coming to the finances, I find that the public revenue is 251,000,000 yens, or £25,000,000 a year, and the public expenditure 245,000,000 yens, or £24,500,000 a year. In 1903, Japan's national debt was 595,000,000 yens, or £59,500,000, which is little more than two-thirds of the public debt of New South Wales, and about the same as that of Victoria; although Japan has managed to buy for herself one of the finest navies in the world, and has proved herself superior to one of the greatest European military powers. In banking, Japan is as much to the fore as is Australia. The banks doing business there are the Bank of Japan, the Yokohama Specie Bank, the Hypothec Bank of Japan, the local Hypothec Banks, the Hokkaido Colonization Bank, the Industrial Bank of Japan, besides ordinary banks and savings banks. In 1902, Japan's despatches of foreign mails, including parcels, papers, and letters, numbered 6,776,000, and the arrivals 7,010,000. Sixty thousand foreign money-orders were issued, and 9,000,000 domestic money-orders. In the Postal savings banks of the country, in 1903, there were 2,859,000 depositors. Seventeen million telegraphic messages were despatched throughout Japan in 1902, and 600,000 foreign telegraphic messages were sent away. There are 30,000 telephone subscribers in that country. Her domestic postage in 1902 included 208,000,000 letters, 484,000,000 postcards, 149,000,000 newspapers and magazines, 48,000,000 other packages, and 10,000,000 parcels, or 900,000,000 posted articles in all. Thirty-seven million pounds have been invested in railways in Japan, there being 3,010 miles of private lines and 1,226 of Government lines. Her shipping, in 1902, included 1,441 steamers, aggregating 610,000 tons; 3,977 sailing vessels, aggregating 336,000 tons; and 18,742 junks, aggregating 2,351,000 tons. These figures show that Japan is progressing by leaps and bounds, in a way in which pro-

bably no other country has progressed in the world's history. I invite those who doubt the wisdom of the modest step which I advocate to look into these statistical works for themselves. If they do, they will be astonished at the proportion of the trade and national concerns of Japan. It may be asked, what are other countries doing in this matter? I would refer, first, to the example of Canada. A cable of the 26th April stated that the Canadian Dominion House of Commons had disallowed British Columbia legislation against Japanese immigrants, on the ground that such restrictions were incompatible with British Imperial interests. In Senator Pulsford's book on *The British Empire and the Relations of Asia and Australia*, there is an account of the steps which President Roosevelt has taken to insure the courteous treatment of Japanese citizens, and only this week it was reported that an American Chamber of Commerce has asked the President of the United States of America to recommend Congress to pass legislation which will promote harmony between the United States and Japan. On the 23rd June, a cable message stated that Canada had invited Great Britain to ask Japan to include the Dominion in the terms of the Anglo-Japanese treaty of 1904. I do not wish to prolong my remarks, because the time allowed by the Standing Orders for the discussion of motions has nearly expired. I only wish to say, in conclusion, that I have heard a little song which speaks of "lovers in the shade" and "summer friends." Japan is now in the summer of her existence, and I find great satisfaction in the reflection that four years ago, when she was not the Power which she is to-day, and, as far as Australian public opinion was concerned, stood "in the shade," I had realized her strength, her progress, her importance, and her future, and then asked what I ask now. I beg the House to take a liberal view of this question. Honorable members will see clearly that the motion does not ask that the Japanese shall be admitted to our shores, if we are not yet ready to go so far in our liberal policy. If we are not cosmopolitan enough, if we are not liberal enough, to see the advantages of having Japanese amongst us, let us at least arrange in a friendly way for their exclusion, so that a self-respecting nation will not feel called upon to sacrifice its just feelings of national pride.

Mr. Bruce Smith.

Debate (on motion by Mr. BROWN) adjourned.

HOME RULE FOR IRELAND.

Debate resumed from 31st August (*vide* page 1796), on motion by Mr. HIGGINS—

That an humble Address be presented to His Majesty as follows:—

MAY IT PLEASE YOUR MAJESTY:

We, Your Majesty's dutiful and loyal subjects, the Members of the House of Representatives, in Parliament assembled, desire most earnestly in our name and on behalf of the people whom we represent, to express our unswerving loyalty and devotion to Your Majesty's person and Government.

We have observed with feelings of profound satisfaction the evidence afforded by recent legislation and recent debates in the Houses of Parliament of the United Kingdom, of a sincere desire now to deal justly with Ireland; and in particular we congratulate the people of the United Kingdom on the remarkable Act directed towards the settlement of the land question, and on the concession to the people of Ireland of a measure of Local Government for municipal purposes. But the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland.

Enjoying and appreciating as we do the blessings of Home Rule here, we would humbly express the hope that a just measure of Home Rule may be granted to the people of Ireland. They ask for it through their representatives—never has request more clear, consistent, and continuous been made by any nation. As subjects of Your Majesty we are interested in the peace and contentment of all parts of the Empire, and we desire to see this long-standing grievance at the very heart of the Empire removed. It is our desire for the solidarity and permanence of the Empire, as a Power making for peace and civilization, that must be our excuse for submitting to Your Majesty this respectful petition.

Mr. RONALD (Southern Melbourne).—I have very few remarks to add to those which I have already uttered in support of this motion. When I previously addressed the House I omitted to explain why the motion had passed from my hands into those of the honorable and learned member for Northern Melbourne. The explanation is a very simple one. When I first proposed to take action in this matter, I consulted the honorable and learned member, and asked him to table a motion on the subject. At that time he was not prepared to do so, and I then stated that if no one else took action I was prepared to table a motion myself. Afterwards I found that the honorable and learned member was prepared to take an active part in bringing the matter before the House, and I readily

gave way to him, knowing that he, as an Irishman and an enthusiastic Home Ruler, would do full justice to the subject. Moreover, I had already addressed the House on the matter, and I did not wish to inflict myself upon honorable members a second time. I desired, further, that the subject should be dealt with from a fresh stand-point. The honorable member for Dalley recently made an assertion, which I think calls for an immediate and emphatic contradiction. He stated that the Marquis of Linlithgow, formerly Governor-General of the Commonwealth, was an Orangeman, the evident intention being to support the organization by lending to it the weight and dignity of a highly-esteemed gentleman, and to a corresponding degree to prejudice the cause of Home Rule for Ireland. I challenged the honorable member for proof in support of his statement, but he was unable to furnish it. I think it is unfortunate that the name of the first Governor-General of the Commonwealth should have been dragged into a debate of this kind, in association with an organization whose aim is to set one section of the community at the throats of the other section, and which lives upon the prejudices of the past. I believe that the Marquis of Linlithgow has had an inquiry addressed to him as to whether he was ever associated with the Orange institution, and, although no reply has yet been received, a letter has been addressed to me by a gentleman who is so confident that the statement made by the honorable member for Dalley is without foundation that he is prepared to make a liberal donation to any charitable institution named by the honorable member for Dalley if it can be proved that his statement is correct. He writes as follows:—

I received the paper you sent, and with much pleasure read your speech on the Home Rule movement. I consider the statement made by Mr. Wilks should be challenged. He stated, "That the province of Ulster was opposed to Home Rule for Ireland." He also referred more particularly to my native county, Down. Having been in that county, and brought up among Presbyterians in that county, I have had good opportunity of knowing the feelings and aspirations of the people, and know as a positive fact that they are almost to a man in favour of Home Rule, and have from time to time for years elected members to the British Parliament, pledged to Home Rule, among them a relative of mine. Another statement made was that Lord Linlithgow was an Orangeman. I feel confident that statement was untrue, and if it can be proved that he has ever taken the Orangeman's oath, I am willing to give a liberal donation to

a charitable institution, feeling confident that that honorable gentleman has too high a sense of honour to take so vile an oath.

If the Marquis of Linlithgow had associated himself with the Orange movement, his connexion with it would not have enhanced the prestige of the society, but would have caused that eminent gentleman to fall greatly in the esteem of a large number of citizens of the Commonwealth. I refuse to believe the statement until it is proved beyond all doubt to be true. We have already demonstrated that upon political, national, and moral grounds we are perfectly entitled to express our opinion that it is desirable to grant autonomy to Ireland. We have answered the objections which have been advanced in support of the hands-off policy, namely, the contention that we are not justified in interfering with the domestic policy of the Empire, to the extent contemplated. We have pointed to a number of precedents which are furnished by the history of the Empire, and I submit that the interchange of opinions between the Legislatures in the various portions of His Majesty's dominions are calculated to lay the foundation of a practical Imperial or Anglo-Celtic Federation. I do not for one moment suppose that the Imperial Parliament will regard our action in presenting an address to His Majesty upon the subject of Home Rule for Ireland as an impertinence or as any undue interference by us in matters beyond our province. No such intention underlies the proposal. They did not so regard the kindred motion which was passed three times in Canada. The attitude of certain honorable members in opposition to this motion is perfectly intelligible. They think that an attempt is being made to introduce a disturbing element into our political life. I am sorry to say that the disturbing element of factional prejudices is already in operation amongst us, and that our political affairs cannot be established upon a reasonably secure basis until the present vexed question of Home Rule for Ireland is settled. I believe that the resolution will be accepted by the British Parliament in the spirit in which it is conceived. It contains one paragraph which I should prefer to see excised; but I can assure honorable members that there is no intention to commit an impertinence or to affront the Imperial authorities. I need not delay the House any further, because I have already spoken at

considerable length on a former occasion. I hope sincerely that the motion will be agreed to by a large majority, and that we shall be able to demonstrate to the Imperial authorities that, apart from anything approaching a meddlesome spirit, we take a lively interest in the domestic affairs of the nation. Further, I hope that the interchange of opinions between the Legislatures of the nation may prove to be the beginning of a closer and more tangible union, which may ultimately take the form of a Federation of the Anglo-Celtic races. Referring once more to the statement of the honorable member for Dalley, that the Marquis of Linlithgow was connected with the Orange institution at one time, I wish to say that, even if our former Governor-General was induced to join the organization, he could not have been aware of the hideous oath by which he would be required to bind himself to carry out the objects of the order. I feel perfectly sure that he will give an emphatic denial to the statement.

Mr. REID (East Sydney).—I do not think any one can ever have his attention drawn to any question affecting the welfare of the people of Ireland without expressing the strongest possible sympathy with the Irish people in reference to the long and dark period of oppression and injustice through which they have passed at the hands of the superior power of Great Britain. No man can become familiar with Irish history without feelings of profound indignation at the intolerance and injustice which animated the dominant power in its dealings with the Irish people. But there is no doubt that many of the miseries of Ireland were not due to oppression or injustice. Some of the saddest aspects of Irish history are presented by the bitter feuds which have paralyzed the real power of the Irish race for many centuries. If they had been as united in the defence of their rights as the smaller population of Scotland has been, they would have been able to stand side by side in those days, as the patriots of Scotland did, and we may be sure that many a dark page of wrong and hardship would never have been written in the history of the Irish race. One of the sources of their weakness was the intense dissension which in those days seemed to mark the relations of the various divisions of the Irish people, and one cannot help regretting that even to-day they are divided by differences of the bitterest

kind. I would also say that no one can help expressing his highest admiration for the character of the Irish people. The effect of oppression and wrong upon national character has often been disastrous. Many noble peoples have been bent down by oppression and wrong until they have lost the noblest attributes of their national temperament. But we are glad to know that, in spite of the wrongs which they suffered in those dark centuries, the inhabitants of Ireland stand before the world to-day as one of the most generous, virtuous, and gifted peoples on the face of the globe. Another of their attributes which excites—and ought to excite—the gratitude of every loyal subject of the Empire, is that they repaid oppression and injustice by magnificent services to Great Britain. Their achievements on the battle-fields, which helped to win the Empire, their brilliance in diplomacy, their signal services in the governing circles of the nation, have been such as to excite admiration. I have said enough to show that I approach this subject with no unworthy feeling, with no disparaging element of scepticism as to the worth of the Irish race. I now come to the motion, which is under consideration. Whilst there are many sentiments in the proposed Address which must elicit our approval, we have to ask ourselves: "What is the practical point of these resolutions"? It is that a request, in the form of a petition to the King, shall be submitted in the name of the House of Representatives of the Australian Commonwealth, asking the people, the Government, and the representatives of the United Kingdom, through the Sovereign, to make a vital change in the system of parliamentary government which prevails there. I encounter, upon the very threshold of this proposal, one or two most serious difficulties. In the first place, whilst upon every matter which affects any part of the Empire it is the undoubted right of every British subject to express his opinions—whilst he has the right to appear upon any platform to ventilate any grievances—when we seek to express our opinions, not in our individual capacity, but as embodying the views of Parliament, and as representing the voice and judgment of the people, we have one or two preliminary questions to consider. The first is: "What right has the House of Representatives in this Commonwealth to propose to interfere in

one of the burning questions of political controversy in the mother country to-day?"

Mr. HIGGINS.—It has been done by Canada.

Mr. REID.—I confess that I do not take my rules of public conduct from actions in Canada, or even in the United States.

Mr. CARPENTER.—We took a certain course of action in regard to the introduction of Chinese into South Africa.

Mr. REID.—The House may have done so, but I do not bind myself down to that. A great deal of the prominence which has been given to the subject of Home Rule for Ireland, in the United States, Canada, and Australia, has been prompted less by a regard for the welfare of the Irish people than by a desire to make political capital out of Irish disputes.

Mr. HIGGINS.—Then there must be a very strong feeling behind it.

Mr. REID.—Whatever the feelings of the people may be, they have the freest means of expressing them, both in the press and by public meeting. But the question which I wish to put to honorable members is: "What right has this Parliament to interfere with the Legislature of the mother country in a matter of internal concern, and to direct the form which legislative changes in Great Britain shall take"?

Mr. HIGGINS.—Have we no interest in the mother country?

Mr. REID.—We have the deepest interest in a number of things with which it is not our business to meddle. For example, we have the deepest interest in the legislation which is enacted by the British Parliament, but have we the power, or the right, to interfere with the processes of that legislation?

Mr. HIGGINS.—Will the right honorable member—

Mr. REID.—I hope that my honorable friend will recollect that he opened this debate.

Mr. HIGGINS.—And the right honorable member was not present at the time.

Mr. REID.—I hope that the honorable and learned member will forgive me for that. May I suggest to him that he will have an opportunity of replying to my statements, and that it is extremely inconvenient to be constantly interrupted upon

a matter of grave importance, and one to which I wish to address myself with all the earnestness at my command.

Mr. HIGGINS.—If the right honorable member objects to interruption, I shall be silent.

Mr. REID.—I repeat, we must draw the sharpest possible line between the right which we enjoy as individual subjects of the King to express, in any way we please, our opinions upon any question coming within the wide range of Imperial politics, and the proposition that this House should make an official representation to the British Parliament upon a question which is not an Australian question, and one that excites the most vital differences of opinion in the three kingdoms—a question which has divided people in the mother country as very few great questions have done. I wish to know where is the basis of our right to make such a representation? We have been sent into this Parliament to attend to the politics and the business of the Commonwealth. We have not been sent here to interfere with the people or Parliament of the United Kingdom upon any matter of domestic concern, or in regard to any alteration of the British parliamentary system. I do not know what may have been the experience of other honorable members, but during my public life, which embraces a period of twenty-five years, I have never been asked at any public meeting my opinion upon the subject of Home Rule for Ireland. Only once did the matter come before me in the course of my public career. I recollect that a long time ago the representative of a great English journal waited upon public men in Australia to ask their opinions upon the subject of Home Rule for Ireland, and in the course of his interviews he called upon me. I at once told him that I declined to be interviewed upon that question. I absolutely declined then, as I will decline now, to incorporate false issues with Australian politics. We have a sufficient number of burning questions of our own to attend to without complicating the politics of Australia with inquiries whether a man does, or does not, believe in Home Rule for Ireland. If that subject came before the people of Australia, it would excite just as lively a difference of opinion here as it does in the mother country. Thus we should add a burning issue to Australian politics which is, in my judgment, absolutely foreign to it. I view with

the greatest apprehension any interference by one part of the Empire with the political concerns of another part. What has made the harmony of our wonderful Empire possible? What has made it possible to develop the self-governing rights of different parts of the Empire but the marvellous wisdom which has led our great self-governing bodies to mind their own business? I ask honorable members to regard just for a moment the immovable respect of that mighty Mother of Parliaments—the British House of Commons—for the self-governing rights of the dependencies to which she gave the freedom which attaches, or ought to attach, to parliamentary institutions. How tempted the British Parliament must have been to address petitions to the King in reference to many developments in the Commonwealth Legislature? How tempted that Parliament, which stands above us all, and which by a few words in a Statute could wipe out all our liberties to-morrow—

Mr. CARPENTER.—Nonsense.

Mr. REID.—I do not say that such a thing is probable, but nevertheless the Imperial Parliament technically possesses that power. Our Australian Constitution could never have been called into being had it not been indorsed by an Act of the Imperial Parliament. I make these references only for the purpose of showing the marvellous self-control of that great Parliament. We have set up barriers against the trade of the country which gave us our political freedom. But does the House of Commons present a petition to the King, asking him to communicate with the Commonwealth Government, to complain of the exercise of our legislative freedom, even against the mother country herself? We have passed Acts which make our fellow countrymen in England, Scotland, and Ireland liable to imprisonment if they come to Australia under conditions of honest contract. Does the House of Commons rise in indignation, and present a petition to the King, complaining of that use of our undoubted powers of legislation? Throughout all the vagaries of colonial legislation, that mighty author of all our powers and liberties stands by and respects our independence—respects our right to work out our own political destiny in our own way. The Empire is full of burning questions to-day. They are to be found in the mother country, in Canada,

in India, and in South Africa. Each country is wisely left to deal with its own political destiny, its own political factions, and its own political agitations. Local agitations are never allowed to spread all over the surface of the Empire. There are occasions when it is well and fitting that these Parliaments should adopt an Imperial attitude. There are times of grief and of rejoicing in the history of the Empire when the Parliaments of the self-governing dependencies can show their sympathy with the mother country, and reveal to all nations the close connexion which exists between one part of the Empire and another. But we must draw a sharp distinction between such occasions, which reveal sentiments of sympathy and loyalty which all men share, and which lead to a unanimous demonstration of good will, and occasions which reveal vital differences of opinion, setting one loyal subject against another. Nothing in our parliamentary history seems more ridiculous to me than this attempt to debate in the Parliament of the Commonwealth the parliamentary conditions of the mother country. Nothing seems to me to be more sublimely ridiculous and impertinent. If the House of Commons were to discuss our Constitution—if it were to discuss some alteration in our parliamentary system—we can imagine how our honorable friends would rise as one man in patriotic resentment at such an interference with our right to manage our own Parliament, our own policy, and our own political destinies, in our own way. But what that mighty mother of all our Parliaments does not and dare not do, some of us are prepared to do in a spirit of cool complacency. We presume to cross the seas and to enter into a political controversy in the mother country on the very eve of a general election, at which this question of Home Rule for Ireland will be one of the principal issues. We make our appearance in the presence of King Edward, and constitute ourselves his advisers in regard to the shape that a British political agitation should take. We propose to try our hand at reforming the parliamentary relations which now unite the three kingdoms. The proposal to do so is, I think, foolish and absolutely wrong. We hear again and again the question: "What harm can there be? We are asking only for an extension to Ireland of that system of self-government which we en-

joy." I think that is the strongest way in which the position could be put. Great Britain has been generous and wise enough to extend parliamentary independence to Canada, South Africa, and Australia, and some wish to say to the mother country—"Since you have done this for us, we ask you to do the same for Ireland." That sort of statement, which is a very common one, is based upon a most superficial view. On what state of affairs did the agitation for colonial parliamentary independence arise? Gentlemen were sent across the seas to this distant dependency of the Crown to assume despotic power in the management of this country, and the agitation for parliamentary independence was an agitation against a state of irresponsible despotism. The person who was put into Government House owed no responsibility to the Australian people; he was responsible only to the Imperial Government. It was a natural and manly desire, springing from the genius of the British race, that led us to demand a change—to desire to exchange for the despotism of the person sent out from the mother country some system of parliamentary government. We had no Parliament when we fought, and so we fought for and won the parliamentary institutions that we now possess. The moment the mother country granted parliamentary institutions to Canada, Australia, and other parts of the Empire, she granted with it an implied power to demand eventually separation. The corollary of the grant of the right to manage our own affairs in our own Parliament is the right to separate from the mother country, when the people of this country desire to do so. That is one difference between the two cases. If those who granted self-government to Canada or Australia did not realize that the grant of that right carried with it the right to separate—the right to absolute independence if desired, they failed to know what every statesman should have known. Let us suppose that the people of Australia decided the connexion between Australia and the mother country should cease, and that decision was indorsed by the two Houses of Parliament, which carried resolutions after a general election on the point in favour of the severance of the tie which binds us to the mother country. How could Great Britain, which gave us the right to manage our own affairs as a free people, with a free Parliament, draw her sword to destroy

the aspirations of that free people expressed by that free Parliament? What English statesman would contemplate such a situation?

Mr. FISHER.—Let us apply that argument to the position of Ireland.

Mr. REID.—I am just going to do so. I am dealing first of all with the position of Australia; and if honorable members will give me the opportunity I will deal with the case of Ireland. I am pointing out, in reply to an argument, in which Ireland and Australia are placed on the same basis, that there are distinctions between the two.

Mr. MAHON.—Did not Ireland have a Parliament in 1782, without expressing any desire to separate?

Mr. REID.—Quite so. The history of that Parliament, and of the methods which suppressed it, must be known to the honorable member.

Mr. MAHON.—Certainly.

Mr. REID.—No one with the most superficial knowledge of the way in which that Parliament was taken from Ireland can help feeling ashamed at the infamous tactics that were employed. But I wish to return to two points in respect of which there is a vital difference between Ireland and Australia. I should have mentioned first of all that there is no analogy between the condition of Ireland and that of our own self-governing Colonies in reference to the demand for parliamentary institutions. We asked for parliamentary institutions because we had none, and because there was no Parliament of any kind in which we were represented. Australia, as I have said, instead of having a Parliament, had a despot, and had to choose between the two. Is it a matter for surprise that we should have longed for a Parliament? But Ireland is not in that position. She is not an outcast.

Mr. MAHON.—She is very nearly so.

Mr. REID.—She may not value her representation in the Imperial Parliament—

Mr. MAHON.—Has any attention ever been paid to the voice of the Irish representatives in the British Parliament?

Mr. REID.—Ireland may not value her position in the Imperial Parliament; but the fact remains that on the only basis that the democracy of the Empire acknowledges—the basis of manhood and womanhood, the basis of population—she has a larger

share of representation to-day in the British Parliament than have the people of England or of Scotland. The difference between the position of Australia and that of Ireland is that when we sought self-government we had no Parliament and no pretence to a share of representation in any Parliament.

Mr. MAHON.—Surely that was not right.

Mr. REID.—I am not saying that it was. I am simply pointing out that on the basis of union—of the three kingdoms being one—this is an important fact. On any other basis my argument would altogether fail. If the position taken up is that Ireland should be an independent community, that she has for centuries prayed for independence, that her aspiration is to be free, and that there should be an Irish nation as well as an Irish Parliament, a different line of argument will have to be followed. I am assuming, however, that the Irish people do not wish for independence. I am assuming that they are content to remain within the United Kingdom, and that they do not wish to break off their connexion with the British Parliament. On that basis I say that the British Parliament is one in which Ireland holds a fair share of representation. It would be just as wise to ask that Scotland should dominate the British Parliament while she remains one of the three kingdoms, as it would be to ask that Ireland should do so. I wish, however, to point out that Ireland has representation in the grandest of all Parliaments. We may talk of the Canadian Parliament, or of that of Australia; but what are they when compared with the grand Imperial Parliament, which has the destinies of a fifth of the human race within its grasp? Ireland has a share, and a fair share, of representation, in the greatest Parliament the world has ever seen. The agitation now is for a modification of that relationship, and I am willing to take as perfectly loyal and sincere the profession that this desire for an Irish Parliament is not the prelude to a demand for total separation from the mother country. There are grave reasons in the history of Irish political agitation for a belief that the profession that Home Rule for Ireland is sought only because of a desire for the extension of the parliamentary life of the Empire, and not in order to assert independence and bring about separation, is not

as genuine as it might be. There was a time when any people with the slightest spark of manhood would have rebelled against the English power and the English connexion. There was a time when I should not have stood here for a moment to gainsay the right of the Irish people to any remedy of the wrongs under which they suffered. There is no doubt that the desire to make Ireland a real partner in this great Parliament—the desire to give the Irish people an honest share in the rights and liberties of Englishmen and Scotchmen—has been very tardy. It was in a very tardy and grudging way that the English people of seventy, eighty, or a hundred years ago gave Ireland any sort of share in the rights of free men. If the people of Ireland at such a time had risen in rebellion and cast off the British yoke, no man who respects human rights would have said that they were not entitled to do so. I am happy to say, however, that a different relationship has grown up between the Irish people and the rest of the people of the United Kingdom. Reparation has been tardy, but it has been magnificent. No one can forget the grand part that Gladstone played in redeeming the character of the British people in their dealings with Ireland—no one can forget that mighty effort which disestablished the dominant church, then representing only a fraction of the people. No one can forget that Mr. Gladstone—

Mr. MAHON.—Was a Home Ruler.

Mr. REID.—He was, and his motives in declaring for Home Rule were of the noblest character. There is no doubt that Gladstone's inspiration was a noble one. He believed that, by extending self-governing institutions to Ireland, he would crown the real, true, and lasting union between the Irish people and the people of Great Britain. But I am addressing a House of Parliament in this distant part of the King's dominions, in which it is proposed to express an opinion in favour of a radical change in the parliamentary institutions of a self-governing community.

Mr. MAHON.—In favour of what Mr. Gladstone advocated.

Mr. REID.—The name of Gladstone is one that I revere; but it should remind us that one of the best inspirations of his policy was the maintenance of the right of people to manage their own affairs. Shall we be managing our own affairs if we at

this time interfere in a parliamentary struggle which will presently be submitted to the arbitrament of a General Election in the United Kingdom? There may be members who were sent into this House to express the voice of their constituents on the question of Home Rule for Ireland, but I am not one of them. During the past twenty-five years I have never been asked by my electors one single question on this subject. If I am to vote on it, as the representative of East Sydney, surely I must first know what the electors of East Sydney think in regard to it? My private opinion is quite another matter. The seventy-five members of this House can, every one of them, go on to the platforms of Australia, and express their opinions on the subject of Home Rule in the freest way possible. They can address public meetings on the subject; but, in doing so, they will be expressing only their own views and opinions. They have, so far as I know, no right to represent the views of their constituents. The expression of our individual views outside this Chamber is one thing, and the expression of our views as the representatives of the Australian people is another. Our action here should be based only on opinions submitted to our constituents, and after their opinions have been ascertained—not by a secret method, or by guessing or jumping at conclusions—but as the result of open discussion. My honorable friends must admit that if this question be put before the country as a live political issue for the next elections, it would turn Australian politics upside down. Speaking of the constituencies generally, no one can say what their verdict would be in regard to it. We have no right to arrogate to ourselves the power to speak on behalf of the Australian people when they have not authorized us to do so, and when we have not asked for authority to do so. As I have said, we can declare our own opinions on this subject outside, but we have no right to use the name of Parliament in expressing them as if they were the opinions of the people. This issue has never been before the people. I decline to countenance any such action. This discussion will, unhappily, tend to bring the question into the arena of Australian politics. Will not the fact that honorable members voted on this subject here be remembered by their constituents when they review their actions? But do we wish to complicate the burning questions

which will have to be settled at the next election in Australia with the question concerning the right sort of Parliament to have in the mother country—whether there shall be one Parliament for England, Scotland, and Ireland, or one for England and Scotland, and another for Ireland? The issue may come to this: A candidate may say to the Socialists in his constituency—and I have no doubt that in many cases it would be a determining appeal—"I am not a Socialist, Michael; but I am a Home Ruler"; or "I am a Socialist, Andrew; but I am not a Home Ruler." I regard the question of Home Rule for Ireland as one which must be left for determination to the good sense and intelligence of the 41,000,000 of the British people. It has nothing to do with the politics of Australia.

Mr. THOMAS.—A lot of votes are given now for or against a candidate, according to his religion.

Mr. REID.—The honorable member reminds me of a state of things which I think no one wishes to aggravate. The honorable member for Gwydir—to show how near we are to sectarian questions in discussing the subject of Home Rule—when I jocularly mentioned Home Rule a few days ago, seriously exclaimed, "What right have you to raise the sectarian question?" A representative of the people mixes up sectarian issues with the Home Rule question so closely that I could not mention Home Rule without being accused of raising the sectarian issue.

Mr. THOMAS.—It was the way in which the right honorable member mentioned Home Rule that made the honorable member for Gwydir exclaim.

Mr. REID.—The interjection of the honorable member for the Barrier reminded me of the occurrence, and enables me to add that those who wish to preserve the politics of Australia from side issues should avoid intruding this question of Home Rule. I wish again to emphasize the fact that every member whom I am addressing has a perfect right to talk about Home Rule outside the House. As a British subject, he can hold meetings to advocate it, he can write articles in support of it, and he can seek to influence the people upon in every conceivable way. But in this House

we are not authorized by our electors to express their opinions on the subject. We are free to govern Australia; we are free to take up all sorts of matters, as they arise, in the exigencies of Australian legislation, whether they have been before the electors or not. But I draw a sharp line between the use of our consciences, our judgments, and our advocacy in Australia of Australian reforms, and the arrogation of a right to speak for the 4,000,000 of Australian people on a subject which has nothing to do with Australian politics. Surely if we think we are competent to work out our own destinies, we might give the people of the mother country equal credit for ability to work out their political destinies. Do we think that we can shed a luminous ray of statesmanship upon this troublesome problem by merely expressing our opinion? For that is all the motion amounts to. It asks that we shall express our individual opinion that Home Rule for Ireland is an advisable thing for the Imperial Parliament to agree to. The vital point on which this question turns is one which the English, Irish, and Scotch people must settle for themselves. It is this: Will the extension of a special Parliament to the Irish people, whilst no special Parliament is extended to the English or Scotch people, strengthen or weaken the tie which unites Ireland with the United Kingdom? As we settle that question, we settle the question of an Irish Parliament. Those who honestly believe that this change will strengthen the tie between Great Britain and Ireland are entitled to advocate it in every way they can, but I say to them, "Advocate it in your own names. Express your own views. Do not put forward the expression of your views as if your constituents had empowered you to express their views, and to express them in the way in which you have expressed your own views." That is the strong distinction which I draw. The question whether the granting of a Parliament to Ireland will weaken or strengthen the relations between Ireland and Great Britain is the vital point. There is no possibility of a separation between England and Ireland so long as the British Empire lasts; it is inconceivable. Just think on what a diminutive base that vast and marvellous superstructure of Empire, which overshadows the whole earth to-day, rests. Fracture the base upon which our mighty Empire stands, and you seal the doom

of that Empire. I leave it to the wisdom of the people in the mother country to decide this burning question. It is within the province of their politics, while it is not within the province of our politics. I leave it to them to settle this great problem, which affects the happiness and welfare of the Irish and British people. No man has a more earnest desire than I have that such a settlement may be arrived at as will strengthen and increase the prosperity of Ireland, while preserving the stability of the Empire. I do not think I should act fairly if I did not put the position which I take up plainly before the House, and, in order that honorable members may take a course which will probably be more satisfactory than negating the motion, or agreeing to the previous question, I have a proposal to make. I thought at one time of moving the previous question; but I felt that such a course might be thought to be unsympathetic with respect to the legitimate aspirations of the Irish people. I have no desire to take up any unkind attitude with respect to that once oppressed and once wronged people. I have no desire to add in the least degree to the misfortunes of that country. But I put the Ireland of to-day before the world as a country which has been treated more generously than any other during the last twenty years. So ardent has been the desire even of the resolute opponents of Home Rule, the Conservative Party of England, to do some long delayed measure of justice to Ireland that the principles of British legislation have been strained to breaking point in favour, not of the dominant power of the landlords and tenants of the great rural districts of England and Scotland, but of the people of Ireland. £100,000,000 of British money have been pledged to place the Irish landlords and tenants in a position that British landlords and tenants have never occupied and never will occupy. That is, I say, a magnificent proof of the generosity of the dominant power, which might have employed the most barbarous methods of past ages for the purpose of oppression and wrong. But in the brighter stage upon which the relations of England and Ireland have entered, we see the unbending Tories forgetting all their principles and prejudices with regard to the ownership of land in their endeavours to place the Irish tenants upon a better footing than they ever occupied before.

Mr. MAHON.—They have put millions of money into the pockets of the landlords.

Mr. REID.—But millions of the English people have not landed estates. The honorable member's statement might apply to a few fortunate gentlemen who have large estates in Ireland, but that daring departure from all maxims of British law in reference to the ownership of land would have been impossible if it had not proceeded from a generous impulse of the whole British people. I look upon that as a sign of brighter days, because the generous treatment of a generous people like the Irish race must yield a rich harvest of goodwill and understanding.

Mr. MAHON.—That was an act of generosity to the Irish landlords, who have been enriched to the extent of £12,000,000.

Mr. REID.—That is one view of the matter; but does the honorable member forget the improvements effected in the condition of the Irish tenants. I think that there is some reference in the resolution before us to the enormous benefits conferred on the Irish peasantry, who were at one time in a condition of the utmost misery. We know that now the tenant can stand up against his landlord in the face of the law, and obtain some justice—and generous justice too. In conclusion, I desire to say that no man wishes Ireland a more generous measure of prosperity and contentment than I do, but I leave this question of parliamentary policy and parliamentary change, to the august tribunal of the people of the United Kingdom, and, so far as I am concerned, I shall stand against the intrusion into this Parliament of burning questions which have created so much bad blood and bad feeling in other parts of the Empire. I move as an amendment—

That all the words after "That" be left out, with a view to insert in lieu thereof the following words:—"whilst in full sympathy with every movement calculated to advance the best interests of Ireland, this House declines to petition His Majesty either in favour of or against a change in the parliamentary system which at present prevails in the United Kingdom—

1. Because this House does not consider such matters within its legitimate province;
2. Because they will shortly become issues in an appeal to the electors of Great Britain and Ireland, in which this House has no right to interfere; and

3. Because this House confidently relies upon the fairness and wisdom of the British people for the removal of every just Irish grievance in the manner most likely to promote the welfare of the Irish people and the stability of the Empire."

Mr. HIGGINS. — On a point of order, may I ask your ruling, Mr. Speaker, as to whether the amendment is not in effect a negative of the motion? The right honorable and learned member declines to petition His Majesty, and gives certain reasons for his refusal. I think that we are entitled to ask honorable members to vote upon the straight clear-cut issue whether they are in favour of the petition or not.

Mr. SPEAKER.—To my mind, there are three possible issues; one is to declare in favour of the petition as it stands, another is to negative the proposal to petition altogether, and the third possible issue is such a one as that presented by the amendment, which comes between the two extremes. That is the position so far as I gather it from having heard the amendment read, and if my impression be correct the amendment is perfectly in order. If, after I have had time to further consider the amendment, I find that it is merely an expanded negative, it will be my duty to rule it out of order. At present I think it is more in the nature of the "previous question," and therefore in order.

Mr. CAMERON (Wilmot).—I speak upon this question under a great disability, since I am called upon to follow the right honorable and learned member for East Sydney, who has just treated the House to a most eloquent speech. I stand at the further disadvantage of having received from a number of my constituents a request that I should support the motion. I recognise the fact that if I do not comply with their desire I shall excite a considerable amount of animosity in my electorate, which may have a disastrous personal effect in the future. However, I have never hesitated to do what I believe to be right; and, when I remember that some time ago I opposed the motion in favour of petitioning the English Parliament against the introduction of Chinese labour into the Transvaal, on the ground that we had no right to interfere in such matters, I do not see how I can support the present proposal. On the occasion referred to I expressed the opinion that the English Government would treat the petition with con-

tempt, and my prediction proved to be a true one. In dealing with this matter we must remember that the decision of the Irish people to cast in their lot with Great Britain was arrived at in their own Parliament, and, although it has been asserted that certain members of that Legislature were bought over by Lord Castlereagh, the fact remains that the representatives of the Irish people, of their own free will, deliberately entered into the union. Under these circumstances, it seems to me that we have no right whatever to interfere. We must also remember that Scotland, which at that time was in exactly the same position as Ireland, has never asked for a Parliament of her own.

Mr. RONALD.—Yes, she has.

Mr. CAMERON.—We know that there are always discontented people in every community, and it is possible that a few Scotchmen may have desired to see a Scotch Parliament established, but there never has been an expression by the Scotch people of a unanimous desire to have a Parliament of their own. It is quite possible that Great Britain may in time grant powers of administration to the Irish people similar to those which are now exercised by the London County Council—a system of local government which has latterly come much into vogue in Great Britain—but it is not for us to say that the time is ripe for any such change. What does this proposal mean? Does any honorable member suppose that the Irish people will be content to have a local Parliament which will have no voice in matters relating to the army and navy? Is it not recognised that this is merely the thin end of the wedge—that the more the Irish people get, the more they will want? What have the people of Ireland been doing during the last twenty years? They have been agitating for Home Rule, not by legitimate means, but by means of incendiary methods. It cannot be said that the Irish people have been unjustly treated so far as their representation in the British Parliament is concerned. Some time ago, when a redistribution of seats in the British Parliament was proposed, it was established beyond doubt that, in proportion to population, Ireland possessed more representatives than England, and considerably more than Scotland. If the motion be carried, we shall deliberately invite the Imperial authorities to administer a snub, and we shall deserve it.

Honorable members must remember that I warned them as to what would be the result of forwarding a petition to the Imperial Government on the subject of the introduction of Chinese into the Transvaal. It is true that only five honorable members joined with me in voting against that proposal. How was the petition received? Were we not, in effect, told to mind our own business? If we adopt this motion I am satisfied that similar treatment will be meted out to us. Are we perpetually to invite "snubs," and to remain silent under them? I do hope that honorable members will exhibit a little common sense upon the present occasion. God knows we have enough to do to mind our affairs, without attempting to interfere in matters which do not concern us. I am perfectly aware that the views which I am expressing will prejudicially affect my position at election time; but I am indifferent to any such consideration. I maintain that during the past fifteen or twenty years the people of Ireland have received the very greatest consideration at the hands of the British Parliament, and even if I stand alone, I shall be found opposing any motion which contemplates interference by this branch of the Legislature in a matter in which we are not concerned.

Mr. WILSON (Corangamite).—When the motion in reference to the introduction of Chinese labour into South Africa was submitted in this House, I was one of those who protested against it. I take up a precisely similar attitude upon the present occasion. The question of the wrongs of Ireland is one upon which honorable members may hold their individual opinions, but as a deliberative body this House has no right to discuss it. A motion of this character must inevitably engender class bitterness. I hold certain views upon the question of Home Rule for Ireland, but I contend that it is not a matter upon which we should be compelled to vote, inasmuch as it in no way affects the Commonwealth.

Mr. KING O'MALLEY.—What would the honorable member think if the Imperial authorities closed the Tasmanian Parliament?

Mr. WILSON.—The British Legislature has no power to take any such action. But let me suppose that the House of Commons recommended the people of Tasmania to secede from the Federation.

What would be the effect upon this House? Why, every member would be heard violently protesting against its action.

Mr. RONALD.—There is no analogy between the two things.

Mr. WILSON.—There is a perfect analogy. In many respects the House of Commons has more right to dictate to us than we have to dictate to it.

Mr. RONALD.—We are not dictating.

Mr. WILSON.—We are attempting to interfere in a matter which does not concern us, and we are endeavouring to coerce members of the House of Commons upon that question.

Mr. RONALD.—By forwarding them a respectful request?

Mr. WILSON.—It is a request—with a bludgeon at their heads. If we agree to this motion, we might just as well adopt a resolution affirming that the crofters in the Hebrides off the coast of Scotland should be granted a system of Home Rule.

Mr. DAVID THOMSON.—They have never asked for it.

Mr. WILSON.—It is true that they have not asked for it, but why should we not take up the question on their behalf? The same remark is applicable to the inhabitants of Wales. From time to time the Welsh people have laboured under many grievances. Surely they have the same right to be cut off from the British Parliament as have the people of Ireland. I protest against any action being taken upon the lines indicated by this motion. We know that for many years the subject of Home Rule for Ireland has been a burning one in British politics.

Mr. KING O'MALLEY.—It is the weak spot in the British Empire.

Mr. WILSON.—I do not agree with the honorable member. It has been implied that if Home Rule be not granted to Ireland the people of that country will break away from the British Empire. I do not think that they will. As honorable members are aware, there are two distinct and separate sections in Ireland.

Mr. MAHON.—What are their relative proportions? Would the honorable member allow a minority to rule a majority in Australia?

Mr. WILSON.—Certainly not. In the north-western corner of Ireland there is the section which is known as the Ulster Irish, and in the southern and south-eastern portions of that country the other section is to be found. Both sections have rendered yeoman service to the Empire in all parts of the world, and both are entitled to every consideration at the hands of the Imperial Parliament. But I would point out that during recent years the Irish people have been extremely well represented in the House of Commons. As a matter of fact, they are far better represented there than are the people of Wales and Scotland. It is not our province to take cognizance of wrongs which were committed many years ago. We have only to consider the character of recent legislation by the Imperial Parliament to see that determined efforts are being made to relieve the ills from which Ireland has suffered. The primary object of the Land Purchase Act which is in operation at the present time is to settle the Irish peasantry upon the soil. That Act is of a most liberal character. The leaders of the Irish party in the House of Commons are perfectly satisfied that Great Britain has dealt with Ireland in a very generous manner indeed.

Mr. RONALD.—Nobody denies that.

Mr. WILSON.—Then the honorable member must admit that a successful attempt has been made to redress the wrongs from which the Irish people previously suffered.

Mr. RONALD.—Still the people of Ireland have a right to demand self-government.

Mr. WILSON.—They wish to revert to the parliamentary days of Grattan—and I am proud to know that I bear the name of that illustrious man. If Home Rule is to be granted to Ireland, why should it not be granted to Scotland? Why should we not make representations in favour of the people of Scotland being granted a Parliament of their own? I hold that we have no right to deal with this question, and I regret that it has been brought forward. I have always felt that it is undesirable that the class bitterness which exists in the old land should be stirred up in Australia. It should be our wish to keep ourselves and our politics free from such matters. We should confine our attention to questions affecting the people of the Commonwealth. Home Rule for Ireland is not

a matter that directly affects one individual in Australia, nor can it be said that it affects us externally. It is one that does not come within our sphere of external influence, and I therefore protest against such a motion being submitted to the House. If the amendment be in order, I shall certainly support it, and if not, I shall do my best to so amend the motion that honorable members may show by their votes that they feel, not only that this House has no right whatever to deal with the question, but that it is highly undesirable that the Parliament of Australia should be brought into contact with the class bitterness of the old land.

Mr. KELLY (Wentworth).—The question that has been put before the House by the honorable member for Southern Melbourne, and subsequently by the honorable and learned member for Northern Melbourne, is a very prickly one, and, like most prickly things—especially nettles—needs to be firmly grasped. I do not propose to hedge on the advisableness of the Commonwealth Parliament considering the question of Home Rule being granted to a country to which our legislative deliberations do not extend. The right honorable member for East Sydney, in moving the amendment now before the Chair, very clearly placed three facts before the House. He urged, first of all, that we had absolutely no mandate from the people of Australia to consider this question; and, secondly, that even if we had, we have no right to interfere. Finally, he contended, with great force, from the point of view of any one who loves the Empire, that it is neither expedient nor wise for the House to meddle in matters over which it has no control. I think that the right honorable member proved each of these contentions up to the hilt. I must say that I regret that the advocates of this proposal have not seen fit to attempt to rebut any of his arguments.

Mr. MAHON.—There is not much to rebut.

Mr. KELLY.—That is entirely a matter of opinion. I believe, however, that the people of the Commonwealth will hold that there is much to be rebutted. Honorable members who have been supporting the motion, and who, at the inception of the debate, were most anxious to speak, are silent when argument is met with argument.

Mr. MAHON.—The honorable member surely does not think that the mover of the motion should speak twice?

Mr. KELLY.—He has the right to discuss every amendment that may be submitted.

Mr. TUDOR.—Let us take a vote.

Mr. KELLY.—There are some honorable members who dare not speak to the question, and their only desire is that we should proceed to a division. Those who were at one time so anxious to speak in support of the motion are now not at all eager to do so, the reason being that the arguments adduced in opposition to it are obviously irrefutable. The question of whether we have a mandate from the people of Australia to deal with this matter is covered by the amendment. I have no hesitation in saying that if any honorable member were to go before his constituents and tell them frankly that he considered they had instructed him to vote for the motion, they would not be so keen to again intrust him with their confidence. Honorable members may go on the public platform and try to educate their constituents up or down to their appreciation of this proposal, but they have no right to attempt to use the House as an educational medium for the people of Australia in respect of questions that do not concern the well-being of the Commonwealth.

Mr. KING O'MALLEY.—Are we not part of the Empire?

Mr. KELLY.—We are part of the Empire, every self-governing section of which has complete local autonomy.

Mr. KING O'MALLEY.—Except Ireland.

Mr. KELLY.—Are we yet to learn that Ireland has no representation in the House of Commons? Are we to understand that the States of Australia, because they have not each exclusive control of the Commonwealth, are not represented in the Federal Parliament? Are Victoria and New South Wales not autonomous States? Are not their peoples self-represented in the Commonwealth of Australia? And yet the honorable member tells us that Ireland has no Parliamentary representation. He forgets that Ireland is as near to the place of meeting of the Imperial Parliament as is Sydney to the Seat of Government of the Commonwealth.

Mr. G. B. EDWARDS.—And that she has more than her fair share of representation in the British Parliament.

Mr. KELLY.—Considerably more. What have we to do with the cry for Home

Rule? We have not yet been told what Home Rule is. A friend of mine, when asked "Are you in favour of Home Rule?" replied, "It largely depends upon what Home Rule is." Until we know what Home Rule is, how can we be expected to express an opinion upon the question of whether it shall be given to a part of the Empire over which we have no control? The question is not whether Home Rule shall be granted, but whether we ought to obtrude our interference at a critical time, and attempt to unduly influence the electors of another part of the Empire with respect to a matter that concerns them, and them alone. Those who have dealt at length with the maltreatment—and I use the word "maltreatment" advisedly—which the people of Ireland suffered in centuries gone by at the hands of the mother country, may well be asked whether they can find in the long range of history the case of any country which, in the centuries long passed, did not maltreat its dependencies, or its people. Let us look, for example, at France, and endeavour to ascertain whether there is any demand on the part of the descendants of the Huguenots for separation from the central authority. We find among those people nothing but the most loyal devotion to the great country of which they form a part. In the great heart of the Irish people, when it is untroubled by political agitation, we also find expressions of the most loyal devotion to the inspiration and ideal of Empire, and satisfaction with Ireland's part in the Empire. Do honorable members oppose deny that that is so? Their silence shows that they know that my statement is correct. If the matter be not sufficiently clear to honorable members, they have only to look at the motion which has been put before the House. It begins—

We, Your Majesty's dutiful and loyal subjects, the members of the House of Representatives, in Parliament assembled, desire most earnestly in our name and on behalf of the people whom we represent, to express our unswerving loyalty and devotion to Your Majesty's person and Government.

Can they speak on Home Rule on behalf of their electors?

Mr. G. B. EDWARDS.—Where did they get the mandate?

Mr. KELLY.—That is the point. The motion continues—

We have observed with feelings of profound satisfaction the evidence afforded by recent

legislation and recent debates in the Houses of Parliament of the United Kingdom, of a sincere desire now to deal justly with Ireland—

This, I believe, is the blarney-stone; but if those responsible for the motion have sincerely used these words, they are surely prepared to leave to this beneficent authority, which is now ready, according to their own statement, to deal with Ireland fairly, the destinies and future prosperity of that country, which we all wish well. As if these words were not sufficient, the motion continues—

and in particular we congratulate the people of the United Kingdom on the remarkable Act directed towards the settlement of the land question, and on the concession to the people of Ireland of a measure of local government for municipal purposes.

It has been said by an honorable member, who has spoken in support of the motion—I think it was the honorable and learned member for Northern Melbourne—that Home Rule for Ireland does not mean absolute separate autonomy for that country.

Mr. KING O'MALLEY.—Of course not.

Mr. KELLY.—The motion itself declares that those honorable members who tell us that they do not wish Ireland to have complete autonomy are congratulating the people of the United Kingdom on having granted to the people of that country a measure of local government for municipal purposes.

Mr. RONALD.—What of that?

Mr. KELLY.—It shows that the Parliament, which it is proposed to insult with the concluding sentences of this message, is prepared to deal justly with the people of Ireland, and has already agreed that a considerable measure of that partial autonomy, of which the framers of the motion say they are in favour, shall be granted to her. I think it is clear from the opening sentences of the motion that those responsible for it feel that the Parliament of the United Kingdom is eminently fitted to deal, and to deal justly, with the people of Ireland. Having that view, I entirely fail to understand the reason for the insult comprised within the concluding sentences of the proposed petition.

Mr. CAMERON.—Read them.

Mr. KELLY.—The motion goes on to say that—

The sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland.

Those who are responsible for the motion say in one sentence that the Imperial Parliament is eminently just, and anxious to deal with the question of Ireland's wrongs, and in another that no British Parliament can deal with the question. Surely that is a most extraordinary contradiction. Are honorable members sincere when they say that they have observed in the Houses of Parliament of the United Kingdom "a sincere desire now to deal justly with Ireland," and add that "no British Parliament can understand or effectively deal with the economic and social conditions of Ireland"? Are those honorable gentlemen casuistical? Do they put both statements in order that they may snare voters, or are they unable to make up their minds as to which statement is true?

Mr. CAMERON.—They should abide by one statement or the other.

Mr. KELLY.—Yes. As has been pointed out, although we are asked to express our opinion on this subject as "the members of the House of Representatives in Parliament assembled," we have no mandate to deal with it from the people whom we represent. Why, then, should an obvious misstatement be made in this proposed humble address to His Majesty the King? Surely, if we owe anything to the constitutional head of this great Empire, it is to fearlessly tell the truth—if, indeed, we do not owe that duty to our self-respect and the sense of conscience which even politicians may be expected to possess. But the honorable and learned member for Northern Melbourne does not ask for absolute local autonomy for Ireland, although he speaks of us as "enjoying and appreciating the blessings of Home Rule," and therefore asking for similar advantages for that country. All he asks for is "that a just measure of Home Rule may be granted to the people of Ireland." What is "a just measure of Home Rule"? Again, we are told that the people of Ireland have asked for Home Rule through their representatives. Where are those representatives asking for it? Are they asking for it in Australia, where we can hear them, or in the Houses of Parliament at Westminster, in the heart of the Empire, where the people of the United Kingdom can hear them? Are we in as good a position to know how "clearly," "insistently," and "continuously" they are asking for Home Rule as are the members of the Imperial Parlia-

ment, to whom, and among whom, they are making this request? Surely the Parliament of the United Kingdom is better able to deal with and decide this question than is the Parliament of Australia. I sincerely believe in the absolute loyalty and devotion of the Irish people, and am proud of the fact that I am descended from Irish stock. Therefore, I ask, why should it be inferred that, if the request of the people of Ireland for Home Rule is not granted, they will do something which may imperil the "peace and integrity of the Empire" to which I believe they, as well as we, are proud to belong? The motion contains a series of contradictions, which should justify any deliberative assembly in rejecting it.

Mr. CAMERON.—Such a motion should not be moved in this Parliament until the people of Australia have expressed their opinions on the subject.

Mr. KELLY.—Exactly, and I intend, when I continue my remarks on a future occasion, to put that view very strongly before honorable members. The movers of the motion say—

It is our desire for the solidarity and permanence of the Empire, as a power making for peace and civilization, that must be our excuse for submitting to Your Majesty this respectful petition.

The petitioners, then, themselves admit that an "excuse" is necessary for this proposed offensive interference with the self-governing rights of another part of the Empire!

Mr. CAMERON.—What sort of excuse will they make to their constituents, who have not authorized them to deal with this question?

Mr. KELLY.—They seem anxious to pass a motion which will appease all sections. It is a singular thing that those who profess to be satisfied that the Imperial Parliament intends to deal justly and properly with Ireland are the men who propose this gratuitous interference with the self-governing rights of Great Britain.

Mr. HIGGINS.—I am sorry that a man with the good name of Kelly should stone-wall a motion of this kind.

Mr. KELLY.—I am surprised that an honorable member of the name of Higgins should draft a motion so full of casuistry. If he regards this question as so urgent, and has the welfare of the people of Ire-

land so much at heart, why does he not resign his seat in this House and himself lead a crusade in Great Britain to obtain from the electors of that Parliament, in whose trustworthiness and inherent goodness he has expressed so much confidence, the alleged rights which the eloquence of the representatives of Ireland in that Parliament have been unable to obtain for her? I ask leave to continue my remarks on the resumption of the debate.

Leave granted; debate adjourned.

SUPPLY (Formal).

STANDING ORDERS COMMITTEE: LIMITATION OF SPEECHES—FEDERAL CAPITAL SITE—IMMIGRATION RESTRICTION ACT—CUSTOMS VALUATION OF IMPORTS.

Question—That Mr. Speaker do now leave the Chair, and that the House resolve itself into Committee of Supply—proposed.

Mr. REID (East Sydney).—In the ordinary course of parliamentary business, the Government have the control of business and the power to arrange the subjects which shall engage the attention of honorable members, and I am very glad that this wise provision has been made to enable honorable members of all parties to discuss matters of public importance which do not happen to present themselves for consideration in the ordinary course of public business.

Mr. THOMAS.—Then the honorable member would not have dispensed with this arrangement under the new Standing Orders which he intended to propose.

Mr. REID.—I have such a painful sense of the value of public time, and of the manner in which honorable members opposite waste it by making ill-timed interjections, that I decline to be drawn off the track of my observations to discuss trivialities with the honorable member. Although my present position in this Chamber is not precisely the same that it was a few months ago, I still retain the views I expressed when I occupied the position of leader of the Government. Although it may seem to militate against the interests of the Opposition, I am prepared to give the present Government the same earnest support that I would have accorded to the members of my own party, if they grapple with the difficulty arising from the delivery

of unduly long addresses in this Chamber. It will be impossible for us to acquire a reputation for business aptitude, and for the despatch of public business in a proper way, unless the expression of the individual views of honorable members on various questions which come up for discussion are regulated by some standard, and limited in some manner. I am glad to say that my late honorable colleague, the honorable and learned member for Corinella, who practically represented the late Government on the Standing Orders Committee, has bestowed considerable attention upon this question. I do not know whether he has brought the result of his labours before the Standing Orders Committee.

Mr. McCAY.—Yes, I did do so; but the Committee did not think too much of them, and therefore did not adopt my proposals.

Mr. REID.—I understand that my honorable friend's object was to arrive at some method of limiting the length of speeches in this Chamber. Viewing this question entirely apart from its party aspect, I would strongly urge the Government, without waiting for the full consideration of the Standing Orders, to grapple with the difficulty. I admit that one of the obstacles in the way of dealing with the Standing Orders in the course of a busy session arises from the fact that they present innumerable topics for discussion, and must therefore occupy a large amount of valuable time. At the same time, I consider that the House will continue to occupy an altogether wrong position until a well-thought-out and complete code of Standing Orders is adopted. It is a reflection upon this Parliament that, although over four years have elapsed since the establishment of the parliamentary government of the Commonwealth, we are still at the mercy of temporary Standing Orders, which were intended merely to fill up a gap until we could get into working order and adopt a complete set of Standing Orders adapted to our requirements. I was exposed to considerable ridicule because I laid great stress upon this subject, but I have no hesitation in saying as leader of the Opposition what I stated as the head of the late Government, namely, that the business of the Commonwealth Parliament will never be properly considered or despatched until we have a proper set of Standing Orders. It is easy to employ ridicule in attacking those who are taking up a sensible attitude, and I think

that ridicule was never more misapplied than in connexion with my endeavour to place in the forefront of the Ministerial programme the question of new Standing Orders. I do not think that any honorable member on this side of the House has occupied the attention of honorable members for more than three hours at any one time this session. I most nearly approached that limit in my speech on the Bonus for Manufactures Bill, which occupied two hours and three-quarters. With that exception, I do not think that any member of the Opposition has occupied more than one hour and a half at any one time.

Mr. HUME COOK.—The honorable member for Macquarie occupied four hours on one occasion.

Mr. REID.—That was prior to the current session. That was when the honorable member was speaking from my notes on the Tariff, and the incident has become ancient history. We were all very excited on the subject of the Tariff, and perhaps we expressed our views at inordinate length. So far as the present session is concerned, I think I may say that the members of the Opposition have not so far abused their rights as members by making speeches of inordinate duration.

Mr. BAMFORD.—Some of them speak very frequently.

Mr. REID.—During the last month I have done what I never did before. I have actually read through the *Hansard* reports, and I wish to say that I never read a collection of abler speeches in connexion with ordinary topics of legislation than those delivered by honorable members on this side of the House. Their deliverances were pregnant with the most cogent arguments in favour of the views they were advocating, and there was an entire absence of ill-feeling. In fact, I think my honorable friends had a tendency to minimize the evils of the present Administration, and the incapacity shown by the Minister of Trade and Customs to understand the measures which he had introduced. I think that my honorable friends carried political generosity to an extreme in the mildness of their criticisms of the Government in connexion with the provisions of the Commerce Bill. I do not wish to rebuke my honorable friends for their forbearance, because I think that is an admirable quality. No Opposition ever performed its duty of intelligent and mode-

rate criticism more efficiently and more reasonably than did my honorable friends. When the late Government were in office under the mistaken idea that they were occupying their position subject to a written understanding with some honorable members—that turned out to be a chimerical notion—they were exposed to speeches from honorable members then sitting on this side of the Chamber, two of which occupied four hours each, or a total of eight hours—the period which the present Prime Minister very properly allots to the parliamentary day's work. The honorable member for Darling, who, I am sure, has endeared himself to all honorable members, especially by the kindness of his references to our travelling arrangements, and the honorable member for Gwydir, who is not so capable of the friendly emotions of human nature, but who has many excellent qualities, delivered speeches on matters of no importance which together occupied nearly nine hours. I do not suppose that during the whole of his public career the Vice-President of the Executive Council, who supports the dignity of his onerous office with becoming modesty and with a due sense of shame, and who is one of the most brainy among the silent members of Parliament, has consumed so much time as was occupied by the two honorable members referred to in discussing side issues. In fact, their exertions have produced such an unhappy effect upon them that they have since been mentally paralyzed. Who would now expose the honorable member for Darling or the honorable member for Gwydir to the cruelty of a five hours' speech? Irrespective of all these party considerations, and of the question of what sort of men are in office, I say that no Government will ever be able to render a proper account of their trust as leaders in the performance of parliamentary and legislative duty until they adopt some means or other to curtail the abuse of the privilege of speech. I am glad to say that no such abuse has occurred during the reign of the present Administration. That fact is entirely owing to the character for political sagacity and moderation borne by honorable members on this side of the House. They have carried the high traditions of the late Administration even into the cold shades of Opposition, and the present Government have not been exposed to the strain of speeches of four or five hours in length. I hope the

Government will take the same view that I do as to the urgency of introducing a complete code of Standing Orders. I do not at all appreciate the marvellous devices which are being sprung upon an astonished Parliament by the Standing Orders Committee. I could understand the Committee laying upon the table a set of Standing Orders aimed at speeches of undue length, which have been the curse of all Australian Parliaments; but, as a matter of fact, the Committee have no new proposals to make beyond one of a remarkable character, which has excited the ridicule and contempt of the whole of the Australian people. Where is the inconvenience in forming a quorum if there are twenty-five honorable members within the precincts of the House? It simply imposes on those honorable members who do not happen to be present at the particular moment when the bells are rung, the trouble of walking from one or other of the ante-rooms into the Chamber. If honorable members are in their party rooms, they have merely to walk a few yards in order to make their appearance here. If they are in the billiard-room, the refreshment-room, the writing-room, or the library, the only inconvenience to which they are exposed is that of having to walk a few yards. The Constitution is very clear upon this subject. It declares that, in the absence of legislative provision to the contrary, the attendance of twenty-five out of seventy-five members shall be necessary for the transaction of public business. I should be the last individual in the world to be so unreasonable as to suggest that twenty-five honorable members ought to be in the Chamber every moment that the House is sitting. But in view of the express direction contained in the Constitution, I do say that, if any honorable member draws attention to the fact that the statutory number of members is not present, a quorum should be formed. Why should a novel standing order be proposed to meet the convenience of four or five honorable members who wish to absent themselves from the proceedings of this Chamber? It strikes me as being one of the most ludicrous efforts at reform of which I have ever heard. Instead of drawing the bands tighter, it is actually proposed to make them looser. Under the operation of the suggested Standing Order, honorable members might remain for hours outside the Chamber, attending either to their own private business or to public affairs, whilst the House continued

to transact the business of the country with only five or six honorable members present, so long as the Speaker or the Chairman of Committees was satisfied that there was a quorum within the precincts of the House. Thus, while five or six honorable members might be in the billiard-room, another five or six in the refreshment-room, a similar number in the library and the party-rooms, and five or six more in the vaults engaging in gymnastic exercises, under this precious Standing Order business could proceed so long as the Speaker was satisfied that a quorum was within the precincts of the building. Is that the sort of reform that we ought to expect from the Government? Surely one of the reasons why excellent work should now be done is to be found in the fact that the Government occupy an invidious position. Here is a Ministry which, outside of itself, numbers only four or five supporters in its own party. Surely honorable gentlemen in that position might hope to make up for the ignominy of it by endeavouring to improve the methods of transacting public business. But the only emanation of their genius in reference to the conduct of parliamentary business is a suggestion to render the easy life of honorable members still more easy, by making the transaction of public business in the absence of a quorum equivalent to its transaction in the presence of a quorum. I believe that we shall hear no more of that proposal. It has apparently been buried. If the Government had been in earnest about it they would have submitted that Standing Order by itself, and have brought it into operation without delay. But they felt—and properly so—that they had made a false step, and that there was only one method of escape from it, namely, by burying this new-fangled idea in 400 or 500 other orders, so that we should, for some time to come, hear no more about it. I say again that if any honorable member upon this side of the House occupied four or five hours in delivering a speech—as some honorable members opposite did when I was in office—I would heartily applaud the Government if they submitted a Standing Order to put an end to such an abuse of privilege. No man has a right to occupy such a large share of the public time. I should not speak so long as I do, but for the fact that I am very frequently absent from the House, and that I do not often occupy its time. I would, however, always

Deid.

attach a safeguard to the time limit. I would make that limit a thoroughly liberal one, and I would attach to it a provision that, without debate, the question might be put to the House or Committee—"That the honorable member be further heard." If any honorable member were addressing himself to a subject of large importance and complexity, which called for a speech beyond the usual limits, I am sure that the sense of fairness of the House would immediately allow the Standing Order to be relaxed. We all know that in the warmest conflicts that have taken place in this House, the moment an appeal has been made to the fairness of honorable members, that appeal has never been in vain. With such a safeguard as I have indicated, a time limit might very well be imposed upon speeches. However, the urgency of this matter seems to have disappeared, since my honorable friends have gone over to the other side of the Chamber. Before I conclude my remarks, there is one matter to which I wish to refer, because since I last addressed myself to it, I have had an opportunity of considering the difficulty which was then presented to me by the Prime Minister. I refer to the settlement of the trouble connected with the Federal Capital. I had never previously considered the difficulty as to whether it was within our power to pass a measure which would give the High Court an opportunity of settling such questions as those involved, by means of some friendly arrangement. Of course, I do not pretend to express any very weighty opinion, because I recognise that there are members in this House who have studied constitutional matters much more thoroughly than I have done. Nevertheless, I have taken an opportunity of referring to our Constitution upon this subject, and I should like to express the opinion at which I have arrived in reference to the powers which we, by legislation, can confer upon the High Court. I am sorry to see in the newspapers a statement by the Premier of New South Wales to the effect that he considers that a recent communication from the Prime Minister frustrates the hope of a peaceful settlement of these difficulties.

Mr. DEAKIN.—He goes on to say that that is due to my entertaining a different view of the law from himself.

Mr. REID.—I suppose that the correspondence will be made public.

Mr. DEAKIN.—I have written to him expressing my willingness to allow it to be made public.

Mr. REID.—I hope that the Prime Minister has not been advised that it is beyond our powers to pass a Bill to enable this vexed question to be settled.

Mr. DEAKIN.—Oh, no—quite the contrary. In explanation, perhaps, I may be allowed to say—

Mr. SPEAKER.—Order! This is not question time.

Mr. REID.—I think that, with the consent of the House, the Prime Minister might be allowed a certain amount of latitude.

Mr. SPEAKER.—I am very much opposed to any step being taken which will establish a precedent, and that a very bad precedent. The House is not in Committee. Perhaps the Prime Minister might give the desired information in the form of a brief interjection.

Mr. DEAKIN.—When the right honorable member was speaking the other evening, I interjected that my idea was that a short Bill should be passed, connected with the Act already on the statute-book, which would enable all the questions, which the Premier of New South Wales desires to raise, to be raised before the Court. I am still of that opinion, and I have offered to take action in the matter.

Mr. REID.—I am extremely glad to hear the Prime Minister's statement. I do not think that I could add any weight to the learned advice that he has received, but having carefully considered the section in the Constitution which relates to the Seat of Government, I have come to the conclusion that no real difficulty should be experienced in the way of an appeal to the High Court. Of course there is the technical view that the ordinary working of the machinery of that tribunal is by means of litigation and contest; but I do not think that I am expressing a very strange opinion when I say that its higher function is to settle any matter connected with the Constitution which involves a difficulty of interpretation, or in respect of which there is a conflict of judgment, as between the Commonwealth and the States. What possible objection can there be when the two parties interested agree to invite a friendly decision by this judicial tribunal? It would be only the most technical and lawyer-like mind which could imagine difficulties in the way of such a Bill being passed as the

Prime Minister suggests. If the Premier of New South Wales does not entertain the overtures which, I understand, the Prime Minister has made, to the effect that some such measure should be passed in order to enable this vexed question to be referred to the High Court, I shall be profoundly disappointed. I think that our experience in reference to matters of conflict between the Commonwealth and the States is sufficiently painful to compel us to adopt the most amicable and peaceful method of settling in every case the question in dispute. I can conceive of no more fair method of deciding the question in dispute in reference to the Seat of Government than that of an agreement between the parties to the dispute to submit a special case to the High Court, in which both sides could be heard.

Mr. DEAKIN.—We can drive a survey peg, and the Government of New South Wales can challenge our action and sue us for so doing.

Mr. REID.—I saw the difficulty associated with that proposal, and mentioned it. It might be met by an agreement to regard the Act in a certain light, but the initial difficulty which attends the driving of a peg in New South Wales territory is that we can drive a stake to determine the site of the Capital only within territory which has been granted to or acquired by the Commonwealth.

Mr. DEAKIN.—We shall get a decision on that point by driving the stake.

Mr. REID.—I should not care if the State would accept that act as being sufficient to bring the matter before the High Court. I am not at all concerned with the mere formal method of bringing the question before the Court, for there should be no difficulty in regard to it. My difficulty in reference to the proposal to drive a stake is that, under the Constitution, the determination of the site of the Capital hinges upon a prior consideration—the acquisition by the Commonwealth either by grant or purchase, of a territory. Until we have a territory we cannot have a site for the Capital.

Mr. DEAKIN.—That would be precisely the first question to come before the High Court.

Mr. REID.—Section 125 of the Constitution provides that—

The seat of the Government of the Commonwealth shall be determined by the Parliament—

That is a matter, as we put it, for the determination of the Federal Parliament—and shall be—

This hinges on our determination—

within territory which shall have been granted to or acquired by the Commonwealth.

That marks the next step. We may determine the site of the Capital whenever we please. The moment we pass a Bill declaring that the Federal Capital shall be in a certain locality, we exercise our constitutional power. We have the right to take that step without any reference, except in a friendly way, to the State of New South Wales; but dependent upon the taking of that step is another stage which certainly concerns the people of New South Wales, and in respect of which they have a right—unless the Commonwealth Government takes action under the Property Acquisition Act—to be consulted. That Act confers on the Commonwealth Government the right to acquire land for any public purpose, and it is wide enough, I think, to allow of the exercise of the powers necessary to the Commonwealth when determining upon a Capital site. But until this Parliament had determined on a particular site, it would be idle for the Commonwealth Government to look for a territory. The Parliament must first decide where the Capital is to be. The next step is one regarding which there should be consultation between the Commonwealth and the Government of New South Wales, for the Capital can be only in territory that has been granted or acquired. That being so, the Commonwealth Government cannot drive a stake into any part of New South Wales that does not form portion of the territory granted to or acquired by it.

Mr. DEAKIN.—I agree that we cannot do so effectively now; but, by passing a short machinery Bill, which I have suggested to the Premier of New South Wales, we shall be able to drive a survey peg so as to raise that very issue, as well as all the other issues which depend upon it.

Mr. REID.—I am pointing out that we can drive a stake only in territory that has been granted to or acquired by us.

Mr. DEAKIN.—We can put that point in issue by the short machinery Bill to which I have referred, and the High Court will determine whether or not we have this power.

Mr. REID.—Do the Commonwealth Government contend that, after the Par-

liament has decided where the Capital shall be, they may—without having acquired or obtained a grant of land from New South Wales—drive in a peg in New South Wales territory? I doubt whether the Commonwealth Government have that power. It is, at all events, a question for our serious consideration.

Mr. DEAKIN.—I claim that when we pass the Bill I have mentioned, we shall be able to do so. In any event, the honorable and learned member's contention that we cannot do so will then be decided. By passing a little machinery Bill, we shall assert, at all events, a colorable right to take this step, and the High Court will decide whether or not we can legally do so.

Mr. REID.—Unless the course adopted were the result of friendly mutual arrangement, it might put the Commonwealth Government in a false position.

Mr. DEAKIN.—I have been endeavouring to secure that arrangement.

Mr. REID.—I admit that anything can be made a pretext for a friendly settlement; but I should like to warn the Federal Government against taking a step with respect to which they must be defeated, unless a mutual arrangement has been arrived at. I would warn the Government against taking such a step in the absence of any such agreement, because, so far as I can see, until territory in New South Wales shall have been granted to, or acquired by, the Commonwealth, the Federal Government will have no power to drive a stake into a single inch of New South Wales territory. There is no doubt that the Commonwealth Parliament has a right to pass a Bill determining where the Capital shall be. But the Constitution then steps in, and says, in effect: "After the Commonwealth Parliament has decided where the Capital is to be, it cannot exercise rights of ownership or occupation in New South Wales for the purposes of the Capital, except it acquires, or has had granted to it, the territory which it desires."

Mr. DEAKIN.—Unless we pass a machinery Bill, making the present Act effective for this very purpose. That, at all events, is our contention; and it will be settled by the High Court.

Mr. REID.—Whilst we can do a great many things, no Act passed by this Legislature can alter the rights of New South Wales under the Constitution. In spite of

any Act we may pass, New South Wales has the constitutional right to say to the Commonwealth—"You may select your site; that is a matter to be determined by yourselves. We have no objection to your doing so, but it is, after all, only a preliminary step. Once you have selected your site, that selection must remain in abeyance, so far as New South Wales is concerned, until you have gone further, under section 125 of the Constitution, and have had granted to you or have acquired, under the Property Acquisition Act, a legal basis of occupancy." The only way in which the Commonwealth can occupy an inch of New South Wales is by exercising some right which it possesses under the Constitution. The Constitution declares that the Seat of Government shall be determined by the Commonwealth Parliament, and it then goes on to deal with a matter regarding which the Federal Government is not supreme, unless it exercises certain powers under the Property Acquisition Act. The grant can come only from the Government of New South Wales. The word "grant" implies the giving of land by the owner, which, in this case, is New South Wales. The Commonwealth can acquire the land only by mutual arrangement or by the exercise of statutory powers. There appears to be no chance of a mutual arrangement being arrived at, because, I understand, the Parliament of New South Wales objects to the selection of Dalgety. The next point is that, since a mutual arrangement is impossible, New South Wales must either grant, or we must acquire, under our own statute, the territory within which we propose to establish the Federal Capital. So far as this point is concerned, I think that New South Wales would be successful before the High Court. Let us suppose that, having selected Dalgety, under our undoubted constitutional powers, we proceed to drive a stake in a piece of land in the neighbourhood. That might be done by the consent of New South Wales. But, assuming that there was no such assent—assuming that the selection was opposed by the Parliament of New South Wales—then, in the absence of the acquisition of property under the Act to which I have already referred, or of a grant by the Parliament of New South Wales, the driving of a stake by our representative would clearly be an unauthorized act. In dealing with this question, which has excited so much feel-

ing, I should be very sorry to see the Commonwealth take any sort of step, except by consent, in the direction of the assertion of a right to interfere with the territory of New South Wales, because it would be a step which the High Court would have to repudiate. That would be a false step which no one would desire to see the Government take.

Mr. DEAKIN.—I am advised that if we drove a peg in connexion with a survey, for the purposes of the Act now on our statute-book, we should, if we had the necessary machinery already provided by means of a short Bill, raise the very issues to which the honorable member has referred, in such a form that the High Court could determine them.

Mr. REID.—As I have not seen the Bill in question, I cannot express a definite opinion in regard to that point, but I wish to emphatically warn the Government against taking a step that might be found ultimately to be unauthorized.

Mr. DEAKIN.—That is what we are anxious to avoid.

Mr. REID.—In the meantime I am anxious that the question should be settled. The sooner we close up and heal these sores, wherever they occur, the better for the Commonwealth and the States. I suggest to the Prime Minister that it would be well for him to take the House as fully as possible into his confidence, and that on receipt of a letter, which is not of a confidential character, from the Premier of New South Wales, he should put it before honorable members, and so keep us in touch with the progress of negotiations. There is a very strong feeling in New South Wales that the matter is being played with.

Mr. DEAKIN.—The correspondence will show that it is not.

Mr. REID.—I am sure that the Government do not wish that to be the case.

Mr. DEAKIN.—I have written to-day to the Premier of New South Wales, stating that I shall be most happy to have the correspondence made public as soon as he pleases.

Mr. REID.—I pass now from this to another matter which relates to the Department of Trade and Customs. I am sorry that the Minister is not present, but I am quite satisfied that he is engaged elsewhere in the discharge of public duties.

Mr. DEAKIN.—He will be here presently.

Mr. REID.—I wish to bring under the attention of the Government the question of the valuation of harvesters. My desire is to avoid the introduction of any sort of party feeling, and to deal with this case from the highest possible stand-point. I am sure that it is to the interest of any Government to inspire in the minds of the community a feeling that, whatever its fiscal views may be, it is anxious honestly to administer the Tariff, and to act just as fairly to importers as to any one else. It is to the interests of any Government to show that the Department of Trade and Customs, in its administration of Statute law, knows no bias—that the rights of every man, no matter how humble or in-offensive he may be, are fairly considered. I strongly urge the Prime Minister to recall the facts of this case. If any one had told me that in Australia an interested party could walk into the Customs House, and cause to be altered the decision of the Department, which had been established by a previous Minister, after inquiries had been conducted in Canada, South America, and South Australia, I should have hesitated to believe it. I thoroughly admire the enterprise of the McKays, in connexion with the Sunshine harvesters. I do not wish to associate myself with any unfriendliness to a firm which, I think, has shown a marvellous amount of invention and enterprise. I look upon a man who invents an improved method—

Mr. CONROY.—The McKays did not do that. An Australian firm was using the invention long before the McKays used it.

Mr. ROBINSON.—The McKays have done as much pirating of inventions as any firm in the world has done.

Mr. CONROY.—A South Australian firm used the same principle years ago.

Mr. REID.—I do not wish to give undeserved praise, neither do I desire to do injustice. I can speak only according to my own knowledge and belief. I do not know of the pirating referred to. If there has been any, I have no sympathy with it.

Mr. KNOX.—I do not think it is right to say that the firm has pirated.

Mr. CONROY.—I am afraid that it has.

Mr. REID.—I will not find any one guilty of piracy until it has been proved against him. My impression of the McKays is a most favorable one, and I regard their business as a grand Australian industry, which I do not wish to see crippled. But it is a matter of serious concern to the

public that an Australian manufacturer, however estimable, has been allowed to go into the Customs House, and cause the decision of a previous Minister, come to after a full inquiry and the most careful consideration of all the facts available, to be altered without an opportunity being given to the firm prejudicially affected thereby to answer the representations made by him.

Mr. DEAKIN.—The alteration was not made until the officers of the Department had advised that it should be made.

Mr. REID.—I have the greatest respect for the officers of our public departments. My own antecedents, as a one-time public servant, cause me to feel great respect for the public servants of Australia, and I have not a word to say against them. But they are only human, like the rest of us. The point I am making is that the books of the Massey-Harris Company were closely investigated by one of the highest officers in the Customs Department of Canada, the investigation concerning not only the profits and quotations of the particular machines imported into Australia, but the basis of cost and profit applied to all the firm's manufactures, and the result was a certificate to the honesty of the firm's valuations.

Mr. DEAKIN.—The officers of our Customs Department had suspected for years that those machines were being undervalued for Customs purposes. It was no sudden suspicion.

Mr. REID.—But I cannot understand a public officer making one recommendation to one Minister, and another recommendation to another Minister only two months later.

Mr. DEAKIN.—Later information was available then.

Mr. REID.—If a Minister altered his decision within two months, he would be asked to give the reason, and I think that the officers of the Department should explain why they altered their recommendation in this case. At first they stated that £38 10s. was a fair valuation.

Mr. DEAKIN.—At that time they could not prove that the machines were worth more.

Mr. REID.—The statement was made after the Customs Department of Canada had assisted the Commonwealth Government in the investigation to which I have referred. Let me put the case without referring to the Sunshine harvester, or any particular article of manufacture. The Government had a doubt in respect to the

valuations of an importer, and asked for information as to the value of the import from the Customs authorities of the country of manufacture. The books of the manufacturer were thoroughly investigated, and the report received was that the valuation was an honest one. But the Government did not stop at that. They were not satisfied with the information received from Canada, and they telegraphed, through the Governor-General, to Buenos Ayres, whence they obtained confirmatory opinions from the British Consul. Then they investigated the books of Messrs. Clutterbuck, at Adelaide, to whom for many years the Massey-Harris people had been selling their machines. The honorable member for Gippsland exhausted every means of information available in Canada, South America, and South Australia, and was satisfied with the recommendation of his officers that the valuations of the importing firm were correct. A change of Government occurred, however, and on the representations of a rival manufacturer, who said that he had received a letter from a man in Italy, the same officers without referring the matter to the firm whose actions were in question, accepted the statement of this interested person, and a new Minister brought into operation a section of the Customs Act which prevents them from going into open Court to prove their innocence. That is a monstrous state of things. Such action on the part of the Department does not inspire confidence. Of course, Ministers are responsible for the actions of their officers, but I am putting the blame on the officers of the Department to meet the interjection to which I am replying. After the thorough investigation to which I have referred, the officers of the Department reversed their original recommendation, because of the representation of an interested business rival to the firm affected. If a free-trader like the honorable member for North Sydney had been Minister of Trade and Customs, and, on representations made by an importer behind the back of an Australian manufacturer, had reversed the decision of a protectionist predecessor, come to after thorough inquiry, bringing into operation a section of the Customs Act, preventing that manufacturer from vindicating himself, the country would have rung with justifiable indignation.

Mr. DUGALD THOMSON. — Is not the Minister going to give the Massey-Harris

Company an opportunity to vindicate themselves?

Mr. REID.—In administering the laws of the country we must not be biased by personal feeling. We desire that the highest standard of administration shall be set. If the protectionists wish to increase the duty on harvesters, there is an honorable and honest way to do so. This method of acting unjustly to an importer cannot commend itself to those who are anxious for the maintenance of the purity of our Departmental administration. The Minister of Trade and Customs has made a statement to this House on the subject which has placed a different complexion upon it, and we on this side said at the time, "That is a very fair proposition." So long as the right thing is done, we do not wish to make too much of any little error that may have been committed in doing it. The Minister of Trade and Customs promised to give these people an opportunity to prove their *bona fides*, by showing that the Department was wrong, and that they were right. I have been led to fear that that opportunity is to be denied, though I do not credit the rumour. I accept the statement of the Minister made in the presence of honorable members.

Mr. JOHNSON.—Not after what happened last night?

Mr. REID.—I must deal with one thing at a time. I do not wish to import side issues into this matter. I am making an appeal to the Government for the honest administration of the laws of the Commonwealth, and I do not wish to prejudice it by making observations which may awaken controversy.

Mr. JOHNSON.—Last night's proceedings show that the Minister's word cannot be taken.

Mr. REID.—We can deal with that matter by-and-by. I wish to deal with the subject on which I am speaking entirely by itself. I hope that the Minister will perform his promise to give this firm an opportunity to show their *bona fides* by a proper legal investigation. If they have done wrong, we do not wish to shelter them. We do not carry our fiscal preferences so far as to wish to shield importers who have defrauded the revenue. But if we have regard to our own reputation, we must pay a similar regard to the reputation of others. If this firm have been cheating the Customs, they have, considering the investigations which have been made, proved

themselves most elaborate swindlers, and I do not care how heavily they may be punished. But it is beneath the dignity of the Commonwealth to keep them in their present position longer than is absolutely necessary. I have never seen or had the remotest intercourse with any member of the firm. I do not know them, nor do I wish to know them. Information has been conveyed to me that the Massey-Harris Company invited the Government to send an officer to Adelaide to inspect the books of Messrs. Clutterbuck, who buy these machines from them. A Customs officer was despatched to Adelaide and was afforded an opportunity to go through the books of the firm there. I am given to understand that he found that the Massey-Harris Company, who import the harvesters in Melbourne at a Customs valuation of £38 10s., absolutely sell them to Messrs. Clutterbuck in Adelaide at £40 each. Now, this firm might have had an opportunity of compromising this matter. I do not wish to break confidence too far, but I believe that if they had chosen to confess themselves guilty, by consenting to a compromise, they could have done so; but they very naturally—and I think very honorably—declined to arrive at any compromise. They refused to accept a proposal that the valuation for duty purposes should be reduced by £10, that is to say, from £65 to £55. That offer was made to them by the Customs authorities some few days ago. I do not suggest that the offer was conveyed officially or formally, but it was made to the Massey-Harris Company through their solicitor. In the course of an interview which that gentleman had with the Comptroller-General, it was put to him in this way, "What about making the value £55?" That would bring the valuation down by £10. The solicitor, I think very fairly and honestly, absolutely refused to accept any compromise with regard to the valuation of the article. If the facts be as I have stated—and I have every reason to believe that I have been correctly informed—the Massey-Harris Company acted in a perfectly honest manner, their desire being that the whole question should be tested. Mr. McKay, in his evidence before the Tariff Commission, at question 16422, stated that the value of the harvesters delivered by the Massey-Harris Company in Buenos Ayres was £60. Sworn invoices, covering several years' exportations of harvesters to Buenos Ayres, have been

sent out from Toronto, in Canada. I have the invoices, which were handed to me, not by the Massey-Harris Company, but by an honorable member of this House. The notarial certificate—the sworn declaration—identifies every one of the invoices, which show that in the early stages of the export business, the value of the harvesters was a little higher than at present. Some invoices for 1902 show that the value placed on the machines was \$240, which, roughly speaking, would be equivalent to about £48. That was at a time when the business was in its infancy, and orders were limited. There are other invoices, covering the last two years, and dating from 22nd August, 1903, onwards, which show that the price at which the harvesters have been delivered in Buenos Ayres by the Massey-Harris Company is \$225, or about £45. I understand that these sales were on credit, instead of for cash. The \$225 is the f.o.b. price, and that seems to have been the rule throughout the two years. I do not wish to attribute any intentional mis-statements to Mr. McKay. I shall assume that he was misinformed. But it is strange that a man who ought to have known the facts so well should have been so misled. According to his sworn evidence, the value of these machines delivered in Buenos Ayres was £60, or £15 over and above the value given in the sworn invoices covering a period of two years. I wish to put the matter in the fairest way as regards Mr. McKay, and I am willing to assume that he was deceived. The facts, however, only tend to show how dangerous it is for the Customs Department to rush to conclusions merely on the strength of statements made by interested persons. The Customs authorities were ready to take action on the evidence which Mr. McKay was able to produce to them in respect to the price of harvesters sent to Italy. It now transpires that the quotation given in the case referred to was for a single harvester, which was ordered through the London agent of the Massey-Harris Company. The machine therefore had to bear transhipment charges. I hope that the Minister will carry out the promise he made to the House, that the Massey-Harris Company should have an opportunity to appeal against his decision. In the first place, the Minister's promise stands; and, in the second place, it is a matter of common justice to a company who complain that they have been wrongly treated that they should be allowed to justify,

their allegations. I do not wish to introduce any party spirit into this matter, but I most earnestly ask the Minister to give the Massey-Harris Company an opportunity to appeal against a decision which was arrived at behind their backs, at the instance of a trade rival. I now wish to say one or two words with reference to a paragraph which appears in this morning's newspapers, to the effect that the views expressed by the leader of the Labour Party, and also, I believe, indorsed by the honorable and learned member for West Sydney, in favour of an amendment of the contract section of the Immigration Restriction Act, are not shared by all the members of the Labour Party; that, in fact, if the members of that party are not equally divided upon the subject, a considerable number of them are opposed to any alteration of the section. I should be very sorry to think that the statement is true, because immediately the leader of the Labour Party announced his readiness to have the Act amended I hastened to express my gratification, and to assure the Government that the Opposition would be only too glad to help them to amend the Act. I hope that, whatever may be the state of feeling in the Labour Party, the Government will have the courage to carry out their announced intention. It has been declared that the Government propose to amend the section, and that they are only delaying their proposals until they can be carefully drafted—it is alleged that a great deal of difficulty will be experienced in the drafting—and embodied in their immigration policy. I only wish to say, by way of an antidote to the statement contained in the press—if such an antidote be necessary—that, supposing the members of the Labour Party show any opposition to this portion of the Government programme, there will be no sort of endeavour on the part of the Opposition to embarrass the Government by withdrawing support from them. No matter what difficulty the Government may be confronted with in respect of their friends and supporters in their praiseworthy endeavour to amend the section, I think I may promise, on behalf of the whole of the members of the Opposition, a loyal and solid support, irrespective of party temptations or party advantage. I cannot help feeling that, apart from any question of immigration, or of adding to our population, we cannot,

except by an amendment of the Act, dispose of the slanders upon the Commonwealth, in many cases absolutely untrue, ill-founded, and malicious, and in some instances sent from Australia by Australians. One of the worst features of these slanders is that many of them are fabricated in Australia, and are made to impose on the ignorance of English journalists.

Mr. BAMFORD.—The honorable member for Oxley is not altogether guiltless.

Mr. REID.—Nobody who knows that honorable member will imagine for a moment that he made the misstatement in question deliberately. The fact is that he made a mistake in regard to the law, just as Full Courts sometimes do. Nobody would accuse him of being actuated by any malicious motive. I am very anxious that we shall establish friendly relations with the people of the mother country. That is a matter of vital importance to us. It is of no use attempting to dispel slanders upon Australia when, upon the face of our own laws, this charge can be truthfully levelled against us—that if an Englishman, Irishman, or Scotchman endeavours to come here as an honest working man—not as a loafer—and for that purpose enters into an honest business engagement at the Australian rate of wages, he can be sent to gaol for six months, and the only way in which he can escape that penalty is by finding two sureties, who will guarantee that he shall be transported from the shores of Australia. What a mockery such a condition of things is upon the word "transportation"! It is a word that we have always associated with the criminal class, but Australia has invented a new kind of transportation in order to drive back to their own land our fellow-countrymen, whose only offence is that they have an honest job ahead of them. The Labour Party may well wish to help us to remove that stigma. Let us surround the provision as carefully as we think is necessary, let us stipulate all sorts of safeguards, let us provide that any agreement which is deceptive as to the ordinary rates of wages obtaining here shall be torn up by the nearest magistrate; but when we have safeguarded our law in that respect, do not let us lay the hand of the policeman upon an honest fellow-countryman. What idle talk it is to say that a man who works under contract is a sort of slave or helot! How many men in Australia to-day do not work under an agreement for wages? And what a tremendous

reflection it is upon our own people when it is suggested that the man who is not rich enough to be free from the necessity of engaging in honest work, under an honest contract, is an inferior person, and ought to be treated as a slave or a criminal!

Mr. WEBSTER.—Does not the right honorable member think that he is exaggerating?

Mr. REID.—There is no exaggeration in the cold language of an Act of Parliament.

Sir WILLIAM LYNE.—Did not the right honorable member vote for that provision?

Mr. REID.—No.

Sir WILLIAM LYNE.—Did not the right honorable member speak in its favour?

Mr. REID.—No.

Sir WILLIAM LYNE.—Was not the right honorable member interviewed in regard to it, and did he not approve of it?

Mr. REID.—No.

Sir WILLIAM LYNE.—I have the report of an interview, in which the right honorable member said that he approved of the law, but not of its administration.

Mr. REID.—That remark had reference to quite another matter. Honorable members will recollect that last election I incurred a good deal of abuse because I went round Australia using the strongest language that I could employ in condemnation of this very provision.

Mr. WEBSTER.—The right honorable member voted for the third reading of the Bill.

Mr. REID.—If the honorable member says I did, I will admit it. Even then, I occupy only the same position as that occupied by every other honorable member. The honorable member for Kooyong supported the third reading of the measure. But did he know that he was voting for a law of that character? As a matter of fact, he actually went to the table, and asked the then Prime Minister, Sir Edmund Barton, what the provision meant, and he was informed that it was only intended to deal with contract labour. I do not say that honorable members ought not to have understood its meaning, but I do say that when a layman like the honorable member for Kooyong had the assurance of the Prime Minister that a certain clause in a Bill meant a certain thing, he was entitled to believe it.

Mr. WEBSTER.—How about the right honorable member himself?

Mr. REID.—If honorable members can get clear of the personal element, I am quite prepared to submit to any censure which I may deserve. But now that we know what the law is, there is no need to pretend ignorance of it.

Mr. HUGHES.—Can the right honorable member tell me what individuals have been kept out of the Commonwealth under section 3 of the Immigration Restriction Act, except those who came to Australia under contract?

Mr. REID.—I should like to ask another question which will supply the honorable and learned member with a very good answer. Let us suppose that a law were in force as to stealing, and that the punishment for theft was six months' imprisonment. Let us further assume that nobody steals, and as a result, nobody is sent to gaol. Does that fact alter the law? Is it not because a thief is liable to imprisonment for stealing that many people do not steal? What decent man will come 12,000 miles under an agreement which is a fraud on Commonwealth law, if he is liable to six months' imprisonment for so doing? What British workman will come to a country when his choice lies between "sneaking" in, and imprisonment in case of detection?

Mr. HUGHES.—The right honorable member knows that that is not a fair presentation of the case. He himself voted for the law.

Mr. REID.—I never voted for it.

Mr. HUGHES.—Then the right honorable member paired in its favour.

Mr. REID.—I did not.

Mr. HUGHES.—The right honorable member should have done one thing or the other, at any rate.

Mr. REID.—The honorable and learned member is now getting back to the case of the six potters. He is reviving a very unpleasant recollection. In effect, he says that if I did not do a certain thing, I ought to have done it, and, therefore, he is entitled to say that I did it.

Mr. HUGHES.—Will the right honorable member say that he voted against the proposal?

Mr. REID.—Probably I was absent on the occasion in question, in which circumstances I should be fined £1, under the proposal of the honorable member for Melbourne.

Mr. HUGHES.—That is a nice way of getting out of the difficulty.

Mr. REID.—I thought that the honorable and learned member expressed himself in favour of an amendment of the Act only a day or two ago?

Mr. HUGHES.—I did, and I am of the same opinion still.

Mr. REID.—I hope that the Government will pay attention to that declaration.

Mr. HUGHES.—I say, further, that the Act has never been put in force, except under the circumstances to which the right honorable member has referred.

Mr. REID.—That is simply because there has never been a man who was criminal enough to break the law. The law provides that an Englishman, who is a manual labourer, shall be a prohibited immigrant if he comes here under contract, and that he shall be liable to six months' imprisonment. The honorable member's justification for that law is that nobody has attempted to get into gaol. What man will come to Australia from the old country while such a law operates? The English workman is not yet reduced to such a pitiable condition that he is obliged to travel 12,000 miles to become a member of the criminal class.

Mr. HUGHES.—How does he get into the United States?

Mr. REID.—That is another conundrum. Surely the honorable and learned member does not place British subjects coming to Australia in the same category as foreigners going to the United States? There is not a single American—even though he may have a hundred contracts in his pocket—who is prevented from entering the United States. I wish the honorable and learned member to recollect that there is not an American in any part of the world who cannot return to his own country under contract. The laws of the United States do not shut out a single American citizen, and the honorable and learned member ought not to place our fellow British subjects on the same footing as foreigners and aliens. We may keep our gaols for aliens if we choose, but we have no right to open the doors of our prisons to honest British subjects, whose only offence is that they come here, not to loaf on the people of Australia, but to do honest work. I should like to remind honorable members that there is no conspiracy, so far as the statute-book of the Commonwealth is concerned, to misrepresent Australia. Under section 3 of

the Immigration Restriction Act, the following are prohibited immigrants:—

Any persons under a contract or an agreement to perform manual labour within the Commonwealth.

Mr. TUDOR.—Hear, hear.

Mr. REID.—That is a grand provision, no doubt, for my honorable friend, but I would remind him that the greatness of Australia has been built up more by the manual labourers of the mother country than by any other class.

Mr. TUDOR.—It has not been built up by manual labourers under contract.

Mr. REID.—What a dreadful offence it is to possess a bit of writing, in reference to one's wages. Has the honorable member never worked for wages?

Mr. TUDOR.—Not under contract.

Mr. REID.—The honorable member is one of the swells of the labour market. Surely he knows that no man can work for another unless he is under some form of contract. If he works for weekly wages, he is under contract.

Mr. TUDOR.—It is quite possible to be employed upon piece-work.

Mr. REID.—Is not that a contract? I suppose that the man who is employed on piece-work is a gentleman, while the individual who labours for a weekly wage is a criminal. What aristocratic distinctions are being made in the labour market!

Mr. TUDOR.—The right honorable member has never had to work, and consequently does not understand it.

Mr. REID.—I can get more as the result of ten minutes' work than the honorable member can earn in a year. I repeat, that a man employed upon piece-work is nevertheless under a contract. The only difference in the two cases consists in the measure of payment. The man does not get so much a day, but a lump sum, for the work that he carries out. Whether the honorable member is working under contract or not, we all know that hundreds of thousands of workers in Australia are receiving daily or weekly wages. That will not be denied. Would any man tell the Australian miner, who gets so much a day or so much a week from his employer, that he is not the equal of the man who is on piece work?

Mr. TUDOR.—But miners are not under contract.

Mr. SPEAKER.—The honorable member for Yarra will have an opportunity presently to reply.

Mr. REID.—I wish to point out that no man would stand up before the hundreds of thousands of workers in Australia who, under a contract to serve their employers, receive so much per day, and declare that because they serve under contract they are inferior, and not fit to take their place beside their fellow-workers.

Mr. WEBSTER.—No one has said anything of the kind.

Mr. REID.—I am sure of that.

Mr. HUGHES.—Every man is under a contract of some sort.

Mr. REID.—I will continue if my honorable friends will allow me.

Mr. HUGHES.—The right honorable gentleman is under a contract, the terms of which are fairly obvious.

Mr. TUDOR.—A contract to fill in time.

Mr. REID.—These interruptions do not conduce to the speedy expression of one's views. I might as well be at a monkey show as seek to talk to honorable members in the Ministerial corner.

Mr. HUGHES.—Can the honorable member tell us—

Mr. SPEAKER.—If honorable members below the gangway desire to reply to the right honorable member for East Sydney they will have an opportunity later on to do so. I ask them not to interrupt him.

Mr. HUGHES.—May I say, sir—

Mr. SPEAKER.—Does the honorable and learned member rise to a point of order?

Mr. HUGHES.—I merely wish to say that every interjection I have made has been directly invited by the remarks of the right honorable member.

Mr. SPEAKER.—Such a fact in no way justifies the interruption of a speech.

Mr. REID.—I should like to withdraw the invitation. The wretched pretence that there is a difference between these two classes of contracts because, in the one case, they are made in Australia, while in the other they relate to men who come from the mother country under agreement to work in Australia, instead of entering into a contract when they reach here, is one of those shallow subterfuges which show the extremities to which my honorable friends of the Labour Party are driven. I am quite familiar with the interjections that have been made while I have been dealing with this question. When I went all over Australia, denouncing the contract section of the Immigration Restriction Act, I was met with precisely the same ejaculations from

various suspicious characters in different parts of the halls in which I spoke. It was quite a common thing to hear such interjections as "Why, they are bondsmen," "They are chattels," or "They are slaves." I say, with all respect, that a working man in the mother country is probably just as respectable, and as honest, as is any member of the Labour Party, or of any other party in this House. In my opinion, so long as this law exists, we are justly exposed to truthful, honest, well-founded accusations that, by our laws, we are treating our fellow countrymen in England, Ireland, and Scotland as other nations treat aliens. I suppose that is a fair statement to make. We have been told that the laws of Canada shut out men under contract. That is again only half a truth. Canada does not shut out a single emigrant from England, Ireland, or Scotland; she does not by any such law exclude a single subject of King Edward. Some of our honorable friends feel hurt because the people of England say unkind things about Australia, Australian laws, and Australian Parliaments: but, so long as this law remains on our statute-book, the English people are entitled to refer to it in terms of the strongest reprobation.

Mr. WEBSTER.—Why did not the right honorable member seek to amend the Act when he was in office?

Mr. REID.—Because there were too many men of the stamp of the honorable member in the House. There was no chance of amending the law while I was in office.

Mr. WEBSTER.—The right honorable gentleman did not try to do so.

Mr. REID.—I appealed to the people of Australia to return to this House sensible men, who would pass such an amendment. Instead of doing so, they returned other men in large numbers. I intend, if I live, to make precisely the same appeal to the electors on a future occasion, and am very happy to think that I shall then have the cordial support of the leader of the Labour Party. Speaking for himself, that honorable member said, quite recently, "Oh, it has been a very unfortunate piece of business. We do not want to shut out honest working men, coming from the old country. Our desire is only to prevent men from entering into deceptive agreements to work in Australia. We merely want to prevent the introduction of con-

tract labour at the time of a strike." The honorable member did not profess to speak for his party; but I am very happy to think that at the next election I shall have his support in my endeavours to secure the return of men who are prepared to amend this law. With reference to the proposal of the Government to submit a comprehensive scheme for the promotion of immigration, I have only to say that any well-considered proposal with that object in view will receive the support of nearly all, if not every one, of the members of the Opposition. The matter is one of great importance to Australia; but the mere promise to encourage immigration will be of no avail. I hope to see the Government, in a very short time, submit their immigration policy. When they do so, I think that they will find that they have a number of friends on this side of the House. Whatever the attitude of honorable members sitting below the gangway may be, I can safely say that, if the Government seek to pass measures designed to promote immigration, the Opposition will set aside what they think are well-founded grievances, and support them. The Government are in power. We feel that we cannot shift them, and while they remain in office we are anxious to assist them to carry out any useful work of which we approve. When they take this step they will learn who are their best friends in the House. In view of the contract which has been entered into by the Government of New South Wales, I hope that the Government will make some statement with reference to the Manufactures Encouragement Bill.

Mr SPEAKER.—I must request the right honorable member not to discuss the Manufactures Encouragement Bill.

Mr. REID. — I shall put myself in order by referring to the contract which has just been entered into between the Government of New South Wales and Mr. Sandford. I may express my very great pleasure that Mr. Sandford, instead of the syndicate of which we have heard, is to have an opportunity to carry out this great work. As a resident of New South Wales, I heartily approve of the arrangement which the Government of that State has made with him. One grand feature of the contract is that it will save the Commonwealth an expenditure of £250,000, which it can ill-afford to make. The arrangement made with Mr. Sandford by the Government of New South Wales will cover about £500,000 worth of material.

Sir WILLIAM LYNE.—That will be approximately the value of the manufactured article.

Mr. REID.—The Government estimate that under the contract they will pay only 6.7 per cent. more than they would have to pay for the imported article.

Sir WILLIAM LYNE.—Seven per cent.

Mr. REID.—Between 6 and 7 per cent. That means, at the most, about £35,000 on the total expenditure of £500,000, and this increased expenditure will be borne cheerfully by the people of New South Wales. I think that the House may congratulate itself that, as the result of this agreement, we are placed in such a position that the Manufactures Encouragement Bill may well find its way under the table. It is time some statement was made to the House with reference to the intentions of the Government in this regard. Has the Treasurer provided in this year's Estimates for the £250,000 proposed to be expended under that Bill?

Sir JOHN FORREST.—No. Provision is made in the Bill itself for the expenditure.

Mr. REID.—When such provision is made in a Bill, the Treasurer usually makes some explanation in regard to it, but I do not think the right honorable gentleman referred to it in the course of his Budget statement. May I take it that the Government intend to abandon the Manufactures Encouragement Bill?

Sir WILLIAM LYNE.—Wait a little while.

Mr. REID.—The honorable gentleman knows that he has no chance of passing it through the House. I hope, at all events, that he will make a statement in regard to his intention as to the valuation of harvesters. I understand that he made a promise to the House some time ago that he would give the firm in question an opportunity to prove their *bona fides* in a Court of Justice.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I am quite prepared to make a statement with regard to the valuation of harvesters, but do not intend to deal with the matter at any great length. I was engaged in receiving a deputation when the right honorable member for East Sydney commenced his speech, but the Prime Minister took my place, and would have replied in my stead had I been unable to be present. When I entered the House, the right honorable gentleman was dealing with the question of harvesters.

I may say that I am collecting some of the invoices showing the price at which harvesters are being sold in South America. The information which I obtained in regard to the point in dispute was that these machines were valued there at £41 when they crossed the border, but in a report which I received, it was pointed out that too much importance could not be attached to that fact, inasmuch as there was no duty to be paid, and the valuation was merely a fanciful one. That may, or may not, be correct.

Mr. DUGALD THOMSON.—But the invoices quoted by the leader of the Opposition related to actual sales.

Sir WILLIAM LYNE.—Invoices, and especially those from America, do not always represent the true value of the goods to which they refer.

Mr. CONROY.—Mr. McKay valued his own machines at only £26 each.

Sir WILLIAM LYNE.—That was a computation made on the basis of certain evidence said to have been given by Mr. McKay when he was before the Tariff Commission. I have not gone into that calculation, but I am familiar with what Mr. McKay said when before the Commission as to the value and the price of the Massey-Harris machines. The right honorable member for East Sydney stated that I promised the House that I would allow the firm concerned to commence proceedings against the Government in a court of law. Whilst he was speaking, I turned to the *Hansard* report of my speech on the occasion in question, and found that what I said was as follows:—

I may say at once that if the Massey-Harris Company have any reliable facts or data to bring before me, I should like to have them submitted for my consideration. If they then commenced proceedings against the Government, I should be very much disposed not to place any impediment in their way, but to give them every facility. I cannot say anything fairer than that. My only desire is that there shall be a true valuation for the purposes of the Customs, and to see that fair play is meted out to all.

A few weeks afterwards the Massey-Harris people, with their solicitor, waited on me, and showed me certain documents, which I asked them to leave. They preferred not to do that, but said that they would send copies. After a week or two, or perhaps longer, I received those copies, and then took action, with a view to finding out a little more than was disclosed on the papers. There was an extraordinary

difference between the freight charges put down by the Massey-Harris people for the carriage of their harvesters from New York to Australia, and the freight charges paid by McKay to send his harvesters from Australia to South America, the amount in one case being about £7 or £7 10s., and in the other about 30s.

Mr. CONROY. — A Sunshine harvester could not be sent from Melbourne to Sydney for 30s.

Sir WILLIAM LYNE.—I am speaking from memory, but the amounts were practically what I have mentioned. In explanation, I was informed by the representative of the Massey-Harris Company that the Sunshine harvesters were packed differently from the way in which their harvesters were packed, and therefore cost less to transport, but I have not had a sufficient explanation of the difference.

Mr. DUGALD THOMSON.—It would be easy to find out the actual freight charged, by ascertaining the measurement.

Sir WILLIAM LYNE.—In connexion with the transport of goods from the interior of America to the seaboard, there are arrangements whereby manufacturers, railway companies, and agents all gain certain pickings. An article is ordered at a very low price, and excessive freights are charged for sending it by rail or other conveyance to the seaboard, part of which is returned to the manufacturer. At the port of export—the f.o.b. port—these charges are deducted, and the Customs valuation is made on the price, less that deduction. By that pernicious system our Customs Department were losing between £30,000 and £40,000 a year in connexion with the importation of machinery.

Mr. DUGALD THOMSON.—I agree with the Minister that it is a pernicious system. The last Government dealt with it.

Sir WILLIAM LYNE.—When I took control of the Customs Department, the country was losing from £30,000 to £40,000 a year in the way I have described, and I made a regulation providing that the Customs valuation should be the f.o.b. price at the port of export with all charges added, instead of the f.o.b. price with a deduction of the charges for transport between the place of manufacture and the port of export.

Mr. BROWN.—Does that regulation apply to all imports?

Sir WILLIAM LYNE.—It is of general application. With regard to goods coming

from Canada through New York, the charges between the Canadian and United States border, and the port of export—the f.o.b. port—are not interfered with. I mention this matter to show how difficult it is to get at the truth in connexion with freight charges. I find that harvesters are now being made in many towns in Australia. When I was at Corowa, about six weeks since, I saw at the local show harvesters which had been made in the town by a manufacturer named Henderson, who used to have works in Victoria, and farmers who had bought them told me that they were as good as could be obtained anywhere.

Mr. CONROY.—What was the price?

Sir WILLIAM LYNE.—£80. If what a son of Mr. Henderson told me in regard to the cost of harvesters is anything like correct, I am not far out in the valuation which I have put upon imported harvesters.

Mr. CONROY.—I can buy a harvester from May, in South Australia, for £62.

Sir WILLIAM LYNE.—A little while ago I sent one of my best officers to South Australia to go through the books of Messrs. Clutterbuck Bros., a firm which have been purchasing harvesters from the Massey-Harris Company, and he has brought back with him a good deal of information. He tells me that three years ago only forty or forty-one harvesters were imported into and sold in South Australia by the Massey-Harris Company; that two years ago the importation had increased to seventy or eighty machines; and that last year no fewer than 450 or 470 were imported; and of course the manufacture of a like number in Australia prevented.

Mr. REID. — The honorable gentleman surely would not use the Customs regulations to alter the Tariff?

Sir WILLIAM LYNE.—I think that the right honorable gentleman will acquit me of having attempted to do anything of the kind. A case which has just arisen in connexion with a certain legal opinion, affecting, I am told, 1,000 people in Victoria, who will be thrown out of employment—though I think that that must be an exaggeration—shows that I am powerless to interfere with an interpretation of the Tariff. Honorable members have accused me of being able to increase and lower duties; but the instance to which I refer shows that I am powerless to do so, and I would not attempt to interfere against the opinion of our Crown law officers.

With regard to imported harvesters, I want to get at a fair valuation, and I think that, with the information which I have obtained, I shall be able to get pretty close to a fair valuation. I have been promised certain further information next week, and when I have received it I will inform honorable members what will ultimately be done in this matter. I think it will not then be said that I have taken any unfair action.

Mr. REID. — The honorable gentleman promised to give the Massey-Harris Company an opportunity to test his decision.

Sir WILLIAM LYNE.—I am not anxious to run the Commonwealth into the law courts. I spoke of the exhaustive examination which I am making as a preliminary to what I said about allowing these gentlemen to test the matter. After this examination has been made, I can only repeat the words which I have quoted, but I am not going to open the door recklessly to an expensive action.

Mr. ROBINSON.—Why not, if the honorable gentleman is perfectly certain that his valuation is correct? The company will have to pay the costs of the action.

Sir WILLIAM LYNE. — I have not said that I am certain of the precise amount; but I am certain that the original valuations were much too low.

Mr. REID.—Will the Minister fulfil his promise to give the firm a chance to appeal?

Sir WILLIAM LYNE.—I have repeated the words that I used; and when I have dealt with the matter there will be no cause of complaint. I do not know that honorable members wish for a further explanation now. I should only like to add that the result of my action has been, not to increase the price of harvesters to the farmers, but to decrease it. No doubt the light thrown on the whole subject is the reason why harvesters can now be bought more cheaply than they could be bought before this occurrence arose.

Mr. JOHNSON.—The farmers have found out that the manufacturers were charging them too highly.

Sir WILLIAM LYNE.—Probably that is so. The increase of the valuation would have had the effect of raising the price of imported harvesters by £2 16s. had the additional duty been charged on to the farmers; but, as a matter of fact, these harvesters can now be bought more cheaply than they could be bought last season. I

have shown that a harvester manufactured at Corowa is sold at £80, and I believe that harvesters are also made near Yarrawonga, and at Juneë or Wagga. It has been said that my action will cause the Massey-Harris people to commence operations in Australia. I should be glad if it had that effect. I should welcome both the Massey-Harris people and the International Harvester Company if they would commence to manufacture here.

Mr. CONROY. — £80 is altogether too much for a harvester. I can buy one in Adelaide for £62.

Sir WILLIAM LYNE.—The price of the Sunshine harvester in Melbourne has been £81 for one size, and £84 for another. The leader of the Opposition referred to the action of the Government of New South Wales in entering into a contract with Mr. Sandford, of the Eskbank ironworks for the supply of iron and steel required for public works. I have already stated, through the press, that I am very glad indeed that Mr. Sandford has been so lucky as to secure a very good bonus. But I am not prepared to make any announcement with regard to the Bonus for Manufactures Bill at the present time. Although Mr. Sandford has entered into a contract to supply the iron and steel required by the Government of New South Wales, he will receive no consideration in connexion with the requirements of private consumers of those commodities in that State. Furthermore, the arrangement entered into by Mr. Sandford will confer no benefit on the other States. In considering the question of iron and steel production, we have to take a broad view of the requirements of the States. The leader of the Opposition referred to the dreadful consequences which had followed upon the administration of the Immigration Restriction Act. I am under the impression that the right honorable gentleman voted for the third reading of that Bill, and some time ago, when speaking in reference to the contract clause, he said that he approved of the law, but abhorred the administration.

Mr. REID.—My statement related to the whole Act, and not to the contract clause only.

Sir WILLIAM LYNE.—The right honorable gentleman's statement was made in connexion with the six hatters' case.

Mr. REID.—I was referring to the operation of the Act in preventing the introduction of coloured aliens.

Sir WILLIAM LYNE.—I do not wish to labour this question, but I consider that a great deal of injury has been done to Australia by the persistent misrepresentation of the facts by the Australian metropolitan press, whose statements have been republished in England, and have created a very nasty impression. The object of the Act is to prevent employers from introducing workmen under contract at rates of wages lower than those which prevail in Australia, and that aim seems to me to be a very proper one. We have been repeatedly and maliciously slandered by persons who have stated that no British subject can come to Australia. It should be clearly understood that no obstacle is imposed to the free immigration of British subjects into Australia, so long as they have not entered into contracts to work at wages lower than those which are current within the Commonwealth.

Mr. HUGHES.—I believe that more people have come here since the Act was passed than arrived during the corresponding period prior to its being brought into force.

Sir WILLIAM LYNE.—Precisely. The Prime Minister has already indicated the attitude of the Government with respect to the question of amending the contract section of the Immigration Restriction Act, and I need say nothing further on that point. I hope that I have satisfied honorable members opposite that I have acted in a spirit of fairness in the harvester case, and that my action will have a salutary effect.

Mr. SALMON (Laanecoorie).—The leader of the Opposition referred to a matter which concerns me personally. I allude to the proposed Standing Order by means of which it is intended to incorporate in our rules a practice which obtains in the House of Commons. I desire to take the full responsibility attaching to me in that particular matter. The Government did not in any way influence my action. The members of the Standing Orders Committee are appointed by the House, and although various parties are represented on it, I take it that honorable members divest themselves entirely of their party predilections in discussing matters which come before the Committee.

Mr. WILSON.—No, they do not.

Mr. SALMON.—Then they should do so.

Mr. WILSON.—On looking at the division list, we find that all the Ministerialists

voted for the proposed new Standing Order, whilst all the members of the Opposition disapproved of it.

Mr. SALMON.—It is absurd to suggest that the proposal was regarded as of a party character. If the proposal made by the honorable and learned member for Corinella had been pressed, I should have voted for that also. I indicated by my conduct that I did not support the Standing Order adopted by the Committee merely because it emanated from a member of the party with which I happened to be connected. I can assure honorable members that party considerations did not enter into the discussion of the matter. Until I went to a meeting of the Committee, which was called for the transaction of ordinary routine business, I had no idea that any proposition of the kind was to be brought forward. When, however, it was submitted, I thought it was a good one, and I supported it accordingly. I still adhere to that opinion. It was not proposed in order to deny honorable members the opportunity to call for a quorum when only a few members are present in the Chamber, but it was designed to prevent one or two honorable members from penalizing the whole House.

Mr. ROBINSON.—It was intended to permit a number of honorable members to dodge their attendance in the Chamber.

Mr. SALMON.—The honorable and learned member is welcome to his opinion; but I am sure that his estimate of the morality of the members of the Standing Orders Committee will not be generally accepted.

Mr. ROBINSON.—The honorable member cannot deny that there was an organized attempt on the part of Ministers and their supporters to relieve members of the duty of attending and taking part in the debates.

Mr. SALMON.—I absolutely deny that anything of the kind occurred, and I have better opportunities of ascertaining the facts than has the honorable and learned member. I wish to take the responsibility of my own action in the matter, and to assure honorable members that the Government had nothing whatever to do with it. I have never been content to allow other people to bear the burden of responsibility which properly belongs to me. I am not here to excuse the Government, but I desire to assure honorable members that I acted entirely of my own volition, and was not inspired by any act, word, or deed on the

part of the Government. I know that I hold my position on the Standing Orders Committee by virtue of the office to which I have been elected by honorable members, and I feel sure that they will not regard me as capable of betraying their confidence by giving my support to any and every proposal brought forward by the Government of which I happen to be a supporter. The honorable and learned member for Corinella will bear me out when I say that I assured him over and over again that I was prepared to assist him in securing the adoption of the Standing Order which he proposed.

Mr. McCAY.—I have never denied that.

Mr. SALMON.—No; but honorable members are endeavouring to impart to the Standing Orders Committee a strictly party character.

Mr. McCAY.—I am not prepared to deny the propriety of that.

Mr. SALMON.—The honorable and learned member has changed his opinion on that and a number of other questions. The Standing Order in question was passed at the ordinary weekly meeting of the Standing Orders Committee, and was not confirmed until fourteen days later.

Mr. ROBINSON.—By its action the Committee drove one very good man off that body.

Mr. SALMON.—That is a very unfair suggestion. The honorable member for Gippsland did not indicate his intention to retire from the Committee until after the motion was carried.

Mr. McCAY.—It was adopted at an earlier meeting.

Mr. SALMON.—But it was not "finally" adopted; in fact, a proposal was made at a subsequent meeting to rescind it, and another motion had to be moved regarding the printing of the Orders. The honorable member voted on both questions.

Mr. CROUCH.—Did not a full account of the proceedings of the Committee get into the press?

Mr. SALMON.—No, only a very imperfect version of the matter was published in the press. The leader of the Opposition has declared that the Standing Order to which I refer would permit public business to be transacted in the absence of a quorum. What I wish to emphasize is that under its operation no motion could be carried either in the House or in Committee unless a quorum were within the precincts

of the building. No single word, letter, line, or clause of a Bill could be adopted unless a quorum were present.

Mr. ROBINSON.—Not if a division were not called for?

Mr. SALMON.—The honorable and learned member will admit that there is a duty devolving upon members of the Opposition. Surely there should be at least two of their number present, and these would be sufficient to secure a division upon any matter.

Mr. ROBINSON.—The honorable member is hedging upon his first statement.

Mr. SALMON.—I am not hedging at all. The Constitution does not assume that a quorum shall consist of Ministerial supporters. It is just as incumbent upon members of the Opposition to assist in keeping a quorum as it is upon the Government.

Mr. WILSON.—It is the duty of the Government to keep a quorum.

Mr. SALMON.—What is the honorable member's authority for that statement? It is the business of honorable members who are elected to this House to keep a quorum.

Mr. ROBINSON.—The honorable member wishes to give them an opportunity to stay outside the Chamber.

Mr. SALMON.—The honorable and learned member is making a statement which is unworthy of him. I have no wish to provide any such opportunity. My desire is to prevent a constant recurrence of the spectacle which we witnessed last night, when a most deliberate attempt was made to count out the House.

Mr. ROBINSON.—What about last session when a similar attempt was made in connexion with the Budget by the very honorable member who proposed this new Standing Order?

Mr. SALMON.—I recognise that honorable members who are strongly opposed to any particular measure are justified in endeavouring to secure its defeat. But it is not a legitimate thing for honorable members to impede the business of the country by rising half-a-dozen times in as many minutes to direct attention to the state of the House, when they know perfectly well that there is a quorum within call. If honorable members possess rights, they should also recollect that they have responsibilities. I would ask any impartial observer to say whether there have not been more members present upon this side

of the House during the past two months than there have been upon the Opposition benches?

Mr. KELLY.—Now we see the party spirit.

Mr. SALMON.—Honorable members by their interjections are inducing me to make statements which I have no desire to make. My last words are that, as honorable members have rights, they also have responsibilities, and as the rights of the minority are properly safeguarded under our Standing Orders, I ask that the rights of the majority shall receive some attention. We should not place it within the power of any honorable member, acting merely on caprice, to obstruct the transaction of public business by continually drawing attention to the state of the House.

Mr. DUGALD THOMSON (North Sydney).—The extraordinary speech of the honorable member for Laanecoorie merits some reply.

Mr. DEAKIN.—He has made a very good reply by way of defence.

Mr. DUGALD THOMSON.—But he has also made an attack.

Mr. SALMON.—Not an unprovoked one.

Mr. DUGALD THOMSON.—The honorable member has chosen to state—and of course we cannot very well dissociate him from his position as an officer of the House—that the Opposition has not done its duty in assisting to maintain a quorum. I venture to say that, in proportion to its numbers, there are usually as many—if not more—honorable members to be found upon this side of the Chamber as there are upon the Government benches. I have frequently counted them, and I make that statement as the result of my observation. It must be recollected that there are two parties upon the other side of the House. I entirely disagree with the definition of “purposes of a quorum” which was given by the honorable member for Laanecoorie. I claim that the attendance of a quorum, as provided for in the Constitution, means the presence of at least twenty-five honorable members in this Chamber, not their presence within the precincts of Parliament. What an absurdity it would be, in fixing a quorum, to imply that honorable members might be scattered over several acres of ground!

Mr. SALMON.—That is not the proposition.

Mr. DUGALD THOMSON.—It is. The honorable member has stated that by

adopting the proposed new Standing Order we shall merely be following the practice of the British Parliament. I shall not debate that question at the present stage, but I do not think that his statement is correct. Then I take strong exception to an interjection which was made by the honorable member for Gwydir. He stated deliberately—and he adhered to his statement, despite the fact that it was contradicted—that when the honorable and learned member for Corinella proposed, and I seconded, a motion, at a meeting of the Standing Orders Committee, in favour of limiting the speeches of honorable members, we were members of the late Government. I have here the minutes of the meetings of that Committee. From these I find that notice of the motion in question was given on 17th August last. The present Government came into office upon 7th July. I learn from the records that the honorable and learned member for Corinella moved—

That this Committee is of opinion that some method of limitation of debate should be provided in the Standing Orders.

That was on the 17th August, some time after he had vacated office. On 24th August the following statement appears in the minutes of proceedings of the Committee :—

Mr. McCay submitting Standing Orders for the purpose of limiting debate, the Committee deliberated. The Committee took no action in the matter.

Mr. WEBSTER.—Why did they drop it?

Mr. DUGALD THOMSON.—Because there was a generally expressed opinion that it would not prove as time-saving in operation as was anticipated. It was recognised that discussion might be prolonged in other ways, and one member of the Committee declared that he did not approve of the adoption of these arbitrary means to curtail debate, because they usually defeated their own ends.

Mr. McCay.—One other member stated that, at best, the proposal would only have a moral effect.

Mr. DUGALD THOMSON.—That is so. As a result, it was decided to take no further action. In the light of this evidence, the honorable member for Gwydir must see that his statement was made without knowledge.

Mr. WEBSTER.—The honorable member, whilst he was a member of the late Government, intended to take action, if he did not actually do so.

Mr. DUGALD THOMSON.—The honorable member is now declaring what were our intentions. Does he mean to say that two members of the Standing Orders Committee who are members of the Opposition supported a proposal which was intended to shorten the proceedings of Parliament whilst another Ministry was in office, for the benefit of a Government which had ceased to exist? The honorable member adhered to his statement, which should have been withdrawn immediately it was denied. I maintain that members of the Opposition have shown quite as much desire as have the Government to legitimately curtail debate. The honorable member for Launceston also alluded to an attempt which was made last night to count out the House, as if similar tactics had not been frequently—and upon two occasions successfully—resorted to during the term of office of the previous Government. Yet he expressed abhorrence and surprise that anything of the sort should have been attempted. I should not have risen had he not made an attack upon the Opposition which was altogether unjustifiable. Coming to the question of the valuation of harvesters for the purposes of the Customs, I would point out that the Minister has clearly indicated that he has allowed himself to be influenced by certain matters to which he should really give no consideration. He stated that he found that the sale of imported harvesters in South Australia had largely increased.

Mr. BROWN.—The demand is increasing.

Mr. DUGALD THOMSON.—I hope that it is a sign of increasing cultivation. The fact that there has been an increase in the sale of these machines in South Australia should not influence the honorable gentleman in dealing with this question.

Sir WILLIAM LYNE.—It does not.

Mr. DUGALD THOMSON.—The Minister should not allow himself to be influenced by that fact, any more than a free-trade Minister should allow himself to be influenced by a reduction of imports.

Sir WILLIAM LYNE.—It does not influence me. I merely mentioned that in a report which I had received, it was shown that this increase had taken place.

Mr. DUGALD THOMSON.—I believe that it was after the officers had investigated the books of the South Australian importer that they advised that the valuation of £38 10s. should be accepted as the correct import price. I think

that the Minister must recognise that charged as he is with the duty of protecting the revenue, and of seeing that trade is honestly conducted, he ought to institute legal proceedings against any firm, which, in his opinion, has been defrauding the Customs. This firm certainly has been doing so, if the valuation of £65 is the true one. If such proceedings are not to be taken the opportunity of having the question settled in a court of law should be given the importers. I was under the impression that he had already promised to give the firm in question an opportunity to test the correctness of his decision. When he says, in effect, to them—"I am not prepared to punish you, as I ought to do, if, as I allege, you have been under-valuing your imports," he ought also to say, "I am prepared to give you an opportunity to show that I am wrong, and if you prove your case, I shall revise the valuation." The honorable gentleman stated that certain firms in the United States and Canada were over-estimating the railway and steam-boat charges from the place of manufacture to the port of shipment. I quite agree that under the old practice, there was a great danger of that being done. For some reason or other the practice was adopted of accepting as the basis of valuation the rates ruling for goods at a particular market in the country of manufacture, regardless of whether that market was on the coastline or in the centre of a large continent. In this way, an opening was given for fraud—for the undue inflation of railway charges, and the consequent reduction of the cost at factory. I quite agree that the new system is one that ought to have been adopted from the first, and that the f.o.b. price at the port of export should be accepted. I think the Minister said that he was satisfied that there was a great deal of under-valuing taking place in connexion with exports from America.

Sir WILLIAM LYNE.—That is so.

Mr. DUGALD THOMSON.—I do not know whether he has considered the desirableness of applying some check in the countries of export. In order to protect their revenue, the Americans insist that sworn valuations of exports to that country shall be made at the port of shipment before the American Consul, who has an opportunity there to ascertain whether or not the values are correct. If fraud has been committed in this direction, it may be de-

sirable for the Minister to consider the advisability of resorting to this system in the United States. I wish now to allude briefly to the present system of rating telephones. This is a matter to which I have previously drawn the attention of Ministers, and I was under the impression that it was to receive consideration. There are some regulations in force which do not fit the conditions to which they apply. If twenty-five applications to be connected with the telephone service are received at the one time from a suburb which may have suddenly sprung into existence, a charge of only £5 per annum is made in respect of each subscriber, but in a suburb where there may be 100 subscribers who have applied at different times to be connected, a charge of £6 per annum may be made. In another case we have the strange anomaly that in a thickly-populated suburb which may be regarded as part of the city itself, and where there are perhaps 100 or 200 subscribers beyond the mile limit, a charge of £6 per annum is made, whilst those living in a suburb fourteen or fifteen miles away from the central exchange—and where the cost of making the connexion is consequently much greater—have to pay only £5 per annum, although there may not be more than twenty-five or thirty subscribers there. The regulations simply take into account the distance from the centre, and not the density of subscribers. I should not have alluded to this matter, but for the fact that a promise has been made on more than one occasion, that it will receive consideration. I understood from the late Postmaster-General that these regulations were about to be revised. I do not attach any blame to the present Minister, because I know that he has not been long in office, and could not reasonably be expected to have already attended to all these matters; but I think it necessary that the Telephone Department, which is a business one, should have its regulations framed upon business lines. If it be shown that its regulations do not meet the existing conditions—that they bristle with irritating anomalies, and have given rise to legitimate complaints—they ought certainly to be re-considered. I think that the Postmaster-General will admit that it is absurd that regulations should provide that twenty-five subscribers to the telephone service, living fourteen miles away from the central source of the connexion, should have to pay

only £5 each per annum, when, perhaps, 100 or 200 closely packed subscribers within a mile and a half of the very same centre have to pay a higher rate. I trust that the Minister will give consideration to the regulations, and recognise the necessity for their amendment.

Mr. MALONEY (Melbourne).—I should not have spoken but for the extreme bitterness which characterized the remarks made by the honorable member for North Sydney with reference to the position of the honorable member for Laanecoorie as a member of the Standing Orders Committee. I find that, although there have been some twenty-five meetings of that Committee, the honorable member for North Sydney has attended only three of them.

Mr. DUGALD THOMSON.—But when was I appointed?

Mr. MALONEY.—I am quite prepared to take into consideration the fact that the honorable member was not a member of the Committee at the outset; but he certainly could have attended more frequently than he has done. I understand that three meetings lapsed for the want of a quorum, and I know that the attendances of the honorable member for North Sydney are not to be compared with those of the honorable member for Laanecoorie.

Mr. DUGALD THOMSON.—For the most part, I was absent only when my duties as a Minister required my attendance elsewhere.

Mr. MALONEY.—I regret that the honorable member should have displayed such bitterness.

Mr. DUGALD THOMSON.—There was no bitterness exhibited by me.

Mr. MALONEY.—The honorable member also attacked the honorable member for Gwydir for what was, after all, a mere technical mistake. The honorable member for Gwydir might have been able to explain it as readily as the honorable member for North Sydney has explained his absence from the meetings of the Standing Orders Committee. The leader of the Opposition has only attended one out of twenty-five meetings of this Committee, and yet he dares to criticise those who have attended regularly. I think that when these facts are placed before the public they will recognise the true value of his criticisms.

Mr. CONROY (Werriwa).—I very much regret that the Standing Orders were suspended to allow the Wireless Telegraphy Bill to be rushed through, with the result that I did not have an opportunity to speak

on the motion that it be read a third time. In my opinion, the measure is so framed that, unless very liberal regulations be made under it, the people of the Commonwealth will be entirely deprived of the advantages which science is now offering us in the direction of wireless telegraphy. It would be a great boon to residents of country districts to be able to communicate with their friends miles and miles away by means of this cheap and effective system, but unfortunately the provisions of the Bill are so stringent that, unless the Postmaster-General is careful to frame liberal regulations, private individuals will find themselves absolutely unable to avail themselves of it. He must see that the officials of the Telegraph Department do not seek to impose harsher restrictions than are necessary upon any one attempting to use this method of telegraphing, to the serious injury of the people of Australia. An unfortunate result of our legislation is that all improvements are practically blocked by it, and there can be no such thing as progress.

Mr. AUSTIN CHAPMAN.—Not necessarily. We can issue licences.

Mr. CONROY.—It is natural for departmental officers who have been brought up in a groove to be averse to changes, but I think that the Postmaster-General will see that the regulations are framed in a liberal spirit, so as not to hinder the development of the wireless telegraphy system. At the present time a very heavy penalty can be imposed upon any one who uses it. I feel sure that the honorable gentleman will do all that he can to improve the means of communication available to settlers in country districts. I have been glad to learn from him privately that he will do all that he can, consistently with the maintenance of the revenue, to provide conveniences for communication to the public, but the maintenance of the revenue should not be the only consideration, because it must be borne in mind that we cannot open up the country without expense. The leader of the Opposition referred to the Capital Site question, and I cannot too earnestly urge the Ministry to bring about some settlement of that question. The state of affairs is rather complicated, in view of the fact that the Postmaster-General naturally desires the retention of Dalgety; but I still assert that that place is too far from the main railway line

between Melbourne and Sydney to be a suitable site for the Federal Capital.

Mr. AUSTIN CHAPMAN.—The honorable and learned member spoke very well of it once.

Mr. CONROY.—I have always said that it was as good as the suggested site near Tumut, but my view is that the Capital should be established close to the overland railway line, so that speedy access may be had to it from the capitals of the States, where the bulk of the legislators of the Commonwealth will always reside. If the Federal Capital is placed in a district away from the main line, all mails will be at least half a day longer in transit each way, which would be a great objection in these days of quickness of travelling and rapidity of communication. I should have been willing to see the Constitution amended, so that a site might be chosen anywhere within the mother State. If the country within 100 miles of Sydney had been made available, the Federal Parliament would long since have chosen a suitable site, and we should now be meeting in a Parliament House belonging to the Commonwealth. When this Parliament meets in the Federal Capital, the New South Wales representatives will gain a great advantage, because they will have much less travelling to do, while the Victorian representatives, who so strongly objected to expenses being granted to members, will find that the cost of living, when one has to spend part of at least four days every week in travelling, is considerable. While the allowance given to us under the Constitution may be sufficient for a member who resides in Melbourne, it is altogether too little to a representative coming from another State. I very much regret that the Minister has not brought in a Redistribution of Seats Bill, so that we might know exactly how we shall find ourselves at the next elections. I am afraid that the method which they are pursuing will cause us to go before the electors on the same distribution as took effect at the last general elections, which will be very unfair for New South Wales at least, because, although that State is contributing towards the expenses of Federation on the population basis, she is not represented in this House in proportion to her population.

Mr. MALONEY (Melbourne).—The honorable member for North Sydney has informed me that he was appointed to the Standing Orders Committee in November of last year, and has attended three of the

six meetings which have been held since that time. He has also assured me that he had no intention to make a bitter attack on the honorable member for Laanecoorie. I wish, therefore, to withdraw what I said on the subject.

Mr. CAMERON (Wilmot).—I was not present when the honorable and learned member for Wannon referred to the valuation of imported harvesters, but I distinctly heard the Minister of Trade and Customs say that he would not throw any obstacle in the way of the importing company, if they wished to prove their *bona fides*. This evening, however, the honorable member for North Sydney informed the House that the Minister has not yet done anything in the matter, and I therefore ask him to give the House an assurance, for the sake of his own reputation, and that of the Commonwealth, that he will give these people an opportunity to prove that they have not been guilty of fraud, by taking proceedings against them. I do not defend attempts to defraud, and should like to see such attempts punished.

Mr. BROWN (Canobolas).—I think that the Postmaster-General, in common with most honorable members, recognises the important part which telephones play in connexion with the development of our territory, and I therefore ask him to consider the advisability of bringing more prominently under the notice of the public the means provided for their convenience. When a telephone exchange is established, the names of the persons whose residences are connected with it appear on the list which is made available to the public. But there are many cases in which country homes or stations are connected by private telephone lines with the nearest telegraph office, and I suggest that some method should be adopted of acquainting the public with the fact that these means of communication exist. For instance, if residents in Melbourne could consult a list showing the country homes connected by telephone, they would probably be induced to avail themselves of the facilities offered, and would thus bring additional revenue to the Department. I hope that the Minister will give this matter his attention.

Mr. AUSTIN CHAPMAN.—Hear, hear.
Question resolved in the negative.

COMMERCE BILL.

Reports adopted.

House adjourned at 10.33 p.m.

Senate.

Friday, 29 September, 1905.

The PRESIDENT took the chair at 10.30 a.m., and read prayers.

THE GOVERNOR-GENERAL.

CONTROVERSIAL QUESTIONS.

Senator HIGGS (Queensland).—Under standing order 411, which reads—

Any senator may rise to speak "To Order," or upon a matter of privilege which has arisen since the last sitting of the Senate—

I rise to a question of the privileges of the members of the Senate. When reading the *Argus* this morning, I was very much astonished to observe that the King's representative in Australia, the Governor-General, had been making a speech.

The PRESIDENT.—When an honorable senator rises to a question of privilege he must state the terms of the motion he proposes to move, and produce a copy of the newspaper, before he makes his speech, in order that the President and the Senate may judge whether it is a matter of privilege or not.

Senator HIGGS.—I was in hope, sir, that a reference to the question, without a motion being moved, might effect the end I have in view; but, since it is necessary to move a motion, I beg to move—

That it is not in the interests of the peace, order, and good government of the Commonwealth that the King's representative should discuss controversial public questions such as that of military and naval defence.

The PRESIDENT.—Does the honorable senator think that this is a question of a breach of the privileges of the Senate? Is it not rather a question of policy?

Senator HIGGS.—I think it is a matter concerning the privileges of the members of the Senate, for this reason: That a minority may hold a particular view on a question of public policy, and it may be able by its own efforts to bring the majority round to its way of thinking. But if the Governor-General throws the weight of his great influence into the scale against the minority—

Senator DOBSON.—He has not done so. That is an unfair statement to make.

Senator MILLEN.—This is not a matter concerning the privileges of the Senate.

Senator DOBSON.—I shall object as far as I can to the matter being raised as a question of privilege.

The PRESIDENT.—Order! I wish to ascertain how Senator Higgs makes it out to be a question of breach of privilege before I give a ruling.

Senator HIGGS.—It is the duty of the Senate, I take it, to protect any one or more of its members, and it may do so by expressing an opinion as to the action of a very high official.

The PRESIDENT.—Undoubtedly, the honorable senator can give notice of the motion which he now wishes to move, and discuss it, whether it is a matter of privilege or not. But no motion can be moved without notice, and as a matter of privilege, unless it really does affect the privileges of the Senate. Is it not a matter of public policy which the honorable senator wishes to bring forward? It may be argued on one side or the other that it is inadvisable for His Excellency the Governor-General to express opinions on political matters, but does that make the act a breach of the privileges of the Senate? I do not think it does. The honorable senator had better give notice of a motion.

Senator HIGGS.—Assuming, sir, that a vote was to be taken in the Senate.

Senator DOBSON.—Order! a ruling has been given.

Senator HIGGS.—I do not wish to discuss the matter, but to ask a question.

The PRESIDENT.—The honorable senator ought not to discuss the matter. If he wishes to bring it forward he ought to do so in a manner to which no exception could be taken, and that would be by giving notice of the motion. Does he wish to give notice of a motion?

Senator HIGGS.—Not at present, sir. I shall think over the terms of a motion.

IRON INDUSTRY.

Motion (by Senator TURLEY) agreed to—

That a return be laid on the table of the Senate showing—

1. The quantity of machinery imported into Queensland from Great Britain and foreign countries (tons) for the years 1899 to 1904 inclusive?
2. The cost of machinery imported into Queensland from Great Britain and foreign countries for same years?
3. The quantity of machinery imported into Queensland from other States of the Commonwealth for same years?

4. The cost of machinery imported into Queensland from other States of the Commonwealth for same years?

5. The quantity of machinery manufactured in the State of Queensland for same years?

6. The cost of same?

7. The average cost per ton of general machinery imported into the Commonwealth from Great Britain for same years?

8. The average cost per ton of general machinery imported into the Commonwealth from foreign countries for same years?

9. The average cost of general machinery imported into Queensland from other States of the Commonwealth for same years?

10. The average cost of producing one ton of general machinery in the State of Queensland for same years?

11. The number of persons engaged in the iron industry in Queensland for same years?

12. The average rate of wages paid to ironworkers in Great Britain for same years?

13. The average rate of wages paid to ironworkers in foreign countries for same years?

14. The average rate of wages paid to ironworkers within the Commonwealth for same years?

15. The average number of hours worked per day by ironworkers in Great Britain in same years?

16. The average number of hours worked per day by ironworkers in foreign countries for same years?

17. The average number of hours worked per day by ironworkers within the Commonwealth for same years?

Motion (by Senator PEARCE) proposed—

That a return be laid on the table of the Senate showing—

1. The average rate of wages paid to ironworkers for the years 1899 to 1904 inclusive in each of the separate States of the Commonwealth?

2. The average rate of wages paid to ironworkers for the same years in the districts of London, the Clyde, and the Tyne (England) respectively?

3. The source of the information; as to what statistics the average rate of wages is derived from?

Senator DE LARGIE.—May I be permitted, sir, to ask a question in reference to the motion?

The PRESIDENT.—The honorable senator can ask a question, but he cannot discuss the terms of the motion which is being taken as formal business.

Senator DE LARGIE.—In complying with the terms of the motion, will the leader of the Senate endeavour to have defined what is meant by the term "iron workers"?

Senator PLAYFORD.—I do not know what is meant.

Question resolved in the affirmative.

PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Regulations under the Defence Acts 1903-1904.
—Statutory Rules 1905, No. 56.

COPYRIGHT BILL.

In Committee (Consideration resumed from 28th September, *vide* page 2940):

Clause 34 agreed to.

Clause 35 (Copyright in artistic works).

Senator STEWART (Queensland).—Is it quite in accordance with our law that a person, who is not a British subject, shall get copyright in Australia?

Senator KEATING (Tasmania.—Honorary Minister).—It is quite in accordance with our law, and also with the law prevailing throughout the British Empire, including Canada.

Senator MILLEN.—It has been approved of by the Committee in regard to copyright in books.

Senator KEATING.—Yes; in regard to copyright in literary, dramatic, and musical works. Of course, if a person makes an artistic work in Australia, he is given copyright, no matter where he may have come from. Under the British law, if a man, no matter what country he is a subject or resident of, brings out a book in the British dominions, he may acquire copyright therein. He need not even be in the British dominions when it is brought out. According to the law of the United States, which is very exclusive in the matter of granting copyright, so long as the conditions of local production are complied with, a man, whether resident in England or elsewhere, can acquire copyright. The principle of this Bill is to give copyright when the work is produced within our own limits.

Clause agreed to.

Clause 36 amended (on motion by Senator KEATING), and agreed to as follows:—

The copyright in an artistic work shall begin with the making of the work, and shall subsist for the term of forty-two years, or the author's life and seven years, whichever shall last the longer.

Clauses 37 and 38 agreed to.

Clause 39 (Copyright in photographs).

Senator MILLEN (New South Wales).—Perhaps I should have called attention upon the previous clause to a point which I desire to bring under consideration. There seems to me to be a possibility of some over-lapping. This clause deals

with photographs, and clause 38 dealt with copyright in "portraits." Is not a photograph a portrait? To say that it is not is rather a libel on the photographer.

Senator PEARCE.—A portrait is not always a photograph.

Senator MILLEN.—We have provided that a portrait shall be the property of the person who gives the order, and who calls the work into existence. Now we speak of a photograph. I admit that all photographs are not portraits, but I am dealing with a case where the two terms might be applied.

Senator MACFARLANE.—There may be a photograph of a country scene.

Senator MILLEN.—But take the case of a photograph of an individual. It appears to me that we might prevent complications arising.

Senator KEATING (Tasmania—Honorary Minister).—The very consideration to which Senator Millen has directed attention gave me a considerable amount of trouble, but I think the way in which the clause is framed will meet the whole of the circumstances. We state, in the definition clause, what a portrait means. It includes—

any work, the principal object of which is the representation of a person by painting, drawing, engraving, photography, sculpture, or any form of art.

Where there is a photograph of an individual, it is undoubtedly a "portrait." But the difficulty with which we are confronted is this: If we say "when a photograph is made to order," we are thrown back upon the class of cases referred to by Senator Macfarlane. Many photographs which are taken are not portraits. There are photographs of scenery. It is obviously necessary that we should have some provision for those cases. But if we restrict clause 39 entirely to photographs which are portraits of people, we run another risk, in that we provide in sub-clause 2 of clause 39 that when a photograph is taken, not by the principal of a firm, but by an employé on behalf of his employer, the employé does not get copyright in it, but the employer does. That must apply equally to the photograph of a landscape as to the portrait of an individual.

Senator MILLEN.—The definition clause meets my objection. I had overlooked it.

Senator KEATING.—The idea of mentioning a photograph in this clause is that we provide in sub-clause 1 that where a photograph is made for valuable considera-

tion, the photographer shall not get copyright in it; but subject to that, in all cases where a photograph is taken of a person, or of a scene, an employé shall not be considered the author of it. Photographs may be taken by mechanical processes, but clause 38 includes portraits of an artistic character.

Senator DOBSON (Tasmania).—If one goes into a photographer's shop and has his portrait taken, does the negative belong to him or to the photographer?

Senator KEATING.—To the photographer.

Senator DOBSON.—The clause seems to provide to the contrary.

Senator KEATING.—No, the right to reproduce belongs to the person who commissions the taking of the photograph.

Senator DOBSON.—Sometimes when a beauty of the town gets her photograph taken it is put into the window of the studio of the photographer who takes it. I have known ladies to object to that.

Senator KEATING (Tasmania—Honorary Minister).—If a beauty orders her photograph and pays for it, and the photographer without her consent desires to put it into his window she can prevent him. He cannot exhibit it without her consent. Very often, however, there is, I suppose, consent on behalf of the beauty to have her charms so displayed.

Senator MILLEN.—I have even seen the portraits of prominent politicians exhibited in photographers' windows.

Senator KEATING.—Exactly. If a photographer asks a person to give him a sitting—whether a beauty of the town or a prominent public man—and the photograph is taken for nothing the photographer has copyright in it, and has the right of exhibiting it. But if any honorable senator gives a photographer an order for a photograph and pays for it, he can prevent the photographer from multiplying copies or even from exposing it in his shop. *Hinkson*, on page 62, says—

The question sometimes arises, who is the author of a photograph? The author of a photograph is the artist who takes the negative; not the person who employs the artist, and supplies him with the camera. In the case of commissioned pictures and photographs, the copyright belongs to the person giving the commission (*Boucas v. Cooke*, Court of Appeal, 1903), but the property in the negative and the glass upon which the photograph is, in the absence of any agreement to the contrary, vested in the photographer.

Therefore, if a person pays a photographer to take his photograph he has a right to

restrain the photographer from reproducing any more copies than he requires, and also to restrain him from selling copies without consent, or exhibiting them or giving them away.

Senator DE LARGIE (Western Australia).—I think that the words "for valuable consideration" may lead to some confusion. It is difficult to know what the term means. What might be "valuable" to one person might be quite otherwise to another. There is, I think, something in Senator Dobson's remarks. Portraits are sometimes taken of public characters. For instance, actresses may be burlesqued, and held up to ridicule in shop windows. I have no doubt that Senator Dobson had such cases in view. I do not speak from personal acquaintance with such ladies, but I can well understand that there may be cases of the kind, and I have no doubt that Senator Dobson could, if he chose, give us some useful information. I do not think that any member of the Senate would give countenance to the burlesquing of ladies if it could be prevented by means of this or any other Bill.

Senator KEATING (Tasmania—Honorary Minister).—"Valuable consideration" is a term that is very well known to the law. It appears in many statutes, and has also been the subject of numerous decisions. In fact, it is a fundamental principle of law that a contract shall not be binding in certain instances unless "valuable consideration" pass from one party to the other. It is a much better term to use than the one I had in view originally, namely, "commissions a photograph." It would be difficult, in many instances, to understand what was meant by "commissioning" a photograph. Therefore, we provide for a photograph being made to the order of an individual for "valuable consideration," and that clearly indicates the case of an individual going to a photographer, asking him to take a photograph, and paying for it in money or in some other way. It will be noticed that the language used is "made to order for valuable consideration." Where that takes place, the customer who gives the order will be entitled to copyright in the photograph.

Senator DE LARGIE.—Would it make any difference in a case where an order was not given?

Senator KEATING.—In such a case the person who was photographed would take the risk of having the picture exhibited, and the photographer would have the right

to reproduce. But, at the same time, it would always be possible for the person so photographed to make an agreement with the photographer that the picture was not to be exhibited, even though nothing was paid for it. An arrangement could be made also that, though no valuable consideration passed, the copyright should be the property of the person who was photographed. Very often a photographer gets well-known persons to sit for him, in order that he may advertise his own business and show how excellently he can reproduce the subjects whom he photographs.

Clause agreed to.

Clause 40—

The engraver or other person who makes the plate or other instrument by which copies of an artistic work are multiplied, shall be deemed to be the author of the copies produced by means of the plate or instrument.

Senator PULSFORD (New South Wales).—This clause would appear to be specially designed to make piracy easy. As I am sure that is not the idea of the Minister, I should be glad to hear some explanation.

Senator WALKER (New South Wales).—I should like to know whether, in the absence of any provision to the contrary, an engraver could reproduce a work of art without the consent of the holder of the copyright?

Senator KEATING.—No.

Senator WALKER.—Ought there not to be a provision to that effect?

Senator KEATING.—There is a provision to that effect in the Bill.

Senator DOBSON (Tasmania).—This clause, in my opinion, will require some little alteration. I suggest that it ought to be made to refer to engravings made by an engraver "or by his employés."

Senator KEATING.—An amendment to that effect has been circulated.

Senator MILLEN (New South Wales).—There appears to be a conflict between clause 34 and the clause under consideration. Under clause 40, so far as I understand it, the author of an artistic work will have no rights as against any one who wishes to reproduce that work by engraving or otherwise, whereas clause 34 secures such a right to the author.

Senator KEATING (Tasmania—Honorary Minister).—Clause 34 provides that the copyright in an artistic work means the exclusive right of the owner to reproduce or authorize another person to re-

produce the work. Clause 40 provides that the engraver shall be deemed to be the author of the copies produced, if the engraving be made with the authority of the original owner of the copyright of course. As in the case of Mr. Roberts' picture of the opening of the Federal Parliament, it might be desired to have a number of prints reproduced, and an engraver might be commissioned to prepare the necessary plates. In the absence of any agreement between the artist and engraver the latter, under this clause, is deemed to be the author of the copies produced. The clause does not say that the engraver shall be absolutely the author—that is a matter entirely for arrangement.

Senator WALKER.—Could an engraver get copyright for the reproductions?

Senator KEATING.—An engraver has the copyright in the prints of the engraving, in the absence of any agreement to the contrary. It is obvious that the original author, with the knowledge of this provision, would make such an arrangement as he might desire. He might wish to keep the copyright in the prints for himself, or to part with it to some particular individual, perhaps to the engraver himself, or to some other purchaser. In order to bring clause 40 into conformity with the preceding clause I beg to move—

That the following words be added to stand as sub-clause 2 :—

“When the plate or other instrument mentioned in this section is made by an employé on behalf of his employer, the employer shall be deemed to be the author of the copies produced by means of the plate or instrument.”

This amendment places engravings in this respect on the same plane as photos., but the clause carefully states that the maker of the plate shall be deemed to be the author of the copies produced. When we come to deal with the clauses relating to infringements I shall be able to show that an artistic work may be infringed in various ways. For instance, anybody who, unauthorizedly makes a plate of such a work and produces prints will be guilty of an infringement. A considerable time ago there were brought under my notice cases in which enterprising Americans had obtained cheap prints of valuable paintings, belonging to public or private institutions in Great Britain. As we know, when pictures are engraved, a number of artists' proofs are issued at prices ranging, perhaps, from ten to twenty-

five guineas, while other prints are sold at, perhaps, two guineas. These people from America purchased cheap prints; and then, by some mechanical process, produced in America copies which were sent to Australia and other parts of the British Dominions, and sold at, perhaps, 2s., in opposition to the holders of the local copyright. This clause provides, as I say, that the engraver shall simply be deemed to be the author of the prints, unless there be an agreement to the contrary made between him and the engraver.

Senator STEWART (Queensland).—I do not profess to understand this matter very clearly; but, even after the explanation of Senator Keating, it appears to me that we might as well give the copyright in a book to the printer, as give the copyright in an engraving to the man who prepares the instrument by which copies are multiplied. Is Senator Keating satisfied that this clause preserves the right of the author of an artistic work?

Senator KEATING.—It is usual to distinguish engravings and prints of an artistic work from the original.

Senator STEWART.—Why should any person be allowed to take copies of an artistic work?

Senator KEATING.—If a person does so without authority, he infringes the copyright.

Senator MILLEN.—In the absence of clause 40, a person might take copies under agreement.

Senator STEWART.—Is the purpose of this clause to enable a prosecution to be instituted against any one who makes unauthorized copies?

Senator KEATING.—That is provided for later.

Senator MILLEN (New South Wales).—This clause, it appears to me, is not only unnecessary, but likely to be mischievous. Clause 34 clearly vests the copyright in an artistic work in the author, and, not only the copyright, but also the sole right of reproduction. According to clause 40, however, it would appear that anybody who reproduces an artistic work will have copyright in the copies. Senator Keating explains that the copyright only vests in the engraver, in the absence of an agreement to the contrary; but, in my opinion, it would be far better to omit clause 40, because then no question could arise as to the person in whom copyright vests. Without this clause, if the original author wished to reproduce, he could make an

arrangement with the engraver; whereas, if the clause be retained, the question may arise whether copyright does not vest in the engraver quite apart from clause 34. What is the value of clause 40?

Senator KEATING (Tasmania—Honorary Minister).—It is not always a copyright work that is engraved; works, in which no copyright subsists, may be the subject of reproduction by this means. We are simply providing, as has been done in most countries, that the engraver, whose work has always been considered an art, shall, in the first instance, be deemed to be the owner of the copyright in the prints, in the absence of any agreement to the contrary. The general principle has always been to recognise engraving as a distinct art, and to give the engraver, *prima facie*, a copyright in the engraving for which he is responsible.

Senator MILLEN.—In contradistinction to, or subject to, clause 34?

Senator KEATING.—Not in contradistinction; because engraving has always been regarded as a separate class of artistic work, just as sculpture is regarded as distinct from painting, and the latter from photography. I do not think any dangers or difficulties will attend the operation of this clause, which is in conformity with the spirit of the Acts dealing with engraving copyright in force in Great Britain. These British Acts are somewhat lengthy and complicated; but the clause adopts the principle of the copyright law in force throughout the British Empire, though I do not on this speak advisedly as to the case of Canada. It does not follow that an engraver will necessarily seek to reproduce pictures which are copyright. Many pictures in which copyright originally subsisted, have been dedicated to the public, and are placed in prominent galleries and other public institutions throughout the world; and if an engraver reproduces any of these he obviously should, in the first instance, have the copyright. The case is different if an engraver, without authority, reproduces a copyright picture.

Senator MILLEN.—There is no distinction made in this clause.

Senator KEATING.—No; and that is the reason we use the words "shall be deemed to be." If a picture be reproduced without authority the engraver is guilty of an infringement.

Senator MILLEN (New South Wales).—The remarks of the Minister only make the

danger more apparent. It is evident that the honorable gentleman is trying to deal with two classes of reproduction in one clause. There is a clause providing for the reproduction of works which have been dedicated to the public, and in which there is no copyright; and that is perfectly legitimate. If the clause stopped at that point there would be no objection to it; but no discrimination is made between the reproduction of a work of that kind and the reproduction of a work in which the copyright exists elsewhere. It seems to me that the clause should be amended by making its provisions subject to clause 34. From the statement made by the Minister, it is manifest that we are in this clause seeking to deal with two distinct classes of reproduction. I would like the honorable and learned senator to consider whether the clause can adequately and without danger cover both classes of reproduction. We might possibly get over the difficulty by inserting at the commencement of the clause the words "Subject to the provisions of section 34 of this Act."

Senator KEATING (Tasmania—Honorary Minister).—I do not think the suggested amendment would alter the effect of the clause, but if, in the opinion of the Committee, it would make it more clear, I have no objection to accept it. In the meantime, I withdraw the amendment before the Committee.

Amendment, by leave, withdrawn.

Amendment (by Senator MILLEN) agreed to—

That the following words be inserted at the commencement of the clause:—"Subject to section 34 of this Act."

Amendment (by Senator KEATING) agreed to—

That the following be added to stand as sub-clause 2, "When the plate or other instrument mentioned in this section is made by an employé on behalf of his employer, the employer shall be deemed to be the author of the copies produced by means of the plate or instrument."

Clause, as amended, agreed to.

Clause 41—

(1) When the owner of the copyright in any artistic work being a painting, or a statue, bust, or other like work, disposes of such work for valuable consideration, but does not assign the copyright therein, no person (except as in this section mentioned) shall make a replica of such work, without the consent in writing of the owner of the original work.

(2) When a statue, bust, or other like work, whether made to order or not, is placed or is intended to be placed in a street or other like

public place, the author may, in the absence of any agreement to the contrary, make replicas thereof.

Senator MILLEN (New South Wales).—Something appears to me to be wanting in this clause. It provides that when the owner of the copyright in an artistic work disposes of that work for valuable consideration, but does not assign the copyright therein, no person is to be authorized to make a replica of it without the consent in writing of the owner of the original work. That, it appears to me, would imply that, with the consent of the owner of the original work, a replica might be made; but as the author of the work would not have disposed of the copyright therein, I find it difficult to understand how the purchaser of the work could authorize its replication. Under this clause the copyright still remains with the author. Although he has sold the work, he has not sold the copyright, and he should be the only person to give authority for its replication.

Senator MACFARLANE (Tasmania).—I think that some alteration of the clause is necessary. Many famous artistic works have been purchased for public galleries, and it is a common practice for art students to make copies of these works in the course of their studies. It will be admitted that we should not pass any clause which would have the effect of lessening the facilities afforded to art students to pursue their studies. Some provision, I think, should be made to secure to art students the right to make copies of pictures purchased for public galleries.

Senator KEATING (Tasmania—Honorary Minister).—With regard to the comments of Senator Millen, I point out that this clause is intended to deal with cases where the author of an artistic work of the character referred to, a statue, bust, or other like work, disposes of it for valuable consideration.

Senator MILLEN.—The work, but not the copyright.

Senator KEATING.—Quite so, he does not assign the copyright. When an artist produces an artistic work of this character and sells it to another person, that person, having paid for it, should enjoy some exclusive right in the work of the author in that particular subject.

Senator MILLEN.—Why should not the same apply in the case of literary copyright?

Senator KEATING.—That stands on an entirely different plane, because the

facilities for the reproduction of literary work are totally different from those which exist in the case of the works dealt with in this clause. A man may order a picture or bust, and pay a very high price for it, and it would be obviously unfair to him if the artist were permitted to reproduce that work, perhaps, to his prejudice or disadvantage.

Senator MILLEN.—Then he must assign partial copyright?

Senator KEATING. — The original work in these cases may derive considerable value, from the fact that it is the original work of a particular artist. If the artist is permitted to multiply replicas of it indefinitely every replica produced must necessarily lessen the value of the original work in the hands of the assignee. The clause deals particularly with portraits, statues, busts, and such works—not with landscapes or artistic works of that character, but rather with works which have a personal value and interest. If the author were enabled after he had sold a particular statue or bust to multiply copies of it indefinitely, obviously the value of the one which he sold would be considerably diminished.

Senator MILLEN. — Is not that really parting with his copyright?

Senator KEATING. — The position is that it is practically the law as interpreted, that in these cases, not of landscapes or works of a general character, but of a special and personal character, the man who pays for the work should be, to a large extent, in the same position as the person who is the subject of a photograph or portrait. The author still has copyright vested in him, but it is, so to speak, dormant, and he cannot exercise his copyright without the consent of the person to whom he has parted with the statue or bust for valuable consideration. I might mention, as an analogous case, the famous picture painted by the celebrated artist Millais for the manufacturers of Pear's soap. That picture cost some thousands of pounds, and obviously, when the firm bought it, there was an implied understanding, at any rate, that the artist would not reproduce it for sale to other people.

Senator MILLEN. — My objection is to the words "but does not assign the copyright." In every instance mentioned by the Minister the copyright has gone with the work. The copyright in the work just

referred to certainly went to the firm that purchased the picture.

Senator KEATING.—They might have bought the copyright. The artist who does not assign the copyright in these cases likes to reserve to himself the right to make replicas of his work, possibly because he feels that he alone can do it justice. He does not care to part with his copyright lest it might be passed on to somebody else, who, in making a replica of his work, might not do it justice.

Senator MILLEN.—But that might happen under this clause, as the purchaser of the work might give authority to an utterly incompetent person to make a replica of the work.

Senator KEATING. — A replica, of course, would be neither more nor less than a reproduction of a work in its exact size, shape and form, and the clause merely proposes to restrain the artist who has sold the work for valuable consideration from making a duplicate of it.

Senator MILLEN.—But he has not sold the copyright?

Senator KEATING. — No; he might wish to make reproductions of his work by means of engravings or prints.

Senator DOBSON.—In a case where the copyright is not sold, it appears to me that the use of the words "no person" is wrong. The reference should be, to the owner of the copyright.

Senator KEATING.—No, we are at the same time conserving the rights of the artist conjointly with those of the person who is the purchaser of his work. Suppose that artist A produces a work of that character, which he sells to Z. By the clause we prevent artist B from coming in and making a replica without his consent.

Senator MILLEN.—It also debars artist A from the use of his copyright.

Senator KEATING.—We are only taking away from him the opportunity of making a replica; but he can do that with the consent of the purchaser of the original work. If a work of this character is sold by an artist to a person, the former has the copyright in the work, but subject to this one subtraction that the buyer has the right to authorize any person, either the artist or any one else, to make a replica.

Senator DOBSON.—No person can do that without getting the consent of the owner of the copyright.

Senator KEATING.—Not without getting the consent of the owner of the work.

Senator DOBSON.—The clause may be read to mean that it is necessary to get the consent of the owner of the copyright, as well as the consent of the owner of the work. I do not understand the application of the words "no person."

Senator KEATING. — These words would apply generally.

Senator DOBSON.—Then the ownership of the copyright would be almost a farce.

Senator KEATING.—We provide afterwards that the copyright and the ownership of the work may be two distinct things. Senator Macfarlane referred to the case of works which have been purchased for galleries or institutions. Those works are entirely under the control of the managing authorities. If they acquire the copyright in an artistic work when they also purchase the property in the artistic work it is always open to them to allow students or others to reproduce the work. The Fine Arts Copyright Act of 1862, which does not operate outside the United Kingdom, contains a curious provision. It provides that when an author sells an artistic work he has to do one of two things. Either he has to expressly reserve in writing to himself the copyright in the work, or he has to expressly assign in writing the copyright to the assignee of the work, and if the copyright in the work is not expressly reserved in writing, or expressly transferred in writing, it ceases to exist. That creates a most curious situation. We have to recognise in connexion with these works a kind of dual interest—an interest on the part of the author of the work and an interest on the part of a person who is not the author of the work, but its owner by reason of the purchase.

Senator MILLEN.—By the clause the interest is not made a dual interest, but is handed over absolutely to the purchaser of the work.

Senator KEATING.—We do not say expressly here that the purchaser shall have power to authorize a third person to make a replica. In my opinion only the artist would be able to make a replica, and he would require the authority of the purchaser of the work.

Senator MILLEN (New South Wales).—I gather that the contention of the Minister is that the clause is designed to prevent anybody from making a replica, and to allow only the author of the work to

make a replica with the consent of the owner. If that is the case, surely the term "no person" is inaccurate and faulty. If no person can make a replica without the written consent of the author, surely it must mean that any person can make a replica with his consent.

Senator KEATING.—That may be implied. Does the honorable senator propose the omission of the words "no person," with a view to insert the words "the owner of the copyright," and the insertion of the word "not" after the word "shall"?

Senator MILLEN. — Exactly. That would recognise clearly the dual interest which exists.

Senator DOBSON (Tasmania).—I suggested a few moments ago that the words "the owner of the copyright" ought to be substituted for the words "no person." But inasmuch as the clause distinctly deals with an owner who has not parted with the copyright, although he has sold the bust or statue, I take it that nobody, even with the consent of the owner, could make a replica, because he has to deal with the owner of the copyright. I am inclined to think that the clause as it stands is correct.

Amendments (by Senator KEATING) agreed to.

That the words "no person," line 5, be left out, with a view to insert in lieu thereof, the words "the owner of the copyright," and that after the word "shall," line 6, the word "not" be inserted.

Senator DOBSON (Tasmania).—Sub-clause 2 seems to be drawn for the purpose of dealing only with busts of statues placed in a street or other like public place, such as a square, or garden. There is a statue in our Supreme Court; a statue of a celebrated citizen may be placed in a town hall, and many works of art are placed in our public galleries. Is it intended to exclude those works from the operation of the provision?

Senator KEATING (Tasmania—Honorary Minister).—The idea is that if a statue or artistic work be exposed in a street or square or garden it is to be taken as being dedicated to the public. Suppose that there is a statue in an art gallery, or a Supreme Court, or a town hall. The persons who placed the statue in the building may have reserved to themselves the copyright in the work.

Senator DOBSON.—If a statue is placed in a town hall, is it not dedicated to the public just as much as if it were placed in a street?

Senator KEATING.—Not necessarily. On many occasions the trustees of an art gallery purchase a work which they do not wish to be copied, but it is always in their power to allow any person to make a copy of it. The idea of this provision is that the author may make a copy of a work which he has sold, if it is dedicated to the public by being exhibited in a street or other public place, even though he has parted with the copyright to either the purchaser or to somebody else. It is a very desirable provision to allow the author of a work which is exposed in a public place to make a copy of it, but he ought not to have the general right to make a copy of a work which is exposed in a public building, because in many instances the trustees have paid an author a very large sum for a certain picture, and the copyright, and if it is exhibited in a public building copies ought not to be made without their consent.

Senator DOBSON.—I was speaking of a work exposed in a town hall, which is a public place.

Senator KEATING. — A city council may provide a certain sum annually for the purchase of a portrait of the mayor or a councillor, to be hung in the town hall, and it may desire to possess the only copy of the painting. If the artist wishes to get the right to reproduce a work which is exposed in such a way, it ought to be a matter for arrangement between him and the purchaser of the work.

Senator DOBSON (Tasmania).—We are dealing now with an owner who may not have sold his copyright, although he has sold the article. Therefore ought not sub-clause 2 to be made to apply to only those authors who have sold the copyright? If an author has not sold the copyright it is a case of "thank you for nothing." Can he not go and make a copy?

Senator CLEMONS (Tasmania).—This clause is intended to apply to paintings as well as to statues or busts. In the interpretation clause we have a definition of the term "artistic work," which includes every possible form of art. I think that it would be better if, instead of using the words "statue or bust, or any like work," which might possibly be held to apply only to sculpture, we used the wider term.

Senator KEATING.—It is sculpture that is intended.

Senator CLEMONS.—Surely it is intended to apply to paintings also?

Senator DOBSON.—There might be paintings in the street.

Senator CLEMONS.—If we used the words "artistic works," it would be safer, and there would be no loop-hole for escape. It is quite possible that other works coming under the heading of "artistic works" might be exhibited in public places.

Senator KEATING (Tasmania—Honorary Minister).—I think it is better to adhere to the words of the clause. Usually it is only works of art of the character mentioned that are placed in public places.

Senator MACFARLANE.—Would the Minister agree to recommit the clause if necessary?

Senator KEATING.—Yes, I should not object to that.

Clause, as amended, agreed to.

Clauses 42 to 47 agreed to.

Clause 48—

No action for any infringement of copyright . . . shall be maintainable unless it is commenced within twelve calendar months next after the infringement is committed.

Senator MILLEN (New South Wales).—It appears to me that twelve months is too short a time. It is quite possible that the author of a work living in Great Britain, who had secured copyright here, would not be able to commence an action in Australia within the time mentioned. It might be twelve months before he heard of the infringement, or before he could communicate with representatives in Australia, and take the necessary steps to protect his rights. I suggest that the period should be lengthened.

Senator KEATING (Tasmania—Honorary Minister).—Twelve months is the usual term prescribed for the limitation of actions for infringement of copyright. It applies, of course, only to actions. We have provided in clause 45 that remedies in case of an infringement may include an action for damages and penalties, and we have also provided for an injunction. Clause 48 applies only to an action for infringement to recover damages. It does not prevent a man from taking out an injunction to restrain further infringements. This provision obtains I think in all the States at present, as well as in Great Britain. Honorable senators will recognise that in the case of actions for infringement, the plaintiff occupies a very different position from that in other cases. For instance, in an action for infringement, the defendant is considerably limited as to the defences

he can set up. He cannot set up as a defence that he acknowledges the source of the matter which he prints.

Senator MILLEN.—That is only a limitation in the sense in which a man charged with theft is limited.

Senator KEATING. — Not by any means. The defendant cannot plead that he has acknowledged the source of the matter which he has taken. He cannot plead that he took the matter in the absence of any dishonest intent; or in ignorance that it was stolen. The very fact of publication itself, no matter how honest his intentions may have been, is an infringement of copyright, and makes him liable for damages. Honest intent or ignorance of the fact that the matter is stolen are not available as defences; and as twelve months is the usual term, I think we should adhere to it. In the case of *Hogg v. Scott*, referred to in Hinkson's handbook, page 42, the author says:—

Vice-Chancellor Hall held that the limitation did not destroy the author's property in his work, and that an action for damages might be maintained, or a suit for an injunction, even though more than twelve calendar months had elapsed since the wrong had been done.

We have provided that a plaintiff shall not institute an action until after he has registered, and then he will have an action for damages for an infringement that took place prior to registration.

Senator MILLEN.—A very doubtful provision.

Senator KEATING. — No; it is the usual provision.

Senator MILLEN.—That does not make it good.

Senator KEATING.—I do not think there is any doubt about it.

Senator MILLEN.—The mere fact that it exists in some other law is not in itself a sufficient reason why he should adopt it.

Senator KEATING.—It is a limitation that seems to have received general approval.

Senator DOBSON.—Is it meant that the right of action shall be from the time of the infringement, or from the time when it comes to the knowledge of the owner of the copyright?

Senator KEATING.—From the time of the infringement. I see no reason why we should depart from the term fixed in all the States at present, and in Great Britain. Moreover, the Royal Commission that sat seven years ago recommended the same period.

Senator CLEMONS (Tasmania).—I am not in a position to dispute the accuracy of Senator Keating's last statement, but the marginal note that governs this clause refers us to the English Act 5 and 6 Victoria. Immense strides have been made in copyright since then. Even if this clause is in conformity with an Act passed in some other part of the world, it is, nevertheless, a very proper thing to consider the desirableness of increasing the term. We are dealing with a copyright Bill that will be applicable to the whole of the Commonwealth, and which differs in that respect from the Copyright Act in force in any State. There may be many opportunities open in Great Britain to persons who wish to commence actions for infringement of copyright, that are not open to those who wish to commence actions in an extensive area like the Commonwealth of Australia. Senator Keating has pointed out, and of course it is a fact, that an action for an injunction may be taken at any time. But we want to secure to the owner of copyright not merely a right to obtain an injunction against a trespass, but a right to obtain damages if someone else has benefited from his brain-work. I do not see that there can be any harm in increasing the term. If I could see any danger in its being lengthened, I should not advocate it. But it is evident that some one may be seriously disadvantaged. A man who owns copyright which has been infringed may suffer considerable damage because he could not commence an action within the comparatively short time of twelve months. If a copyright work were pirated in some part of Australia, an author living in England might not be aware that the infringement had taken place within twelve months. There may be a considerable margin of time between when a man learns that his copyright has been infringed and when he can commence his action. I think the term mentioned in the Bill should be doubled, and I therefore move—

That the words "twelve calendar months," line 3, be left out, with a view to insert in lieu thereof the words "two years."

Senator KEATING (Tasmania—Honorary Minister).—Although the reference in the marginal note is 5-6 Vict., c. 45, s. 26., the term mentioned has been preserved in the English legislation. A great deal of evidence was taken on this subject in 1898 and 1899, and the result was that in clause 17 of the Bill of 1900, which was brought from the House of Lords, the term was

fixed at twelve calendar months. At the same time there is a great deal of force in what Senator Clemons has said as to the conditions in a large territory like the Commonwealth. When I last spoke, I said that in the whole of the States twelve months was the usual term, but I find that I was incorrect, because section 50 of the South Australian Act of 1878 provides for two years. I think we ought to consider the special circumstances in Australia; and I see no objection to the amendment.

Senator WALKER (New South Wales).—I am glad that the Minister accepts the amendment. In the case of a friend of mine who went on an expedition to the Antarctic regions, and who delivered a lecture before he went, and might have delivered others on his return, the term of twelve months would have been quite insufficient.

Amendment agreed to.

Clause, as amended, agreed to

Clause 49 agreed to.

Clause 50—

If any person—

(b) distributes or exhibits in public any pirated book or any pirated artistic work.

he shall be guilty of an offence against the Act, and shall be liable to a penalty not exceeding Five pounds for each pirated book or pirated artistic work.

Provided also that no person shall be convicted of an offence. . . . if he proves . . . that he . . . could not, with reasonable care, have ascertained that the book was a pirated book. . . .

Senator PEARCE (Western Australia).—Is this clause necessary? Why should we make the bookseller liable when the owner of the copyright has his full remedy under another clause against the pirate?

Senator CLEMONS.—Why not punish the man who joins in distributing a pirated work?

Senator PEARCE.—There may be cases in which it will not be clear that the book is pirated, and a perfectly innocent man may find himself breaking the law.

Senator KEATING.—Look at the proviso.

Senator PEARCE.—How can a bookseller who handles hundreds of thousands of books exercise "reasonable care" in such a case? We have provided that copyright does not necessarily mean registration, so that a bookseller has no register to which he may refer.

Senator CLEMONS (Tasmania).—I regard this as a most desirable and necessary clause, because a great deal of the piracy which goes on is due to distributors, who are persons with whom we ought to deal drastically.

Senator MILLEN (New South Wales).—I invite the attention of Senator Pearce to the fact that only a money penalty is provided in this clause, and it must be evident to those who have had the pleasure of listening to the honorable senator's recent remarks that, in his opinion, this exhibits great inequality. One bookseller might be able to pay a penalty of £5, while another might not be able; and I suggest that Senator Pearce, in order to show consistency and faith in his principles, should move to amend the clause by providing either imprisonment or hanging.

Senator PEARCE.—This is truly "jokin' w' defeeculty!" I intend to vote against the clause.

Senator KEATING (Tasmania—Honorary Minister).—It is generally the distributors of books who are largely responsible for piracy, because, in their absence, there would be much less temptation to indulge in the practice. Booksellers have peculiar opportunities for knowing which are, and which are not copyrighted books.

Senator MILLEN.—And particular temptations to evade the law.

Senator KEATING.—Booksellers have to constantly deal with catalogues of new works published, or about to be published, and are acquainted with the names of both writers and publishers. If the name of the proper publishing firm appears on the print, there is a reasonable guarantee that it is illegitimate work, whereas if some other name, or no name, appear, presumptive or conclusive evidence is afforded of piracy. Innocent persons are adequately protected by the last paragraph.

Clause verbally amended and agreed to.

Clause 51—

Where a dramatic or musical work is performed in a theatre or other place, in infringement of the performing right of the owner of that right, the person who permitted the theatre or place to be used for the performance shall be deemed to have infringed the performing right . . . and shall be liable to a penalty not exceeding Five pounds, and the Court may, in addition to the penalty, order the defendant to pay to the owner of the performing right in respect of the infringement, a sum by way of damages to the amount of Ten pounds, or to such amount as the Court deems equal to the profits

made by the performance of the work, whichever sum is the greater.

Provided that no person shall be convicted of an offence under this section, if he proves to the satisfaction of the Court at the hearing that he did not know, and could not with reasonable care have ascertained, that the dramatic or musical work was performed in infringement of the performing right of the owner of that right.

Senator PEARCE (Western Australia).—This clause practically places on the owners of theatres, town halls, and other places of amusement the responsibility of preventing the performance of unauthorized dramatic or musical works. But such persons have very few facilities for finding out who is the owner of a performing right, or whether there is any infringement. The performing right of the owner is safeguarded in subsequent clauses, under which he may proceed for injunction or damages; and I see no necessity to bring in a third party.

Senator WALKER.—There is no liability if reasonable care be exercised.

Senator PEARCE.—Still, the lessee may be put to the expense of proving that he had exercised reasonable care. Why compel, for instance, the town clerks throughout the Commonwealth to make an investigation of the performing rights held by, it may be, some little "tinpot" dramatic company?

Senator DOBSON (Tasmania).—I think the clause is necessary, if we put the responsibility on the right person. The words "the person who permitted the theatre or place to be used" might mean the landlord of the building, who knows nothing whatever about performances.

Senator PEARCE.—Who else could be meant?

Senator DOBSON.—I thought the honorable senator alluded to lessees, whose life's work, it may be, it is to conduct such performances, and who, with the knowledge they must possess, ought to be made liable. In the case of a lessee, it may be that his own company performs the pieces.

Senator PEARCE.—This clause applies to more than theatres. It will apply to town halls, shire halls, and similar buildings in the country districts.

Senator DOBSON.—I am trying to show that the landlord of the hall should not be liable. It is the lessee of the place who should be liable, where plays are performed for which he has not the performing right. I do not think the landlord of a hall should be compelled to show that

he could not with reasonable care have found out that the performing right in a particular play was vested in the lessee of his hall. I do not think that is a responsibility which should be placed on his shoulders. I am in favour of the clause if the right person is made responsible.

Senator CLEMONS (Tasmania).—I hope the Minister will not alter this clause. To some extent we have here a parallel to the condition of things we were considering just now. It applies to the rights of musical composers with somewhat the same force that the preceding clause applies to the rights of authors of books. I have already said that I am anxious to preserve to musical composers the full rights which they ought to have. I believe that the clause is safeguarded by the concluding paragraph.

Senator DOBSON.—Who is meant by the word "person"?

Senator CLEMONS.—I think that in this matter Senator Dobson has raised a point which might lead to some difficulty.

Senator KEATING.—Instead of the word "person," we might use the words "proprietor, tenant, or occupier."

Senator CLEMONS.—I was going to suggest to Senator Keating that perhaps it would be desirable to consider the use of the word "person." We might, for instance, take the case of the secretary of a public library or town hall. An action might be brought against such an official, and possibly the town council, or other body in whose employ he was, might not indemnify him, and it would be unfair that he should be penalized. Another aspect of the matter is that the clause might create difficulty in the bringing of actions. The words which the Minister has suggested would, I think, meet the case.

Senator KEATING.—The words I suggest are taken from the Musical Copyright Act of 1888.

Senator STANFORTH SMITH.—(Western Australia).—I am inclined to agree with the contention of Senator Pearce that there is a danger to the owners of halls under this clause. The danger in the case of recognised theatres and halls of entertainment would, I think, be comparatively small, because the class of people who use them are not likely to go in for the performance of pirated plays. I believe the great danger would lie in the case of halls in country districts, which might be used by strolling theatrical companies

for the production of pirated plays, which, in many cases, might be produced under fictitious names. The owners might, in those cases, be mulct in damages on the ground that they had not taken reasonable care to prevent an infringement of the performing right of other persons. I know that in one instance a lecture was given in a hall of which I was a trustee. I had nothing whatever to do with the granting of permission for the lecture, but the result of it was that the hall was almost demolished, and the furniture was broken up. We sent in an account to both parties concerned in the riot, but neither party paid, and the owners of the hall, had to make good the damage. It might be held that in that case reasonable care was not exercised by the trustees, although the nature of the lecture to be delivered was not stated. I think that the onus of producing a pirated play should rest solely on those who produce it, and the person who owns the performing right should be able to claim damages only from the persons who have actually infringed his right.

Senator KEATING (Tasmania—Honorary Minister).—This clause is inserted in order to remedy a growing evil which has been very apparent in Australia, and also in Great Britain. As far back as 1882, a special Act was passed in Great Britain to deal with infringements of performing rights in musical productions. Provision was made in that Act that the proprietor, tenant, or occupier of the theatre, or place of public entertainment let for the purpose of any of these infringements should be liable to penalties and damages. The Act was altered in 1888, when a provision somewhat similar to this clause was enacted. It set out that a person should not be responsible where it was shown that he could not, with reasonable care, have ascertained that the performance of the dramatic or musical work was an infringement of the performing right of some one else. If this has been an evil in Great Britain, it has been, in a sense, a still greater evil here, by reason of the vast extent of our territory. I understand that persons out here, who purchase the performing rights in plays and musical productions, have in nearly every instance to put up at least £1,000, and in many cases they have to pay royalties in respect of every production, whether by themselves or by any one authorized by them. In

Tasmania we have had inferior companies presenting plays, the performing right of which was vested in persons residing in Melbourne or in Sydney. In those instances the latter have not deemed it advisable to incur the expense to which they would be put in proceeding for damages for the infringement of their rights.

Senator CLEMONS.—The offenders might go away and leave nothing behind.

Senator KEATING.—Exactly. This kind of thing is done throughout Australia, and it may be held that persons who let theatres and halls are contributory to the damage done to the holders of the performing rights. When honorable senators understand the practice which I am informed obtains, they will see that there is very little danger to be apprehended in passing this clause. Where the performing rights in these productions are vested in some persons in Melbourne or Sydney, the practice, I am informed, is to circularize the owners of all theatres and public places of entertainment throughout Australia to that effect. At all well-conducted theatres and similar places of public entertainment, a list is kept of various plays and productions, and of the persons who possess the performing rights in them. If an up-country town hall were let to persons who infringed the performing right held by some one residing in Sydney or Melbourne, the practice to which I have referred could be proved; if it could be proved, also, that the owner of the hall had not been served with such a notice, that the complainant had not taken any steps to inform him that he was the owner of the performing right, the defendant might claim that he could not otherwise be expected to know it. If a play were produced under a different title or name, in infringement of a performing right, it would be competent for the defendant to prove that, while he knew the plaintiff held the performing right in a play, it was produced under another name, and although it was substantially the same play, he was not aware of the fact, as he had never seen the original play. I think it will be found that the clause provides sufficient safeguards, and no one would be likely to take proceedings under it unless he was prepared to prove to the satisfaction of the Court that the person against whom he was proceeding had deliberately, wilfully, and with proper knowledge, allowed his theatre

or hall to be used for the purpose of an infringement of his rights. The Court would have to be fully satisfied, on the evidence submitted, that the defendant had been guilty of recklessness, carelessness, or of gross disregard of the rights of the person holding the performing right. I have said that there was legislation passed on this subject in the United Kingdom so recently as 1888. It is obvious that this is a growing evil, and I can assure honorable senators that I have had information for some considerable time which shows that it is an evil which is common in Australia. I think that, instead of the word "person," we might use the words "proprietor, tenant, or occupier who permitted" the place to be used.

Senator CLEMONS.—Perhaps it would be better to use the expression "proprietor, tenant, or occupier of the place used."

Senator KEATING.—By using the word "permitted," we should throw upon the complainant the onus of proving agency or knowledge of the actual commission of an offence. I think we should throw on the complainant the onus of proving something more than that the defendant was the proprietor of the hall. It would then be for the defendant to prove that he had no notice that the complainant had a performing right in the production. He might be able to say that it was usual for him to receive from managers notices of the plays in which they had performing rights, and that in this particular instance he had not received such a notice. It would also lead to managers having these rights taking care to secure that in every instance such notices should be given, and they would keep a correct record of the different places to which they had sent them. Proof of failure to give such notice might then be a most satisfactory defence. If it could be proved that the notice had been given, and that in violation thereof the defendant had permitted his theatre to be used for the production of these plays, he ought to be punished. It is often difficult to get at the other people, but there is always a responsible person in the community who can be punished summarily. The proceedings have been found to work very well in Great Britain in connexion with the Musical Copyright Act of 1888. A clause of this character, on the face of the Bill, will act as a deterrent, and also as a warning to people that they must exercise some little care in these matters. Persons

who go to theatres and other places of public entertainment in Australia have to admit that the managers cater for a very high standard of taste indeed, although the managers have to pay very expensively for the performing rights. Still, they are always ready and willing, I believe, to allow a piece in respect of which they hold such rights to be performed in various parts of the Commonwealth on very reasonable terms. I know that some managers on the mainland who had the performing rights in certain pieces, allowed them to be played for charities in Tasmania by local amateurs for nothing, and themselves paid the royalties, which are payable whether the pieces are performed for charity or otherwise. Under all these circumstances, I think they are entitled to a provision of this character, which will in most instances act as a deterrent, and bring about a satisfactory state of business between themselves and the owners of halls throughout the Commonwealth. I move—

That the word "person," line 4, be left out, with a view to insert in lieu thereof the words "proprietor, tenant, or occupier."

Senator O'KEEFE (Tasmania).—It is only fair to protect the purchasers of the performing rights in any plays against small companies or companies not worth powder and shot who perform the plays, as is frequently done, in the back-blocks. At the same time, we may run the risk of doing a grave injustice to the proprietors of halls and such places, unless it is made very clear that they shall not be liable if they have not received explicit and due notice that such companies have the right to produce the plays. Take, for instance, a new mining town which springs up in Western Australia. A man builds a hall or theatre, and wishes to cater for the public and confer a benefit upon the amusement loving people. Frequently he does not possess the educational attainments, and has not had sufficient experience in the theatrical world to know whether a visiting company is likely to have the right to produce certain plays.

Senator CLEMONS.—Then he ought to exercise the reasonable care which is required in the last clause.

Senator O'KEEFE.—How can we ask a man of that class to exercise that reasonable care, unless he knows how to proceed?

Senator CLEMONS.—Then he should not have built the hall.

Senator O'KEEFE.—The proprietor of a hall or a theatre should not be liable unless every proper step has been taken by a visiting company to show him that they hold a performing right. It is quite possible that the agent of a company may say that they intend to produce a certain piece; but the owner of the theatre may not be acquainted with the law relating to performing rights. It is hardly reasonable to expect such a person in an out-of-the-way place to know that there is a Copyright Act. I do not think that any one here wishes to do an injustice to a person who may innocently break the law relating to performing rights. So long as it is made clear that only the owner of a hall who has knowingly and wilfully permitted a company to produce a play without permission shall be liable for damages. I am quite willing to provide any reasonable safeguard to those persons who hold performing rights in plays.

Senator DOBSON (Tasmania).—Certainly, the Minister has put a different complexion on the clause. He has brought to my recollection two cases which happened in Tasmania. Some months ago a man and his wife walked into my office and asked me to subscribe for the purpose of getting them out of the State. I found that they had been acting with a small company at the theatre, and the arrangement was not that they should pay a rent, but that they should give the proprietor half the proceeds. I do not know that it is more wrong to allow strolling players or small companies to produce a play without authority than to place upon the proprietors of theatres the onus of showing that no pirated performance has taken place therein. I am inclined to think that the clause had better remain as it is, with the amendment suggested by Senator Keating. Many years ago in Tasmania we got up a performance of *Pinafore* for charity, but we did not discover until the night before it was to be played that it could not be produced without the sanction of the holders of the performing right. We learned that the holders of the performing right were in Melbourne. They allowed us to play on the following night for charity, but told us that if the performance were repeated we must pay them £5. I recollect arranging that we should pay the royalty. That goes to show that there are two parties who have to be considered, and of the two I think we ought to protect the party who holds the performing right. The

proprietor of a theatre or hall ought to take the responsibility of ascertaining whether his tenant holds a performing right or not before a play is produced.

Senator CLEMONS (Tasmania).—I think that the amendment is a decided improvement, but I am not quite sure whether it goes far enough. It is proposed to substitute for the word "person" the words "proprietor, tenant, or occupier." If an action arises under the clause, it will be one for damages brought against the principal, possibly for tort of his agent. The principal may never be seen. The theatre may be in charge of a person who is acting as his secretary or agent. If the paid agent of an owner lets the theatre without making proper inquiries, and an action is brought against the proprietor, who pleads that his agent did or did not do something, I am inclined to think that the words "proprietor, tenant, or occupier" will be scarcely sufficient. I do not offer the opinion with any great certainty, but it seems to me that the amendment requires to be altered.

Senator KEATING (Tasmania—Honorary Minister).—I saw the difficulty, and perhaps the danger, of using the phrase "person who permitted," because it is too vague, and might include a person who should not be punished because of his relation to somebody else who would be more responsible. I suggested the substitution of the words "proprietor, tenant, or occupier" for the word "person," because they are used in the Musical Copyright Act of 1888, and we should have the advantage of the decisions thereunder. The point raised by Senator Clemons occurred to me, but I am reminded that, when a prosecution is brought before a justice of the peace, it is not generally open for the defendant to rely upon the ground that the act was done by his agent. Senator Clemons will probably remember a number of cases which occurred, I think, about 1892 to 1900 under the English Licensing Act. Although it was doubted at one time whether a licensee could be punished for the acts of his servant or agent, which were in breach of that Act, still it has been finally held that the act of a servant is the act of the master in these circumstances. For instance, the supplying of liquor by a servant contrary to the Act has been held to be a breach thereof by the master.

Senator CLEMONS.—That would apply under the Licensing Act, but I do not think it is of universal application.

Senator KEATING.—I think the reasoning on which the principle was asserted in those cases would be equally applicable here. We create an offence, and if a person empowers a man to let his hall or theatre, obviously he contemplates that that man may so let it as to constitute an offence and that he himself will be responsible.

Senator CLEMONS.—If the words "who permitted" were left out, it would be perfectly clear.

Senator KEATING.—No. When a servant who was distinctly told by the proprietor not to let the theatre to a certain man, because he was going to play a number of pirated pieces, in the face of that warning let the theatre, that would not then be a defence for the principal.

Amendment agreed to.

Senator CLEMONS (Tasmania).—I think that the intention of this clause is to provide that a penalty not exceeding £5 shall be incurred for each offence. If so, we should distinctly provide that the penalty shall be incurred for each offence. A penalty of £5 for a week's performances would not be sufficient.

Senator KEATING.—I think that each act would be a separate offence.

Senator CLEMONS.—If so, it is all right. But if the words for "each such offence" were inserted, it would make the clause perfectly clear.

Senator KEATING (Tasmania—Honorary Minister).—Suppose that a man were to let a theatre or place of entertainment for Monday, Tuesday, Wednesday, and Thursday. I think that he would be guilty of an offence in respect of each performance. Of course it would not be necessary to prosecute him for each offence. Four separate informations or complaints would be laid, but one hearing would settle the lot. If the prosecution were successful, a fine would be imposed, and the other three cases would probably go by consent. If the Committee desires to make the point absolutely certain, I shall offer no objection to the insertion of "each such offence" after the words "Five pounds."

Amendment (by Senator CLEMONS) agreed to—

That after the word "pounds," line 8, the words "for each such offence" be inserted.

Amendment (by Senator KEATING) agreed to—

That the word "the," first occurring, line 9, be left out, with a view to insert in lieu thereof the words "each such."

Senator O'KEEFE (Tasmania). — I think that the words "and could not with reasonable care have ascertained" should be left out. The Minister has indicated that the proviso sufficiently safeguards the proprietor, tenant, or occupier of a theatre or place of public entertainment. I submit, however, that the owners of halls cannot be expected to be conversant with the law of copyright, and that in many cases it would be impossible for them to ascertain whether a work to be performed was copyrighted. The intentions of the proviso will be met by striking out the words to which I take exception, and then the onus will rest upon those who claim to have copyright to prove that the proprietor, tenant, or occupier knew he was infringing the law.

Senator CLEMONS. — It would be very difficult to prove.

Senator O'KEEFE.—The proprietor, tenant, or occupier would even then have to prove to the satisfaction of the Court that he did not know that the work was copyrighted.

Senator KEATING.—A very clever proprietor would be able to dodge all knowledge. He would take care not to know anything.

Senator O'KEEFE.—The Court would have to be convinced that he did not know that the law was being infringed. We shall be doing a grave injustice in many cases if we make the owner of a theatre or hall prove that he had taken sufficient care. Those who have had to do with mining centres, which spring up like mushrooms, know how places of amusement are opened. These places are owned by honest men, who, however, cannot really know much about copyright. I do not know how they could ascertain whether the persons who hired the hall had infringed the law. If the agent of a performing company says that the work to be performed is not copyrighted, how is the owner of the place of entertainment to ascertain whether his statement is true or untrue? What reasonable care could he be expected to exercise?

Senator CLEMONS.—We have passed a similar clause dealing with books, though

there may be booksellers in the "Wild West" as well as owners of halls.

Senator O'KEEFE.—If we have done wrong in regard to books there is no reason why we should do further wrong in regard to halls. Within my own experience I know of cases where there would be a great chance of injustice being done. The interests of owners of copyright would be sufficiently guarded if we left out the words, leaving the owner of the hall to prove to the satisfaction of the Court that the work performed infringed copyright.

Senator PEARCE (Western Australia). —At the request of Senator O'Keefe, who is now unavoidably absent, and which he conveyed to me during the adjournment for lunch, I beg to move—

That the words "and could not with reasonable care have ascertained," lines 19 and 20, be left out.

Senator WALKER (New South Wales). —As one who has had some experience in bush towns, I am firmly of opinion that no man ought to undertake the occupancy of a large hall or theatre without first acquainting himself with the conditions and dangers such a position implies; and, therefore, I cannot see my way to support the amendment. In every occupation of life certain qualifications are required, and a man who has a trust to fulfill ought to ascertain the law. We must think of those whose rights are being interfered with, as well as of persons who rent buildings for performances.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54—

(1) The owner of the performing right in a musical or dramatic work, or the agent of the owner appointed in writing, may . . . forbid the performance in infringement of his right.

Penalty: Ten pounds.

(2) a person shall not give any notice in pursuance of this section without just cause.

Penalty: Twenty pounds.

Senator PEARCE (Western Australia). —During the second-reading debate I called attention to the inadequacy of the penalty provided in sub-clause 2, and I know that the Minister has circulated a new clause, 54A, to deal with the point. Under the circumstances, is it not necessary that we should strike out sub-clause 2?

Senator KEATING (Tasmania—Honorary Minister).—I do not think it necessary to strike out sub-clause 2, because the two cases which Senator Pearce has in view are entirely different. In this clause we give the owner or his agent power to forbid the performance of his work in a particular place; and if the work be performed in violation of that notice a maximum penalty of £10 is provided. As to sub-clause 2, the owner or agent may take advantage of the provision to serve a notice on a person who has no intention to infringe any right; the notice may be served for the purpose of causing annoyance to, or casting a certain amount of obloquy upon him. In such a case it could not be held that the person who gave the notice was not the author or agent. Then there may be a case in which an owner or agent served a notice recklessly or wantonly, without reasonable cause, and for this offence he may be prosecuted, when the onus of proof of just cause will lie on him. Unless in such a case the person who served the notice can prove that he had reasonable grounds to believe his right was about to be infringed, he will be held to have given notice without just cause. But the case referred to by Senator Pearce on the second reading was that of a person who has no right whatever—a person who is neither the owner nor agent, but who takes advantage of this provision to serve a notice on another person. This would not be a case of excess of zeal, or of acting recklessly in the discharge of a function, legitimate enough under certain circumstances; and the proposed new clause 54A will make a person so offending liable to imprisonment for a term not exceeding two years. That clause, of course, refers to an outsider who is neither owner nor agent, but who seeks to intimidate another by means of a notice, and to thus interfere with the legitimate performance of some production. Such an offender is really guilty of false pretences.

Senator PEARCE (Western Australia).—Does the Minister think that a fine of £20 is sufficient to meet the case of a person who gives a notice of the kind without just cause?

Senator MILLEN.—The honorable senator passed a corresponding penalty for a corresponding offence in the previous clause.

Senator PEARCE.—The cases are quite different. The difference between infringing the copyright of a book or artistic

work, and infringing the performing right of a dramatic or musical work is that the latter may have taken weeks in preparation, during which time salaries and other expenses have accumulated. Perhaps the very day before the performance a person, without just cause, may give notice under this clause, and then those people who have incurred expense in the preparation for the performance of a dramatic or musical work are to be prevented from proceeding further.

Senator KEATING.—And properly so, if there is going to be an infringement of another man's right.

Senator PEARCE.—That point would not be settled until the case came before the Court.

Senator KEATING.—If no infringement is going to occur, no attention need be paid to the notice.

Senator PEARCE. — But a man may think he has a right to give a performance of a certain piece where he has no right. The case of the *Cingalee* has recently attracted great attention, and doubtless there it was thought that a *bonâ fide* right to perform existed.

Senator CLEMONS.—Those who produced that piece decided to run the risk.

Senator KEATING.—That was the case undoubtedly.

Senator PEARCE.—At any rate, when a man was prepared to risk such a large amount of money in mounting and producing the piece, he must have thought he had a pretty good case. The penalty of £20 is, in my opinion, much too small. The very fact of a penalty being provided shows that cases are contemplated in which a penalty should be inflicted; but the expenditure to which a man would be put by unjustifiable interference might amount to an infinitely greater sum than that mentioned. Indeed, each day the performance was stopped might mean a loss of £50. I move—

That the word "Twenty," line 9, be left out, with a view to insert in lieu thereof the words "One hundred."

Senator KEATING (Tasmania—Honorary Minister).—If an author or his agent gives notice in the form prescribed forbidding a performance, there must be one of two sets of circumstances—the person who proposes to give the performance must be either about to commit an infringement, or he must not. If the former, then certainly the owner or agent should have an opportunity

to interfere; but if, on the other hand, it is proposed to give a performance, which is not an infringement, and the person about to give the performance, although he knows he is acting innocently, does not proceed with it, the other party ought not to be bound by reason of the consequences the former's timidity. If the person who receives the notice is innocent, he may proceed with the performance; but if he fails to do that, as in the case contemplated by Senator Pearce, it appears to me that his loss would be attributable, not to this notice, but to his fear that serious consequences would ensue. We could not ask the other party to be punished for anything of that kind. The first person might go on performing, and if it were subsequently shown that his action was not an infringement of the other man's rights, he could take proceedings, on the ground that the notice was sent without just cause, and the man who sent the notice would be liable to a maximum fine of £20. We have provided, where the notice is disregarded, for a penalty of £10.

Senator PEARCE.—Does that mean £10 for every day on which the notice is disregarded?

Senator KEATING.—For every performance in infringement of a performing right, undoubtedly.

Senator PEARCE.—And it is proposed that the other man shall be fined only £20 altogether.

Senator KEATING.—This is merely to provide against a man giving such a notice recklessly. In the case of an outsider, who can have no shadow of a claim to a performing right, the penalty may be two years' imprisonment. We have distinguished between what might be a *bonâ fide* excess of zeal and what would be an absolute sailing under false colours on the part of another person.

Senator PEARCE (Western Australia).—I think I must press my amendment. Senator Keating has pointed out that the penalty provided under the first sub-clause really means a penalty for each separate performance.

Senator KEATING.—So it should, if the performance is in infringement of another person's rights.

Senator PEARCE.—But it will be so also if the performance is merely in disregard of a notice.

Senator KEATING.—It must be if there is infringement.

Senator PEARCE.—No, the penalty is imposed for not ceasing to perform when notice is given. I presume that when a notice is given an action of some kind will follow.

Senator MILLEN.—Not necessarily; if the person giving the notice is satisfied on the performance ceasing.

Senator PEARCE.—The man who has been conducting the performance will defend his action if he is satisfied that he is right, and for every day on which the performance has been given in disregard of the notice, he may be fined £10. In the case of the other man, if it should eventually be proved that his notice was given without just or reasonable cause, he is liable only to a maximum fine of £20. I have pointed out that in addition to the penalty of £10 for every day on which a performance is suspended the other man has to incur the ordinary expense of salaries, rent of theatre, and other attendant expenses. It seems to me that this penalty of £20 is entirely inadequate. If it is held that a penalty is necessary, it should be commensurate with the damage to which the other party may be put.

Senator CLEMONS (Tasmania).—With respect first of all, to the man giving the notice, surely a penalty of £20 is adequate to prevent him from entering a frivolous objection? No man is likely to enter an objection without good grounds if he knows that he is liable to a penalty of £20 for doing so. Let us assume that the man who is thinking of giving the notice imagines that he has a just cause, though he may not be quite certain about it. If we provide for the enormous penalty of £100, we shall deter him absolutely from taking such action. He would probably say, "If I go on with this, I shall probably, in any case, have to pay the costs in some action which will arise later on and they will be stiff enough, but I find that under the Act I am rendered liable to a penalty of £100."

Senator GIVENS.—It would have to be proved that the notice was given without just cause.

Senator CLEMONS.—Senator Givens must see that the amendment would add largely to the risk a man desiring to give notice would have to undertake. A penalty of £100 would be a great deal too heavy. As I have pointed out, a penalty of £20 is abundantly sufficient to prevent any man

giving notice for the fun of it, or even for spite.

Senator PEARCE.—When we take into consideration the possible damage which he might do to a rival, does the honorable senator think £20 a sufficient penalty?

Senator CLEMONS.—I do. I do not think that any man would be so spiteful as to deliberately render himself liable to a fine of £20, when he knows that he has not a good cause for his notice. On the other hand, I think it would be very hard to make him run the risk of losing £100 if he takes action where he thinks he has a just cause.

Senator MILLEN (New South Wales).—Following the remarks of Senator Clemons, I point out that we have no parallel to a proposal of this kind in any of our existing legislation. If a man wishes to commence an action to-day, there is nothing at all to prevent him, and he is threatened with nothing more serious than the possibility of having to pay the costs of the defendant, if he should not make good his case. If a man has a performing right, and he assumes that it is being infringed, Senator Pearce proposes to provide that he shall not take action to vindicate his right without the risk of a penalty of £100, in addition to the ordinary risk of having to pay the costs of the other side. If I believe that I am injured in any way, and I go to the Court for redress, the Court may find that the grievance is imaginary on my part.

Senator PEARCE.—But the honorable senator would not stop another man's business?

Senator MILLEN.—That would very often happen. I might apply for an injunction to restrain a man from continuing his business.

Senator CLEMONS.—It is possible to get an interim injunction in an hour that will last a month.

Senator MILLEN.—I think that an application for an injunction ordinarily would be equivalent to a notice under this clause, and Senator Pearce would render a man applying for an injunction in this case liable to the extremely heavy penalty of £100, in addition to his liability to pay the costs of the other side, if he did not succeed. The proposal, as Senator Clemons has said, would practically be a bar in a great many cases to a man seeking to prevent any infringement of his rights under this Bill.

Amendment negatived.

Clause agreed to.

Amendment (by Senator KEATING) agreed to—

That the following new clause be inserted:—
“54A. Any person, who in any notice given in pursuance of this Act, makes a representation, which is false in fact, and which he knows to be false or does not believe to be true, that he is

- (a) the owner of the copyright in any book or artistic work, or
 - (b) the owner of the performing right in a musical or dramatic work, or
 - (c) the agent of any such owner,
- shall be guilty of an offence against this Act.
Penalty: Two years' imprisonment.”

Clause 55—

(1) The owner of the copyright in any book or artistic work or the agent of such owner appointed in writing may, in accordance with the prescribed form, request that any pirated reproductions of the book or work be seized by the police, and may lodge the request at any police station.

(5) A person shall not lodge any request at any police station in accordance with this section without just cause.

Penalty: Twenty pounds.

Senator MILLEN (New South Wales).—It seems to me that in this clause it is proposed to give altogether too great a power to an ordinary constable without some preliminary inquiry. If honorable senators will refer to clause 52, they will find that in somewhat similar circumstances the owner of the copyright has to apply to a justice of the peace for a warrant to effect the seizure of books offered for sale. Under this clause it is proposed that books may be seized in a house, or in a shop, though they are not offered for sale. It appears to me that there is nothing to justify the different machinery provided in this clause as compared with clause 52.

Senator PEARCE.—An individual is given the same power under this clause that is given to a justice of the peace under the other clause.

Senator MILLEN.—Exactly. Under this clause, any private individual who is the owner of the copyright may take action which will set a constable in motion to seize pirated books and works. Even if the principle of the clause is assented to, I direct the attention of the Minister to the fact that there does not appear to be provided in the clause anything more than the power to seize. It may be necessary to give the power to enter in order to give the power to seize, and unless the power to enter is given, the power to seize

may be a nullity. Of what use is it to say that a man may seize books in my house if he is not given the power to enter the house? Again, I should like to know what protection a constable has under this clause if he makes a seizure which is subsequently shown to be an illegal seizure? Who is to indemnify him? If there is no power of indemnification, I venture to say that no constable would act under this provision.

Senator KEATING.—I think that in most cases of this kind a constable asks for an indemnity from the person setting him in motion.

Senator GIVENS.—He may be a man of straw.

Senator KEATING.—Then he would not take his indemnity.

Senator MILLEN.—Then the constable is left a discretion as to whether he shall go or not?

Senator KEATING.—That is the position.

Senator MILLEN.—If that is so, it appears to me that the clause is not worth the paper it is written on. The main objection I have to the provision is that it is giving an interested party—the owner of the copyright—power to set a constable in motion to do certain things which under ordinary circumstances, even under this Bill, are only to be done when a justice of the peace has issued his warrant.

Senator KEATING (Tasmania—Honorary Minister).—There is a distinction between the two clauses. Clause 52 provides that a justice of the peace—

If satisfied by evidence that there is reasonable ground for believing that pirated books or pirated artistic works are to be found in any house, shop, or other place

may issue a warrant which would enable the person warranted to enter and seize them. That deals with a case of pirated productions which are to be found inside houses and shops. In clause 55, however, provision is made for enabling an individual to set a constable in motion to seize pirated reproductions of copyright works which may not be in shops or private houses. It is analogous to the provision which was made in Great Britain so recently as two years ago. It will be remembered that within the last month or six weeks we saw a cablegram in the press, saying that some thousands of copies of pirated music had been seized in London by the police. That was done in exercise of a

power which is given by the Musical Copyright Act of 1902, and which is analogous to the power purported to be given here. It was found that, no matter how stringent the provisions against piracy and the sale of pirated musical productions were made, they were never effective, and so late as 1902 the British Parliament passed an Act containing this provision—

If any person shall hawk, carry about, sell, or offer for sale any pirated copy of any musical work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the copy-right in such work, or of his agent thereto authorized in writing, and at the risk of such owner.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and on proof that they are infringements of copyright, shall be forfeited or destroyed, or otherwise dealt with as the court may think fit.

Senator MILLEN.—That is the case of a man selling or offering for sale a pirated production; but this clause goes further than that.

Senator KEATING.—In clause 52 we have already dealt with the case of pirated reproductions being inside a house or a shop. Clause 55 does not purport to confer upon the constable the right without a warrant to break and enter premises, and therefore he will only be able, on getting notice in writing from the owner of the copyright, to seize such works as he may find without committing any offence in the way of trespass or anything of that character. A number of these pirated productions are sold in the streets of London, as doubtless some honorable members have observed. In the case which was reported by cable some weeks ago, the pirated reproductions were seized mostly I think from hawkers in the streets. It is desirable in some instances that the owner of the copyright should not be required to take out a warrant, but should be able to act most summarily and expeditiously. When I was in Hobart early this year I read in the weekly edition of the *Times* a letter from Sousa, the celebrated composer of band music, in which he complained about the way in which his music was offered for sale on the streets of London within a few hours of its production. The letter reads as follows:—

The question of music piracy has been so fully exploited, that it is not my desire to enter upon any general discussion of the case, but, if you will permit me to encroach upon your valued

columns, I should like to invite your attention to the international aspects of the question. The British Government participated in the Berne Conference of 1885 and 1887, and the International Copyright Convention, which resulted, was adopted in full by English Orders in Council, which were intended to afford foreign authors and composers protection for their works in Great Britain, in return for reciprocal advantages for British authors and composers in the other countries parties to said agreement. In 1891 the United States of America agreed upon terms of international copyright with the countries comprising the Berne Convention, including Great Britain. As far as Great Britain is concerned, this international copyright agreement has proved a delusion and a snare, because no foreign author or composer is protected in his rights here.

To the best of my belief, music piracy does not exist in any country where there is an international copyright law in force, except Great Britain. Certainly, it has been unknown in the United States since 1891, and when a British subject has complied with the copyright laws of my country, he is immediately clothed with clearly defined legal rights, which are protected for him by the strong arm of the American law. I know that my compositions, after having been entered for copyright in Germany, France, Belgium, &c., are not stolen, and only in Great Britain do I fail to receive the complete protection for my music, which was clearly the intention of the Berne Convention, and the subsequent copyright agreement with the United States. Reciprocity is of no value if it does not reciprocate.

I have before me a pirated edition of my latest composition, which was printed and hawked about the streets of London, within a few days of the authorized publication of this march, at a price at which my publishers could not afford to print it. And this has been the case with all my compositions in Great Britain for several years. It has had the effect of practically stopping the sale of my genuine publications, thus depriving me of the substantial income from that source that the popularity of my music in this country gives me every reason to expect.

I am informed that the opposition of one of the law-makers of this country has heretofore prevented the enactment of proper legislation to remedy this evil. Whatever reason this gentleman may have for refusing the British composer the legitimate return for the work of his brain, I certainly deny his right to say that the American composer must come under the same ban, when the international copyright treaty guarantees to the American composer the same protection in Great Britain that he enjoys at home. It is reasonable to suppose that any country would have expended the time, trouble, and money to establish an international copyright agreement with this country except with the full belief that Great Britain would faithfully fulfil the terms of that agreement.

If, subsequently, Great Britain discovered that her laws were too lax to give the foreign composer the protection guaranteed him, I submit that it then became incumbent upon His Majesty's Government to enact such legislation as would protect the foreign composer in his rights under the Berne Convention.

Senator Keating.

In short, when other countries are honorably carrying out the terms of a treaty to which Great Britain was a party, it seems to me that the national honour and pride demand that immediate steps be taken to fulfil the treaty obligations of this country in the matter of international copyright.

It was not very long after I read that letter that the Melbourne press published a cablegram, stating that on the streets of London the police had made an immense seizure of pirated music, running into some thousands of copies.

Senator MILLEN.—How long would it take the owner of the copyright to get a warrant? Only ten minutes.

Senator KEATING.—It may take the owner of the copyright ten minutes or it may take him a day, but in the meantime scores, if not hundreds of copies, of the pirated work may be sold, to his great prejudice. I do not think that we can do wrong if we allow the owner of the copyright, at his own risk, to request a constable to seize any pirated copies which may be not inside a house, but on the streets, and bring them before a court of summary jurisdiction to be dealt with. We are only following in the wake of English legislation.

Senator MILLEN (New South Wales).—It seems to me that the Minister has evaded the point I brought under his notice. He has pointed out that clause 55 is necessary in order to enable a constable to seize copies of pirated music which are being sold or offered for sale on the streets. Clause 52 distinctly provides that if a magistrate is satisfied by evidence that there is reasonable ground for believing that pirated books or pirated artistic works are being sold or offered for sale, he can issue a warrant. That clearly applies to pirated works which are being sold on the streets, but when we come to clause 55, which the Minister says is specially designed to meet the case of pirated works being sold on the streets, we find no reference to the issue of a warrant. If it is intended in this clause to give the constable power to seize the goods which are being sold on the streets only, it ought to have followed the language used in clause 52, and provided that the magistrate shall act upon a notice received from the owner of the copyright.

Senator KEATING.—A man may be bringing pirated works along the street, and not offering them for sale at all. They may be intended for subsequent sale.

Senator MILLEN.—Why should we, in clause 52, provide for the issue of a magistrate's warrant, and in this clause leave the constable to act on a request from the owner of the copyright? I know of no precedent for giving to an ordinary constable this vast power to be set in motion at the instance of an interested party.

Senator KEATING.—This power is given in the English Act of 1902 just quoted.

Senator MILLEN.—It seems to me that certain honorable senators are quite satisfied with a provision if it is to be found in an English Act, but it should be remembered that there was a time when the stealing of a sheep in England was a matter of hanging. I am not prepared to give so large a power to a constable unless it is shown clearly where it is to be exercised. In this clause nothing is said as to the circumstances in which the constable may seize pirated works, or the places in which they are to be located.

Senator CLEMONS (Tasmania).—Senator Millen wishes to know why the language of clause 52 has not been employed in this clause. The former clause deals with what may be described as normal offences, and provides for the ordinary procedure. But clause 55 has a practical object in view, and that is to prevent pirated works from being sold at, amongst other places, street corners, and to enable the owner of the copyright to promptly prevent their sale to his detriment. Suppose that Senator Millen owned the copyright in a piece of music, and he found that at 100 street corners in London pirated copies of his work were being sold at the rate of 100 per hour. What sort of comfort would it be to him if he were told that he could only stop their sale after getting a magistrate's warrant issued? He would probably reply that before he could get a warrant £100 worth of the pirated work might be sold, and that he would have no redress. It is not a question of lodging a notice at a police station, although a police station is a much more accessible place than a magistrate's office. It will, in practice, be a great deal easier to stop the rapid sale of pirated goods by requesting a police constable to seize them, than to take the offender before a magistrate. I have not the slightest doubt that this clause is absolutely necessary to protect the rights of musical composers in the first instance; and that secondly, it is a proper corollary of clause 52. There is a question as to a

police constable being employed at the request of a private citizen to seize goods. But I am satisfied that it would be held by a Court that a constable, in such a case, would be acting as agent for the man who instructed him and not in his official capacity, with such right of indemnity as we know police constables possess. The clause is intended to give a ready remedy to a person who thinks that his rights are being trespassed upon. It enables a rapid sale to be stopped in a practicable and effective way. If this provision were not in the Bill, many of its provisions would be useless. Clause 52 would enable the owner of copyright to get a warrant from a magistrate to seize a lot of pirated things that were being sold in the ordinary course of business, but if they were being sold at one hundred places in an irregular way, the owner would be powerless. The sales would be going on at one hundred street corners, and the owner would have to get one hundred warrants. I shall not vote for any alteration.

Senator KEATING.—No less than 287,000 copies of pirated pieces of music were seized in London on 26th July.

Clause agreed to.

Clause 56 agreed to.

Amendment (by Senator KEATING) agreed to—

That the following new clause be inserted:—

"56A. Whoever aids, abets, counsels, or procures, or by act or omission is in any way, directly or indirectly, knowingly concerned in the commission of any offence against this Act, shall be deemed to have committed that offence, and shall be punishable accordingly."

Clauses 57 and 58 agreed to.

Clause 59—

(3) The provisions of the *Customs Act* 1901 shall apply to the seizure and forfeiture of pirated books and artistic works under this section to the same extent as if they were prohibited imports under that Act.

(5) A notice given to the Commissioners of Customs of the United Kingdom, by the owner of the copyright or his agent, of the existence of the copyright in a book or artistic work and of its term, and communicated by the said Commissioners to the Minister, shall be deemed to have been given by the owner to the Minister.

Senator MILLEN (New South Wales).—I have no doubt that this clause, like all the other clauses of the Bill, is quite right, but it seems to me, nevertheless, that there may be some confusion in the use of the word "Minister," owing to the manner in which he is to be communicated with. I

quite understand that the Minister referred to is the Minister administering this measure. The clause provides that a variety of things are prohibited imports, and there is machinery by which the Minister is to be made aware that they are pirated, in order to stop their importation. Sub-clause 4 provides that the provisions of the measure shall not apply to any artistic work unless the owner of the copyright or his agent has given notice to the Minister. But the following sub-clause proceeds to say that it will be sufficient if notice be given to the Commissioners of Customs of the United Kingdom.

Senator GIVENS. — I think that sub-clause 5 is foreign to the clause.

Senator MILLEN.—It seems to me to be quite unnecessary, having first stated that the owner of the copyright or his agent shall inform the Minister, to say afterwards that he need only inform the Commissioners of Customs of England. Does it follow that the Commissioners would inform the Minister in Australia?

Senator KEATING.—They are bound to do so by law?

Senator MILLEN.—What law?

Senator KEATING.—By the Customs Law Consolidated Act.

Senator MILLEN.—I see no reason for departing from the simplicity of the sub-clause, which throws upon the owner of the copyright the obligation to inform the Minister in Australia.

Senator GIVENS.—Why not do it direct?

Senator MILLEN.—Exactly. It is better to have a regular and simple method by which the notice can be given to the Minister.

Senator KEATING (Tasmania—Honorary Minister).—We are providing here that the provisions of the copyright law shall not apply to any book or artistic work unless the owner of the copyright gives notice to the Minister of the existence of the copyright and its terms. Obviously, the owners of copyright in Australia would give notice direct. But with regard to international and Imperial copyrights, notice would invariably be given to the Commissioners of Customs of the United Kingdom, and it is provided by the Customs Law Consolidation Act 1876 that—

any book wherein the copyright shall be subsisting first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, is absolutely prohibited to be

imported into the British Possessions abroad, provided that no such book shall be prohibited to be imported as aforesaid, unless the proprietor of such copyright or his agent shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire.

The Act in section 152 provides—

Any books wherein the copyright shall be subsisting first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be, and are hereby absolutely prohibited to be imported into the British Possessions abroad: Provided always that no such books shall be prohibited to be imported aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and transmitted to the several ports in the British Possessions abroad, from time to time to be publicly exposed these lists of books respecting which such notice shall have been given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in her by the Colonial Copyright Act 1847, to suspend in certain cases such prohibition.

It will be seen that as to works which are copyrighted Imperially, or which have the benefit of international copyright, notice may be given, and will, in all instances, be given to the Commissioners of Customs in Great Britain, who are bound to keep a record of them, and who are also bound by law to transmit to the ports of all British Possessions abroad copies of their lists. It would be highly disadvantageous if we were not to take advantage of this provision. An author copyrighting a book in the United Kingdom would naturally give notice to the Commissioners of Customs there, and he would read in the English Statute that that notice having been given, would be transmitted to all British Possessions abroad. He would not know that under the Australian Act that would not be accepted as a notice. He would be misled entirely. The English Commissioners of Customs would still send out their notices to us, as they are bound by law to do, and we should be putting ourselves in a false position if we did not accept them as sufficient.

Senator CLEMONS (Tasmania).—I am not quite sure that the words "all pirated books" and "all pirated artistic works," used in the first sub-clause, include everything that ought to be included. It is not clear that, according to the interpretation

clause, dramatic works are included in books and artistic works. Under the definition of "dramatic work" there are, for instance, the librettos of operas, lyrical works set to music, and scenic or dramatic compositions, which ought equally to be open to seizure by the Collector of Customs.

Senator KEATING.—A dramatic work, if published, becomes a book.

Senator CLEMONS.—But "book" has an interpretation of its own.

Senator KEATING.—A dramatic work, if published, would come under the definition of book, because it would be a volume; but, if in manuscript, it would not be a book.

Senator CLEMONS.—Of course, I am not sure on the point, but it would be a pity if such works were allowed to escape. I have no doubt that, if there is an omission, it will be provided for by the Minister.

Amendment (by Senator KEATING) agreed to—

That the following words be inserted at the commencement of sub-clause 3, "Subject to this Act."

Clause, as amended, agreed to.

Clause 60—

The owner of any copyright or performing right in any literary, musical, or dramatic work or artistic work entitled to protection in Australia by virtue of any Act of the Parliament of the United Kingdom or entitled to protection in any State by virtue of any State Copyright Act shall, on obtaining a certificate of the registration of his copyright or performing right under this part of this Act, have the same protection in the Commonwealth against the infringement of his copyright or performing right, as the owner of any copyright or performing right under this Act.

Senator MILLEN (New South Wales).

—If I understand the position aright, the passage of this Bill will still leave in existence the States laws, and also the Imperial laws.

Senator GIVENS.—The State laws under this clause apply only to rights which are in existence when this Bill comes into operation.

Senator MILLEN. — That is just the point on which I desire to be clear. This clause proposes that the holder of any right under a State law may, by registration, secure the protection of this Bill. It seems to me possible that, although this Bill may be passed, some one may seek to obtain copyright under a State copyright law.

Senator KEATING.—Clause 12 prevents that.

Senator MILLEN.—That clause deals only with the administration of existing States laws. The laws themselves are left in existence. I am not speaking with any certainty on the question, which is surrounded by a great deal of doubt. I merely present the matter for attention in order that we may not pass a clause which will cause very grave difficulty.

Senator GIVENS.—Clause 8 provides that the States Acts shall not apply.

Senator MILLEN.—That does not quite get over the difficulty, because clause 8 merely provides that the States laws shall not apply to copyright which subsists under this Bill.

Senator GIVENS.—All copyright subsists under this Bill, if the publication be after the Bill has come into force.

Senator MILLEN.—But it may be that in some of the copyright laws of the States there are provisions which are absent from this Bill, and, in some particular, a man may be able to secure a right under a State Act, and then claim to have it registered under the Bill.

Senator KEATING.—It is a very difficult situation to meet.

Senator MILLEN.—It is a situation which we cannot evade by merely passing this clause. I certainly would hesitate to now suggest an amendment, which might, as the clause itself does, reach outside the limits of the Bill. I take the object of the clause to be that, where a person holds a right under a State law, he may, by registration, get that right recognised under the Commonwealth law. But this clause clearly applies to a right existing prior to the passing of the Bill; and my idea is that under the clause a right may be secured under a State Act after the passing of the Bill—some right which this Bill does not convey—and that a claim may then be made to have it registered under the Bill. If the Minister is not prepared with a definite answer now, I feel satisfied that before the final disposal of the measure he will give the matter further consideration.

Senator KEATING (Tasmania—Honorary Minister).—The draftsman finds himself confronted with a difficult and delicate situation when he deals with Commonwealth legislation in respect of which the States, to a certain extent, exercise concurrent powers; and Imperial legislation

further complicates the matter. Early in the year, in my professional capacity, there came under my notice a recent Canadian case, which gave me ground for some little surprise. It was not a case dealing with copyright, but had relation to the respective powers of the Dominion and the provincial Parliaments, where they meet on common ground. The case was that of the *Attorney-General of Ontario v. the Attorney-General of the Dominion*; and in the course of the lengthy judgment of the Privy Council, delivered by Lord Watson, and reported at page 366 of the Law Reports, Appeal Court, 1896, there appears the following:—

It has been frequently recognised by this Board (the Privy Council), and it may now be regarded as settled law, that according to the scheme of the British North American Act the enactments of the Parliament of Canada, in so far as these are within its competency, must override provincial legislation. But the Dominion Parliament has no authority conferred upon it by the Act to repeal directly any provincial statute, whether it does or does not come within the limits of jurisdiction prescribed by s. 92.

I take it that that judgment would apply equally to the operation of our own Constitution—that this is settled law, unless the Privy Council reconsider and alter their view.

The repeal of a provincial Act by the Parliament of Canada can only be effected by repugnancy between its provisions and the enactments of the Dominion; and if the existence of such repugnancy should become matter of dispute, the controversy cannot be settled by the action either of the Dominion or of the provincial Legislature, but must be submitted to the judicial tribunals of the country.

If this dictum of Lord Watson is equally applicable to our conditions—and I do not see why it should not be if it is applicable to Canadian conditions—when we legislate on the subject of copyright, we have no power under the Constitution to expressly repeal any State Copyright Act. But if we insert in our Copyright Bill provisions which are repugnant to or inconsistent with State legislation, then, by virtue of that inconsistency and the operation of the Constitution, the State legislation is overridden. If, however, as Senator Millen suggests, there are in the States Acts provisions which are not repugnant to or inconsistent with the Commonwealth copyright legislation, the question arises—Does that State legislation remain in force?

Senator GIVENS.—No.

Senator KEATING.—I am inclined to think that it does, and, at any rate, I

am in excellent company in thinking so. The Canadian case was argued at great length in the Canadian Courts, and before the Privy Council, Mr. Blake being one of the counsel. Wherever State legislation is inconsistent with ours it is repealed.

Senator MILLEN.—It is inoperative rather than repealed.

Senator KEATING.—Exactly; that is the effect. But if there is some provision of it that is not inconsistent with our legislation it is not repealed, and is not inoperative. As pointed out by the authority I have quoted, the repeal can only be effected by repugnancy plus the operation of the Constitution. The point raised by Senator Millen will certainly receive attention. We desired to frame a clause as comprehensive as we could to give effect to existing rights, and we did not desire to leave any loophole for persons hereafter under State legislation to come in and acquire an extension of certain rights under the provisions of the clause under consideration.

Senator GIVENS (Queensland).—The position taken up by the Minister, and supported by certain authorities, appears to me to be somewhat peculiar. The contention is that the Commonwealth Parliament, by taking action under section 51 of the Constitution, cannot take any force from States laws unless they are repugnant to laws which we may pass. I think I need only cite one instance to show that the very fact that we have entered upon legislation in pursuance of any one of the thirty-nine powers conferred upon us by section 51 of the Constitution supersedes all States legislation on that subject. I refer Senator Keating to the case of the Commonwealth Customs Act. In passing that measure we did not attempt to repeal any of the Customs Acts in force in the six States, but will the honorable senator tell me that, although we have legislated on that matter, the States can yet pass Customs Acts, so long as they are not repugnant to the Commonwealth Act?

Senator KEATING.—The honorable senator forgets that Customs are exclusively within our jurisdiction.

Senator GIVENS.—So is copyright. Every one of the thirty-nine articles set out in section 51 of the Constitution are placed exclusively within our jurisdiction.

Senator KEATING.—No.

Senator GIVENS.—Will the honorable senator show me that there is any difference whatever in the language used in

referring the powers to deal with copyright to this Parliament and that used in referring the power to deal with trade and commerce?

Senator KEATING.—Yes.

Senator GIVENS.—I shall read the section. Section 51 of the Constitution provides—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth, with respect to :

XVIII. Copyrights, patents of inventions and designs, and trade marks.

Senator MILLEN.—That is not the whole of the Constitution.

Senator GIVENS.—It is the whole of the provision referring this matter specifically to the Commonwealth Parliament, and I maintain that every one of the powers conferred under section 51 are within our exclusive jurisdiction.

Senator KEATING.—Where is the reference to Customs in that section?

Senator GIVENS.—The power to deal with Customs is part and parcel of the power conferred by sub-section 1 of section 51, to legislate with respect to trade and commerce.

Senator KEATING.—No; Customs is dealt with separately.

Senator GIVENS.—Will the honorable senator say in what part of the Constitution it is dealt with separately? The only way in which it can be said to be dealt with separately is that under the Constitution we are given the exclusive power to impose Customs taxation.

Senator KEATING.—And in section 69 also, which provides—

But the Departments of Customs and Excise in each State shall become transferred to the Commonwealth on its establishment.

Senator GIVENS.—And in the same way every power dealt with in section 51 is transferred to us immediately we legislate in connexion with it.

Senator KEATING.—According to the honorable senator's argument, if we passed a Census and Statistics Bill, no State could have such a measure. The power to deal with census and statistics is included in section 51, under sub-section XI.

Senator GIVENS.—Census and statistics are not exclusively transferred to us.

Senator KEATING.—No more than is copyright.

Senator GIVENS.—We can make laws in pursuance of every one of the powers conferred under section 51, which will

supersede States laws dealing with the same subject.

Senator KEATING.—Undoubtedly we can.

Senator PLAYFORD.—Where the States laws are in conflict with our laws.

Senator MILLEN.—If the honorable senator will look at section 52, he will find enumerated there certain matters in regard to which we have exclusive jurisdiction.

Senator GIVENS.—It is evident that we have jurisdiction to deal with this matter, and it is also evident that our legislation dealing with it must be supreme.

Senator KEATING.—Undoubtedly, if there is any inconsistency with the States legislation.

Senator GIVENS.—Then why should we hesitate in the matter.

Senator MILLEN (New South Wales).—If Senator Givens will compare section 51 of the Constitution with the section to which I referred him, he will see at once the difference between matters in which the Federal Parliament has exclusive jurisdiction, and those in which it has only concurrent jurisdiction. Section 52 enumerates three matters in respect of which the Commonwealth Parliament has exclusive jurisdiction, while section 51, to which Senator Givens has referred, merely says that "Parliament shall, subject to the Constitution, have power" to make certain laws. The word "exclusive" is not used in that section.

Senator GIVENS.—The power is exclusive all the same.

Senator MILLEN.—Then what is the meaning of the word "exclusive," as used in section 52?

Senator GIVENS.—I think it is unnecessary.

Senator MILLEN.—If Senator Givens will refer to section 109, he will find that it was clearly contemplated that the jurisdiction conferred under section 51 should be concurrent, and that conferred under section 52 exclusive. In view of the fact that the jurisdiction conferred under section 51 is concurrent, the framers of the Constitution say in section 109—

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

That leaves any portion of a State law which is not inconsistent with, or repugnant to, the Commonwealth law still in force. I am rather glad that this reference to the Constitution has been made, because it

clearly strengthens the position I put before the Committee. That it might happen that in State copyright laws there were some provisions not inconsistent with our copyright legislation.

Senator KEATING.—For instance, copyright in designs.

Senator MILLEN.—Those provisions will still remain in force. By this clause we transfer the administration of still vital States Acts to our own officers, but we do not repeal them by that transfer. Copyright might be obtained under one of the States Acts in a way in which we would not grant it under our Copyright Act, and the owner could, under clause 60, get it registered under the Commonwealth Act. He could therefore, by means of the machinery provided by the Commonwealth Act, get a copyright which we do not propose to confer. I think that the clause should be amended in some way to make it quite clear that it applies only to rights obtained under States laws, and existing at the time of the passing of this Bill. After that, whilst it is perfectly true that any one could apply to secure a right under a State law, he would not be entitled to get it registered under the Federal law. He would hold his right under the State law only, and with State limitations. He would not be entitled, then, having secured an advantage possibly limited to the State by the State law under which it would be operative, to secure by registration under the Commonwealth law an advantage which our Act does not directly confer.

Senator CLEMONS (Tasmania).—I do not know whether Senator Keating proposes that this clause should be passed as it is. I at present feel inclined to go somewhat further than Senator Millen. Whilst I recognise that section 109 of the Constitution provides that a law of a State shall be invalid only to the extent of its inconsistency with a Commonwealth law, I can quite conceive that under a copyright law there might be something in addition which we have not put into this Bill but which would not come under the definition of inconsistency. If so, it seems to me that an ingenious man who has obtained copyright under a State law which gives him more extended rights, but at the same time quite consistent with the legislation we are passing, might by registration under this clause secure a right which we are not inclined to give. It would be better to postpone the clause. I am sure that it does not

meet every contingency which it is desirable it should meet. If the Committee is prepared to say that if under a State copyright law some one has now or may hereafter acquire certain rights which he could not acquire under this Bill, but which are not inconsistent with it, we should not interfere, we may be giving a special advantage to a man because he happens to live in a certain State. Personally I do not think that would be a Federal thing to do, and I can conceive that there might be some rights conferred under States laws which would not be inconsistent with this law.

Senator KEATING (Tasmania—Honorary Minister).—In answer to the criticisms of Senators Millen and Clemons. I would say that the object of this clause is simply to provide that in the case of these copyrights in Australia they shall all, when this Bill is passed, be put on the same plane in regard to remedies for infringement and other matters dealt with in the main portions of the Bill. I can realize the possibility that there may be some class of copyright, perhaps not touched by this Bill, which is still included under a State Copyright Act. Senator Millen has pointed out that a person acquiring a copyright under a State Copyright Act hereafter may endeavour, under clause 60 of this Bill, to get that copyright extended throughout the Commonwealth, as provided in this clause. But I think that the difficulty he foresees can be met by adding to the definition of State Copyright Act in clause 4 the words, "in force at the time of the passing of this Act."

Senator MILLEN. — The Minister will prepare an amendment of the interpretation clause, to give effect to this provision?

Senator KEATING.—Yes.

Clause agreed to.

Clause 61—

(2) The Registrar may thereupon, and on being satisfied by proof of the prescribed particulars and on payment of the prescribed fee, register the copyright or performing right and issue to the applicant a certificate of registration in accordance with the prescribed form.

Senator MILLEN (New South Wales.) —I do not know whether the registrar of copyrights, like the Governor-General, is regarded as a gentleman in respect to whom it is not considered courteous and proper to use the word "shall." In the first

sub-clause, we lay down the conditions which will entitle the holder of an international copyright to secure registration, and in the second sub-clause, we ought not to use any word which will permit the registrar to exercise an option when he has been satisfied that those conditions have been complied with. On a previous occasion the Minister referred to the use of the word "may" in other Acts. But if he will refer to the Electoral Act he will find that when an elector has proved his right to be on a roll it is provided that the registrar shall grant his application. In that case the Act secures to the individual a right. In this case it will be exactly the same. Therefore I move—

That the word "may," line 1, be left out, with a view to insert in lieu thereof the word "shall."

Senator KEATING (Tasmania—Honorary Minister).—I do not wish to discuss at length this point, as it was discussed on a previous clause. It is desirable that we should preserve uniformity in the drafting of our provisions.

Senator MILLEN.—Uniformity of error.

Senator KEATING.—I do not think it is uniformity of error, because the word "may" is invariably used in such cases in connexion with public officers. When it is provided, as it is here, that under a certain set of circumstances an officer may issue a certificate, or may put a man on the register, the Courts have invariably construed the word "may" as mandatory if it has appeared that the conditions precedent to the exercise of the power or the discharge of the duty have been duly complied with.

Senator MILLEN.—Why was not that course followed in the case of the Electoral Act?

Senator KEATING.—I do not know, and I am not dealing with the Electoral Act now.

Senator MILLEN.—When that Act does not suit the Minister, he takes another Act.

Senator KEATING.—Last night I quoted some Acts in which the word "may" is used.

Senator MILLEN.—The Minister did not quote the Electoral Act.

Senator KEATING.—Last night I quoted the Summary Procedure Act, because the word "may" in sections thereof has been interpreted by the Courts to mean "shall." I quoted various decisions on

the point from *Maxwell on the Interpretation of Statutes*. I ask honorable senators to adhere to the form of drafting which has been followed in the Commonwealth, as well as in the States, and which is usually followed in the old country. Once we deviate, unless it be done uniformly, we shall be likely to create all kinds of doubt in the minds of those who will have to administer or interpret the laws.

Senator MILLEN (New South Wales).

—The great argument of the Minister is that by long usage the word "may" has become the recognised term to employ, and that every one knows when it is used in an Act it means "shall." Why was not this argument used when the Electoral Act was under consideration, because it bristles with the word "shall"? Our legislation is not uniform when we use "shall" in an Act when we mean "shall," and use "may" in an Act when we mean "shall." If "may" in the Copyright Bill means "shall," does "shall" in the Electoral Act mean "may"? When our principal Act was passed we used "shall" when we meant "shall." The argument of uniformity has lost all force, because it has long since been departed from. In the Electoral Act we commenced the much better principle of stating what we mean, and not leaving it to be assumed that the word meant something else.

Amendment negatived.

Clause agreed to.

Progress reported.

Senate adjourned at 3.45 p.m.

House of Representatives.

Friday, 29 September, 1905.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

PERSONAL EXPLANATION.

Mr. KELLY (Wentworth).—I have found, on looking through the proof report of some remarks on the defences of Fremantle, made by me on Tuesday last when speaking on the Supply Bill, that I referred to a range of five miles, when I should have said 6,000 yards, a mistake which, if not corrected, would affect my whole argument.

Mr. DEAKIN.—I noticed the statement, and thought it a mere slip.

PAPER.

Mr. EWING laid upon the table the following paper:—

Regulations under the Defence Acts 1903-1904, Statutory Rules 1905, No. 56.

TASMANIAN DEFENCE
EXPENDITURE.

Mr. STORRER.—Has the Minister representing the Minister of Defence yet obtained the information in reference to the defences of Tasmania for which I asked some days ago?

Mr. EWING.—At the end of 1900, the strength of the Tasmanian Forces was 2,554 men, and the expenditure of the State on defence £31,471. At the present time, the strength of the Tasmanian Forces is 1,214 men, and the expenditure on defence, in 1904-5, £39,907. Fuller information is given in the following return:—

TASMANIAN FORCES.

Strength, 31/12/00.	Expenditure, 1900-1.
Permanent	27
Others (who received no pay except when attending annual training, and then at a nominal rate of only 3s. per day).	2527
Total	2554 £31,471
Strength, 30/6/05.	Expenditure, 1904-5.
Permanent	41
Militia (paid at same rates as in other States, an average of about £7 each per annum).	768
Volunteers	405
Total	1214 £39,907

The figures given as the strength on 31st December, 1900, are taken from the report of the Commandant of Tasmania, dated 1st March, 1901.

The expenditure for 1900-1 is taken from a statement furnished by the Commandant of Tasmania, on 13th March, 1902, and is stated to have been compiled from the two half years, viz., 1st July to 31st December, 1900, and 1st January to 30th June, 1901. The information was supplied in response to a request from the Commonwealth Treasurer, dated 22nd February, 1902.

Letters dated February 14, 16, and 26, 1901, from the State Minister of Defence, Tasmania, show the condition of the Military Forces in Tasmania at time of transfer to the Commonwealth.

In a letter from the Premier of Tasmania, dated 26th June, 1903, he urges that the proposal to introduce the system of partially paid Forces in Tasmania—on the same basis as in other States—and the consequent increase of the Estimates for the Military Forces, Tasmania, by £4,000, be deferred. In compliance with this request, the conversion of portion of the Volunteer Forces to Militia was

suspended, the estimates being reduced accordingly.

EXTRACTS FROM A LETTER FROM THE MINISTER FOR DEFENCE, TASMANIA, TO THE MINISTER OF STATE FOR DEFENCE FOR THE COMMONWEALTH, DATED 14TH FEBRUARY, 1901.

I have no alternative but to say that it was apparent to me in the early stages of a searching inquiry, which I made into the condition of our Defence Department, that the service had been cut down to such an extent during the years of retrenchment—1892-1897—that it had become probably more a menace to the State than a security. I found that, from the Staff downwards, the Department had been so cut down that it was impossible to put it upon anything approaching a serviceable footing, without incurring very much expenditure.

The batteries had been allowed to drift into a state of disrepair, necessitating, in the case of the Alexandra battery alone, a very large amount of expenditure for the purpose of putting it in bare working order.

The whole (Infantry Forces) were badly equipped, many of the men being without uniform, others were in uniform which had been issued two or three times over, and quite unfit for use. Many were without belts and slings, some even without rifles. Then again, the Martini-Henry rifles with which the Infantry Force was armed had been in use some 15 years. The deterioration which had set up through such prolonged use, together with the neglect they were subjected to through the insufficiency of periodical inspections, had made them all more or less useless, and at the present I have reason to believe that an inspection would show that not more than 25 per cent. of them are even fairly accurate.

The only branch of the service which appeared in anything like an efficiently equipped condition was the Volunteer Branch of the Artillery, and this was only due to the efforts of the officers commanding this branch in both Hobart and Launceston.

Generally, I found that we were deficient in every article of equipment. In some instances dangerously so. For instance, we had not nearly sufficient tents. Nearly half the force was without overcoats. The stock of ammunition was ridiculously low, so low that beyond the equipment stock for the purposes of the Martini-Henry rifles, we had scarcely any small arm ammunition on hand.

The above is a brief outline of the wretched condition of our Defence Force as I found it in October, 1899.

Firstly, the staff must be materially increased by the appointment of certain permanent officers. It is impossible for the Commandant to satisfactorily carry on his work under the existing arrangements, whereby, owing to the paucity of assistance, as described above, he has to spend a very considerable portion of his time in the office, dealing with matter of detail and routine, which properly belong to subordinate officers,

resulting in neglect and injury to the armament, administration, &c.

At the present time the system of partial payment had dwindled down to a nominal grant to the Artillery and the Engineer Corps attending annual training, but I now propose to establish a uniform rate of pay to all branches for annual training, and to provide pay for a certain number of whole day and half day daylight drills.

PEARL SHELLING AT THURSDAY ISLAND.

Mr. BAMFORD.—The Prime Minister, last week, promised to obtain information in regard to the effect of Commonwealth legislation upon pearl shelling operations at Thursday Island, which, I assured him, could be obtained from the officers of the Customs Department. Has that information yet come to hand?

Mr. DEAKIN.—It was at once asked for, but has not yet reached me.

COMMERCE BILL (No. 2).

Mr. ROBINSON (Wannon).—Before the motion for the third reading is moved, I desire to move, in accordance with the Standing Orders—

That the Bill be now re-committed to a Committee of the whole House, for the purpose of reconsidering clause 10, so far as it relates to the confiscation or forfeiture of the goods of Australian producers and manufacturers.

My reason for taking this step is that I desire to finally test the opinion of honorable members in regard to the confiscation of the goods of Australian producers and manufacturers intended for export, apart from any other issue. An extraordinary series of misstatements have been made respecting the action of the Opposition towards this clause, and a great deal of misapprehension exists as to the effect of the clause. This is evident in the statements in a recent leading article of a well-known Melbourne journal. The writer points out that this measure is—

to provide a guarantee for the *bona fides* of Australian exports. It is a proposal to make false descriptions of goods such an offence as the law can reach.

I do not object to the clause in order to prevent the law from reaching such an offence as the applying of false descriptions to goods, but because it provides for the confiscation of goods intended for export, whose producers or manufacturers have unwittingly, carelessly, or negligently applied to them the wrong trade description. In

the article from which I have just quoted, it is also pointed out that the Bill aims at—

securing for Australian exports in foreign markets the benefit of that enhanced reputation which springs from public confidence in the trustworthiness of a trade mark. The consumer is to be guaranteed the genuineness, both as to quantity and quality, of what he buys.

We do not desire to injure the reputation of Australian goods, but we feel that the Australian producer and manufacturer who has made a mistake in describing his goods should not be liable to have them confiscated. It is stated in the leading article to which I have already referred that it is the principle of grading which has "kept Parliament wrangling over the Bill for a month past;" but that statement is due to a total misapprehension of the reasons which have actuated the opposition to certain clauses in it, a misapprehension which has been to some extent conveyed by the remarks of the Minister of Trade and Customs and the Attorney-General. These honorable gentlemen have conveyed the impression that the clause with which I am dealing is a clause to penalize the application of false trade descriptions. Clause 11 imposes a penalty of £100 on any person who knowingly applies a false trade description to any goods intended for export, or knowingly exports any goods to which a false trade description has been applied, and clause 12 provides that no goods to which a false trade description has been applied shall be exported, but that such goods shall be forfeited. Clause 10, however, which is the clause with which I am dealing, provides for the confiscation of goods intended for export to which a false trade description has been applied, ignorantly, carelessly, or negligently, and, to my mind, places an outrageous power in the hands of the Minister. The Minister of Trade and Customs referred to a number of State Acts which he said contained a similar provision; but no Act passed by any of the States or by New Zealand provides for the confiscation of goods because an inaccurate description has carelessly been applied to them, and confiscation, even for a false description, is not provided for. The Victorian Export Produce Act was passed by a Government in which the present Commonwealth Attorney-General was Attorney-General, but that Act does not provide for the confiscation of exports to which a false description has been applied, and no one dreamt of

proposing to confiscate goods in regard to which a mistake in description was carelessly, ignorantly, or negligently made. The Attorney-General knows that, had such a proposal been put before the Victorian Parliament, the country constituencies would have been in an uproar, and I am convinced that it is only owing to lack of interest in the proceedings of this Parliament that there has not been an ebullition of feeling against clause 10 of the Commerce Bill. When the producers in the country understand that the clause allows the Minister to confiscate goods to which a false trade description has been negligently or carelessly, but not dishonestly or wickedly, applied, they will be strongly opposed to it, and clause 2 provides, in effect, that any accused person shall be presumed to be guilty until he has proved his innocence. Much of the produce of this country is exported directly, either by individual farmers or by associations and unions of farmers, managed by persons many of whom are not accustomed to read Acts of Parliament and departmental regulations, on whom the provision will fall with undue severity. When it was proposed to apply the provisions of the Arbitration Bill to rural industries, the representatives of every farming constituency voted against it, and the farmers, when they understand this clause, will attach the same importance to its amendment as they attached to their exclusion from the Arbitration Bill. The effect of my motion will be to draw a clear line of demarcation between those who favour the confiscation of the goods of producers or manufacturers who have been guilty, not of fraud, but of negligence, or carelessness only, and those who are opposed to such drastic penalties being inflicted. I have framed this motion in order that the division-list may show who are fighting the battle of the producers, and who are opposing their interests.

Mr. KNOX (Kooyong).—I hope that the Minister will agree to the motion, and thus afford honorable members a further opportunity of reconsidering clause 10, and the disastrous effect it is likely to have upon the producing interests. The honorable member for Wannon is perfectly justified in directing attention to the fact that the producers of Australia will probably be subjected to very serious loss. If we could feel assured that

the Bill would be administered in a reasonable way we might agree to pass the clause in its present form, but, in view of the experience through which we have passed in connexion with similar Acts, we shall be exercising only common prudence in seeking to guard against undue harshness of administration. It is certainly desirable that a clear-cut issue should be submitted to the House, so that the producers of the country may be able to distinguish their friends from their foes. I think that the commercial community have a distinct grievance against the Minister of Trade and Customs, owing to his failure to carry out his promise that the scope of the Bill would be restricted to foodstuffs and patent medicines. The Minister yielded all too readily to the pressure brought to bear upon him by the Labour Party, and I regret that he did not rely upon the members of the Opposition to assist him, and his immediate supporters, to resist that pressure, and to enable him to keep faith with the commercial community. The assurance given by the Minister misled the public, and lulled them into a state of quiescence. Otherwise a strong agitation would have been raised against the Bill, which is regarded in many quarters as likely to have the most pernicious effects. I suppose that it is useless to urge upon the Government and their supporters the claims of the producers to further consideration. Secure in their majority, the Government are apparently prepared to disregard all representations made in that direction. I cannot, however, refrain from pointing out that, in addition to having to overcome the difficulties inseparable from the nature of their occupation, our producers are to be hemmed in by all sorts of regulations and restrictions, and to be subjected to all kinds of pinpricks. I think that the title of the Bill should be altered. Strictly speaking, it is not a Commerce Bill, but a measure which is likely to restrict trade, and is, therefore, really an anti-commerce Bill. I think that we should reconsider the title, and therefore I move as an amendment—

That the motion be amended by the insertion of the words "the title and clause 1" after the word "reconsidering," lines 2 and 3.

The object of the Bill is really to prevent the introduction or exportation of goods under false representations, and therefore the title of the Bill should be "A Bill to prevent the exportation or importation of goods bearing a false trade description."

I do not for one moment suppose that the Customs officers will wilfully place obstructions in the way of our export and import trade, but our experience has shown us that serious mistakes may be made by Ministers and officials actuated by the best of motives. The error committed in the six hatters case has probably cost us millions of money, and under the Bill we shall run the risk of mistakes being made which will inflict the most serious injury upon our trade and commerce. The present title of the Bill is absolutely a misnomer. Its real purpose is to prevent the exportation or importation of goods bearing a false trade description. I am aware that in Holland and other Continental countries trade has been developed by means of judicious regulation, but no such serious penalties are imposed there for breaches of the law as are provided for in this Bill. I can assure the Minister that there is no desire on the part of honorable members to obstruct the passage of the measure. At the same time I would point out to him that its present title does not indicate its true purpose.

Mr. LEE (Cowper).—In seconding the amendment of the honorable member for Kooyong, I wish to indorse his appeal to the Minister to recommit clause 10. I can scarcely believe that the honorable gentleman is so obstinate that he will refuse to entertain a reasonable request of this character. The Opposition have not indulged in "stone-walling" tactics, and have no intention of so doing; they merely desire to incorporate in the Bill some of their ideas, with a view to making it as perfect as possible. The measure deals with the application of false trade descriptions to goods, and should be called by its proper title. I consider that it is extremely necessary to recommit clause 10. To my mind the provision that a man's produce shall be confiscated if, as the result of negligence, a wrong description is applied to it, is an exceedingly harsh one. It very frequently happens that goods which are exported do not belong to the exporter. In that case I presume that the owner would suffer in the first instance. The Minister must recollect that many British firms now send out buyers to Australia to purchase goods for the English market, and that an article which may find favour in one particular locality will not be accepted in another. For example, in London, people prefer

butter of a pale colour, whereas in Manchester they like it highly coloured. In the export of our produce we must endeavour to please the eye as well as the palate.

Mr. KENNEDY. — Does the honorable member seriously think that this Bill will interfere with the export trade?

Mr. LEE.—Most certainly I do. In the first place it provides for the establishment of a standard of quality.

Sir WILLIAM LYNE.—How does the honorable member know that?

Mr. LEE.—If a standard of quality be not established, how can the Department grade goods? When the Minister was first asked whether he intended to adopt the grading system, he replied that he did not, but at a later stage he said that that was his intention.

Sir WILLIAM LYNE.—I did not.

Mr. LEE.—I understand that a certain mark is to be applied to our exports, and I say that that cannot be done unless they are graded. Great trouble has been experienced by English exporters on account of the fact that their goods did not conform with the requirements of their customers. They were too conservative; and as a result they have lost a large amount of trade. On the other hand, American exporters have adopted quite the opposite policy. This Bill provides that goods shall be exported from Australia only if they bear the particular mark which the Minister wishes to attach to them, and if they do not bear that mark they shall be liable to forfeiture. I advise the honorable gentleman to recognise the difficulties which must inevitably arise under the operation of the measure in its present form; and I trust that he will see the necessity of allowing clause 10 to be recommitted. This elaborate legislation reminds me of an attempt on the part of a small boy to teach his grandmother how to suck eggs. Instead of the effect of the Bill being to make commerce as free as possible, its result must be to seriously hamper it. I am sure that the Minister must see the necessity of wiping out the penalties which will attach to any person who, as the result of negligence, proposes to export goods under a wrong trade description, or who may desire to export them in a form which will comply with the requirements of his customers abroad.

Mr. HARPER (Mernda).—The clause which it is now sought to recommit is a

very important one, and I appeal to the Minister to allow it to be amended in such a way as will insure that its effect will not be to hamper business in any way. There is no need to give this matter a party complexion. We are dealing with the machinery of a Bill of a most important character, and the Minister should feel that he is entitled to listen to the representations of those who wish to assist him to give effect to its main object, which is to prevent false trade descriptions being attached to goods which are either imported or exported. I appeal to the honorable gentleman to allow the clause to be recommitted, because I think that the object which he has in view is fully covered by clauses 13 and 14.

Sir WILLIAM LYNE.—We have already had about six divisions on this clause, and in each case the Government proposal has been carried by a majority of two to one.

Mr. HARPER.—I do not think that even at this late stage we should refuse to reconsider the clause if it can be shown that there are good reasons for amending it. Clause 11 provides for wilful misdescription, and I am satisfied that the House is at one with the Ministry in their desire to prevent anything in that direction. But surely there is a distinct difference between accidental misdescription or a failure to give any description at all, and a wilful misdescription. Upon further consideration, it seems to me that there is a serious objection to our insisting that all goods shall bear a description. I do not suppose that the Minister will endeavour to rigidly enforce the provision, but he has, nevertheless, the power to insist on an arbitrary description being applied to goods. We export many foodstuffs or products which have been produced for the purposes of food, and I can quite conceive that there are many lines which, although unsuitable for the purposes of food, have some value as an exportable commodity. Let us take once more the familiar illustration of butter which, owing to faulty manufacture or climatic causes, is absolutely unfit for human consumption.

Sir WILLIAM LYNE.—Inferior butter exported from Victoria is marked "pastry."

Mr. HARPER.—It might not even be fit for pastry.

Sir WILLIAM LYNE.—Then it ought to be marked "axle grease."

Mr. HARPER.—I trust that the honorable gentleman will allow me to complete

my illustration. There might be no market for such butter in Australia, and yet it might be used by manufacturers elsewhere for some purpose of which we have no knowledge. Under the clause, however, it would be necessary to place upon it a description which might have very serious consequences. It might happen that the placing of a description upon this commodity might depreciate its value in the market—that this arbitrary act on the part of the Minister might depreciate its value, whilst doing good to no one. There may be many other lines of the same kind, and I submit that it would be unreasonable to insist upon a description being applied to them. It is well known that large quantities of various commodities are exported without bearing any mark. They are sent, it may be, to London or to Hamburg to be sold by auction on their merits; and this measure may have a very detrimental effect upon such shipments. Honorable members who have not had experience of these questions may think that this is a very trivial matter, but the point is that the result of this interference on the part of the Minister might be serious. I do not think it is necessary to insist upon a description being placed on all goods. Even if the Committee adheres to its decision in that respect, we shall go very much beyond the necessities of the case if we insist that goods that are accidentally misdescribed or not described at all shall be forfeited. I concur in the proposal made on Wednesday by the honorable and learned member for Corinella that instead of providing that goods which have been accidentally misdescribed or not described at all shall be forfeited when the Minister is satisfied that there has been no intention on the part of the persons concerned to do anything wrong, it would be reasonable to allow him the right to seize them with a view to insisting upon the exporter or importer, as the case may be, placing the prescribed description upon them. There could be no objection to that. If we go beyond that we shall do an injustice, and place Australian commerce in a very unfavorable position. Certain classes of goods may be imported by people who are unfamiliar with the provisions of the Bill, or of regulations made under it. In many cases it would be impossible to say, until the arrival of the goods in Australia, what view the Department might take, and what description it might desire

to be applied to them. In such cases—and I am assuming, of course, that the goods are not noxious, and have been honestly imported—the consignees should certainly have an opportunity, on their arrival, to comply with the regulations and the Minister's directions without running the risk of having them arbitrarily forfeited. I have already pointed out what should be done in regard to exports. If the Bill is to be inoperative no harm will be done; but there is always danger that a law which has become a dead letter may some day be applied most unjustly, because of the arbitrary action of a Minister or the intervention of an interested party. I trust that the Minister will give the Committee an opportunity to so amend the clause as to provide that goods which are not marked as prescribed, or are not marked at all, shall be seizable only for the purpose of enabling the exporter or importer to comply with the regulations. If the person concerned persisted in refusing to comply with them, the goods could of course be forfeited, or otherwise dealt with. There is no doubt that if this power were vested in the Minister, instant compliance would be made with his demands. I trust the honorable gentleman will consider that the opinions that have been put forward by honorable members having experience and knowledge of these matters are sufficiently reasonable to warrant him in attaching some weight to them. If the clause be passed as it stands I shall hesitate to vote for the third reading of the Bill.

Mr. WILSON (Corangamite).—Clause 10 has an important bearing upon the exporters of primary products, and I think that the honorable and learned member for Wannon is perfectly justified in asking the Minister to reconsider it. Recent events in connexion with the export of butter from Victoria have shown that it would be very undesirable to increase the number of exports through agencies, but I hold that the effect of this clause must necessarily be to compel individuals to employ such agents instead of shipping their own goods. Our object should be to give the primary producer every opportunity to obtain as much as he can for his produce, but this clause will have the opposite effect. It is provided that exports shall be in accordance with regulations to be framed by the Minister acting under the advice of the Comptroller-General; but it will be almost impossible for a farmer, or the directors of a small factory in a remote

part of Australia, to become familiar with all these regulations. The result will be that the export business will gravitate to centres where agents who have made themselves thoroughly acquainted with the law and the regulations will be prepared to transact the business of exporters for a certain reward. In this way the profits of the primary producers will be reduced. Another very important point is that many men in a small way of business who do not fully appreciate the provisions of the law, may commit some slight breach of it, with the result that their goods will be seized, and loss occasioned by the consequent delay in shipping them. There should be no delay in placing our products on the market. Those engaged in the butter industry in Australia are placed at a serious disadvantage in competing with the exporters of Danish butter on the London market, inasmuch as it takes them six weeks, as against one week, to send their shipments to England. It must necessarily follow that considerable delay will occur if the power given to the Minister by clause 10 is exercised. The seizure of goods would probably make them miss the vessel by which it was intended to export them, and the consequence would be that it would take them perhaps eight weeks or more to get to the market. That delay might cause deterioration in the quality of the goods, and would certainly inconvenience the exporter by keeping him out of his money for a longer time.

Mr. KENNEDY.—Does the honorable member think that there will be more delay than occurs under the Victorian Act?

Mr. WILSON.—Yes, and I feel that if the Bill had been brought forward last session, the honorable member would have helped us to make things more easy for the primary producer.

Mr. KENNEDY.—I want to get the dishonest man into gaol.

Mr. WILSON.—Every one on this side of the Chamber is with the honorable member there. Any man who acts dishonestly in regard to either the export or the import of goods should be put into gaol.

Mr. SKENE.—He should be tried first.

Mr. WILSON.—Yes; although, under clause 2, an accused person will be presumed to be guilty until he has proved himself innocent. Clause 10 does not deal with persons guilty of applying false trade descriptions, but affects only those who

have carelessly applied inaccurate descriptions. I ask the Minister, who represents a rural constituency, if he does not know that those who are connected with our primary industries are men who are likely to be careless in these matters? But are they therefore to be made criminals, and subjected to the severe punishment provided for in the clause? I hope that all country representatives will give the clause their most serious consideration. The honorable member for Cowper has shown that in America and Canada the person who has produce to export, asks intending buyers how they would like to have it described, so that it may be as acceptable as possible, and may obtain good prices. The same practice has been pursued to some extent in connexion with the export of Victorian produce. I know that some of our factories send away their butter unsalted, while others export salted butter. Under the Bill, however, the export of unsalted butter might be prohibited, although such butter obtains the best prices in the London market.

Mr. SKENE.—The grading is done there.

Mr. WILSON.—I have nothing to say against grading, but I wish to point out that, notwithstanding the grading done here, produce is re-graded when it gets to London. A short time ago I had a conversation with a London buyer, who purchases large quantities of butter for export, and he told me that, at the offices of his firm in Tooley-street, samples of all butter purchased were taken and graded, and that the butter was sold according to quality.

Mr. KENNEDY.—What is wrong with clause 10?

Mr. WILSON.—In the first place, the operations of producers are, under it, to be governed by regulations of which we know nothing, and the clause allows the forfeiture of goods to which an improper trade description has been applied either unknowingly or negligently. Would the honorable member penalize farmers for negligence in regard to these matters?

Mr. KENNEDY.—Every man is penalized for negligence if he thereby violates the law.

Mr. ROBINSON.—But under no State Act is produce forfeited for carelessness.

Mr. WILSON.—The question is a very serious one, and I ask those who desire to further our export trade to give an opportunity for its reconsideration.

Mr. KENNEDY.—The honorable member must have forgotten the evidence given before the Butter Commission.

Mr. WILSON.—That evidence showed that it is undesirable to increase the number of export agents, which must be the effect of the clause if producers are to have their goods sent away as quickly as possible. With regard to the title of the Bill, I suggest that the measure might be called a Bill for an Act relating to false trade descriptions, and cited as the False Trade Descriptions Act of 1905. I ask the Minister not to increase the difficulties in the way of our exporters of primary produce.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I shall oppose the recommitment of the Bill. The measure has already been recommitted once, and the other night several divisions were taken on amendments all centering round the very point which has been argued again this morning, the proposals of the Opposition being defeated by majorities of twenty-eight to seventeen, twenty-six to twelve, and twenty-seven to nine.

Mr. WILSON.—Does not the Minister see how desirable some amendment is in the interests of the primary producers?

Sir WILLIAM LYNE.—The statements which have been made in regard to the danger to primary producers are nonsensical, and when the measure has been in operation for six months it will be admitted that there is no foundation for the fears which have been expressed. What Minister or officer would try to hamper commerce? The supposition that that would be done is absurd. We have had nearly four weeks' discussion on this measure.

Mr. KELLY.—The Minister has changed his mind with regard to it on several occasions.

Sir WILLIAM LYNE.—I have not changed my mind in regard to it, though I have been weak enough to accept one or two amendments to placate honorable members.

Mr. WILSON.—Does the honorable member regret their acceptance?

Sir WILLIAM LYNE.—No; because I do not think that they are likely to have much effect. But, although nothing will induce me to recommit the Bill, I am not wedded to its title, and I am quite prepared to consider the question of asking honorable members in another place to alter it. However, I shall not bind myself by any promise. I do not wish to adopt a title which may work harm.

though only in some remote way. Beyond that, I do not know of any other amendment that is likely to be suggested. I hope that honorable members will allow the Bill to pass without further delay. I can assure them that, so far as I am concerned, the Bill will not be recommitted.

Mr. REID (East Sydney).—The Minister spoke very indiscreetly when he said that he was rather inclined to consider an alteration in the title of the Bill, but that he would not consent to have an amendment made here.

Sir WILLIAM LYNE.—I did not promise to alter the title; I said that I was not wedded to it.

Mr. REID.—The Minister has held out a suggestion to us that work that ought perhaps to be performed here may be done in the Senate. That is an altogether wrong position to assume. We are not in partnership with the Senate, in the sense that we can go from one room to another, and consult with each other. We have to do the best we can with the Bills presented to us before they leave this Chamber, and if the Minister is disposed to alter the title the amendment should be made here. He would be well advised if he consented to the recommitment of the Bill for that one purpose, at any rate, because there is no doubt that the title "Commerce Bill" in connexion with such a limited schedule is an absolute misnomer. "Commerce" covers tens of thousands of articles of trade, and the limited scope of the Bill makes the title clearly inapplicable. It would be very much better for us to do our work properly than to transfer our responsibilities to others. With reference to clause 10, I cannot help feeling that a very grave responsibility is being thrown upon the Opposition. As a general rule, when a measure not involving party issues is before this Chamber, the whole of the members direct their intelligence and judgment to its improvement. What, however, do we find on this particular occasion? There has been a conspiracy of silence on the part of honorable members on the Ministerial benches throughout the consideration of this measure. That is a most unhealthy sign in any deliberative assembly. Honorable members who could have helped us very materially in improving this novel measure have sat silent.

Mr. KENNEDY.—The Bill was discussed for a fortnight before the right honorable gentleman arrived here.

Mr. REID.—No doubt; but in going through the reports of the debates on the Bill I could not help noticing the remarkable fact that, although the measure relates to most important questions, including some of great complexity, honorable members on the Ministerial benches have not responded to the appeals made to them. Take, for instance, the case of clause 10. If there had been any attempt to minimize the punishment to be inflicted upon those who are guilty of importing or exporting goods under false or deceptive descriptions, I could have understood honorable members sitting silent and stolid, and declining to listen to any appeal. It is an excellent thing to do all we can to prevent fraud, and, if we cannot prevent it, to punish those who are guilty of it; and if any one had desired to defeat that object I could have understood honorable members having listened in silence to any misguided appeals that might have been addressed to them. But with what object have the honorable and learned member for Corinella and the honorable and learned member for Wannon brought forward their amendments? They have not sought to make fraud less onerous, or to in any way minimize the punishments proposed to be inflicted upon those who are found guilty of fraudulent practices; but their proposals have been directed to reducing the risks to which absolutely innocent persons might be subjected. For example, a farmer might place a mark upon his goods, or might abstain from marking his goods, without the slightest intention to perpetrate fraud. And it is only in respect of such cases that members of the Opposition have endeavoured to minimize the severity of the Bill. It has not been sought to make it easy for exporters to avoid the fulfilment of their duty, or to prevent them from being compelled to obey what may be regarded as a salutary provision. Nothing of the kind. What is proposed is that if goods, to which this Bill will apply, are not described in accordance with the regulations, the authorities shall hold the goods and compel a proper description to be affixed to them. Surely, in the case of innocent persons, that is a sufficiently stringent provision. Even such persons will be put to a considerable amount of inconvenience, because their goods will be seized, and they will be compelled to describe them in the manner required by the Department.

What object can there be, in such circumstances, in preventing goods from going on to their destination? What possible vindictive, idle, mischievous motive can there be behind such a suggestion as that which honorable members of this side of the Chamber are putting forward? The penalties for false description are severe enough, but no one has attempted to reduce them. They have been allowed to remain, but an appeal has been made in the true interests of the great body of producers—men who are not well versed in matters of law, and who frequently become ruined when they get into the hands of lawyers. It is proposed under the Bill to establish a sort of Court, which will be full of terrors for honest producers, as well as for fraudulent traders. By all means, let it be made a Court of terror for those who are attempting to defraud the public, but not a Court of terror and oppression for the innocent producers and exporters of Australia. Just consider what lurks behind that word "may." What untold vistas of favoritism are opened up by such a provision. One man may come along, and upon finding himself in a difficulty may induce some influential friend to make representations to the Department, with the result that his goods may be allowed to pass through. Another man may come along, and his rival in trade may go to the Customs authorities—as was done in the case of the harvesters—and his goods may be seized and confiscated. Untold opportunities would be presented for, I will not say fraud and corruption, but for favoritism and mistake.

Sir WILLIAM LYNE.—It was at the instance of the Opposition that the word "may" was substituted for the word "shall."

Mr. REID.—I can quite understand that members of the Opposition would not wish for the compulsory prosecution of producers. As against compulsory prosecution, optional prosecution is an improvement. The honorable member for Kooyong asked the Government to be merciful, in view of the large majority they possessed; but he put the case in the wrong way. The Government do not possess a large majority; it is a large majority which possesses the Government. If the Government had a strong working majority, or any majority at all, the observation of the honorable member might have been apposite.

Mr. KENNEDY.—The Government have a better majority than one or two.

Mr. REID.—It is better to have a majority of one or two honest supporters than to be supported by a body of conspirators who have sunk their principles in order to prevent a redistribution of seats.

Sir WILLIAM LYNE.—The right honorable gentleman sank his principles when he formed his coalition.

Mr. REID.—The Minister ought not to talk about principles, because they always mean interest with him. I must express my regret that the Minister is showing the worst aspect of his political disposition by obstinately refusing to entertain reasonable suggestions, all of which are made in the interest of the measure. I do not wish to take up any further time at this stage. I prefer to reserve my remarks until the motion for the third reading is before us. I shall give the amendment my strongest support.

Amendment agreed to.

Question—That the motion, as amended, be agreed to—put. The House divided.

Ayes	...	...	14
Noes	...	...	20
Majority			6

AYES.

Bonython, Sir J. L.
Cameron, D. N.
Conroy, A. H. B.
Knox, W.
Lee, H. W.
Liddell, F.
McCay, J. W.
McLean, A.

McWilliams, W. J.
Reid, G. H.
Skene, T.
Smith, B.

Tellers:
Robinson, A.
Wilson, J. G.

NOES.

Brown, T.
Chanter, J. M.
Chapman, A.
Deakin, A.
Ewing, T. T.
Forrest, Sir J.
Frazer, C. E.
Groom, L. E.
Kennedy, T.
Lyne, Sir W. J.
Mauger, S.

Ronald, J. B.
Salmon, C. C.
Storrer, D.
Thomson, D. A.
Tudor, F. G.
Webster, W.
Wilkinson, J.

Tellers:
Cook, Hume
McDonald, C.

PAIRS.

Batchelor, E. L.
Poynton, A.
Edwards, R.
Thomson, Dugald
Glynn, P. McM.
Lonsdale, E.
Fysh, Sir P. O.
Kelly, W. H.
Harper, R.

Thomas, J.
Bamford, F. W.
Culpin, M.
Watson, J. C.
Spence, W. G.
Hutchison, J.
Isaacs, I. A.
O'Malley, E.
Fisher, A.

Question so resolved by the negative.

Motion (by Sir WILLIAM LYNE) proposed—

That the Bill be now read a third time.

Mr. REID (East Sydney). — The importance of this Bill, and the shape in which it now appears, after very prolonged consideration in Committee, are such that it is my duty—and it may be the duty of other honorable members—to make a final protest against the manner in which a measure having a most excellent object has been overloaded by a number of unnecessary, dangerous, and harsh provisions. I suppose that there is not a single member of this Chamber who is not entirely in accord with its main object.

Mr. WEBSTER.—They always are; they only object to "details."

Mr. REID.—I should like to be spared from these interruptions, because I feel that this is a most important measure, and I wish to divest myself—as do my honorable friends upon this side of the House—of all responsibility in connexion with its objectionable features. In doing that, we wish to make our position perfectly clear. We are just as heartily in accord with the Government as any honorable member upon the other side of the House can be in regard to the main objects of this measure. Those objects are the discouragement and suppression of fraudulent practices in connexion with articles which pass into human consumption in the shape of food, or which have so much to do with the health—or, perhaps, the death—of the people, under the heading of "drugs," and with other matters of great importance. Take the item of manures, or that of seeds and plants. These are excellent items, I think, to include in this measure. Articles of food, articles which are considered to be medicinal, and others which relate to the primary industries—such as manures, seeds, and plants—may well come within the scope of a Bill of this character. But if such articles as apparel and boots and shoes are to be included in it, I cannot understand why its provisions have not been extended to a number of other articles of far more importance, when viewed from the stand-point of fraudulent practices. I noticed the source from which the proposal to which I refer emanated. It came from the honorable member for Yarra, and, of course, we cannot help seeing—or at least suspecting—what is his object. He is thinking all the time, not of Australia, but of certain industries which have their chief

home in Victoria. Victoria—greatly to her credit—has established a very large trade in the manufacture of apparel and of boots and shoes. These industries are amongst the leading industries of this State, and therefore we find that the honorable member for Yarra is desirous of including them in the schedule of this Bill. In order to do what? Not to apply the same law to boots and shoes and apparel manufactured in Australia as will be applied to imported goods, but in order to handicap the importation of these articles from other parts of the world—from the mother country and elsewhere. I do not object to any provision which will punish fraud; but I think that the Minister has placed himself in a very false position in regard to that proposal, as, indeed, he has throughout the entire consideration of the Bill. What honorable member opposite can rise and say one word in favour of the Minister's action in reference to this measure? Is there a single honorable member who does not recognise that when the honorable gentleman submitted it he had not the remotest idea of the nature of its provisions? Could any Government be humiliated more than the present Administration have been by reason of the disclosure that more than two Ministers have held most diverse views in regard to the meaning of the Bill? I do not believe that Ministers have yet cleared up their differences in this connexion. When the Government submit to Parliament a Bill affecting the trade interests of thousands of people, surely the least we can expect is that they shall have studied its provisions, and understand what they mean! A fiction prevails in some quarters that Ministers are acquainted with the details of the measures which they introduce. But who can cherish such a fond delusion in the light of our experience in connexion with this Bill? Did we not have the Minister of Trade and Customs and the Attorney-General betraying a hopeless conflict of opinion as to what was the nature of its provisions? The least that the Government might have done was to carefully consider it before submitting it to the House. Instead, they have conclusively shown either that they did not consider it at all, or that they considered it from so many points of view that we could get nothing like a harmonious expression of the true meaning of its provisions. We do not in the slightest degree wish to

reduce the penalties that are provided by the measure for any fraudulent conduct—for endeavouring to take advantage of honest traders or of the trusting public. We have never attempted to remove the penalties which should properly attach to such a reprehensible practice. Our great fight has been made under two headings. We have endeavoured to make the Bill more intelligible, and we have attempted to so alter its character as to establish some more certain standard under which these great powers of regulation and administration may be exercised. We have endeavoured to make the Bill less inhumane in its treatment of the innocent person who cannot be expected to know the intricacies of Government regulations. It has often been said that if we wish to conceal any fact from the public, we have merely to bury it in the *Government Gazette*. This Bill possesses this strange characteristic: That all its penalties, all the means of inflicting punishment upon the people, are set out in the most explicit terms; but its nature, its scope, and the way in which fraud is to be suppressed—all these matters are left entirely to the Executive. In the whole course of my parliamentary experience I have never seen a Bill which leaves so much to Executive in the way of legislation and punishment as does this measure. Let us consider the extraordinary confusion which must arise in the absence of some definite standard. If in reference to any particular article of commerce, a definite standard were established, based upon some proper scientific knowledge, there would be some protection for the people who would be affected by such a law—some security for uniformity of treatment. But under this particular method of endeavouring to effect a good object, the Customs Department will find itself in a hopeless position, and one in which it cannot possibly give satisfaction. Only this morning observations passed between the honorable member for Cowper and the Minister, which showed that even now the latter cannot commit himself to a definite statement as to whether or not this Bill involves grading. At the end of the long debate, which has taken place — of the exhaustive attempt which has been made by the Opposition to improve the measure, and of the silent, dogged and stolid resistance offered to any improvement of it by honorable members opposite—the Minister cannot straightforwardly declare what is the standard by which goods will be tested. He is not pre-

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pared to say whether the grading system is to be adopted, whether a standard is to be established, and, if so, whether that standard is to be determined by his own sweet will. I say deliberately that there is no Minister in Australia whose discretion I would trust less than I would that of the occupant of the office of Minister of Trade and Customs in the present Administration. There is no Minister in Australia whose management of a Department I would look upon with keener scrutiny than I would upon his. I say, in the most courteous way, that upon the ground of his errors of judgment, of his business incapacity, of his confused intellect, and of his proneness to be influenced, not by his political opponents, but by his political friends, there is no man in Australia whom I would trust less than I would the present Minister of Trade and Customs. Powers are put into the hands of the Minister which will place the producers at the mercy of the Department. The incident relating to the valuation of harvesters throws a lurid light upon the dangers to honest administration which at present exist. There is a Tariff—good, bad, or indifferent—which provides that the value of goods for the purposes of the Customs Department shall be determined by their value in the principal markets of the country of export, plus 10 per cent. for the cost of transit. It happens that in the case of harvesters 10 per cent. is not sufficient to cover transit charges. They are not like silks, woollens, and other goods, in respect of which the cost probably is not so great; but whether consciously or not, there is what appears to be a deliberate attempt to create a new Tariff for the benefit of a manufacturer of harvesters in the constituency of the Prime Minister. It is a rather singular sort of accident that this great industry happens to be at Ballarat.

Mr. HUME COOK.—The factory is to be removed to Braybrook.

Mr. REID.—If it is to be removed to the constituency of the honorable member for Melbourne Ports, it will be in a hotter corner. It is remarkable, however, that the one case in which the Tariff seems to have been stretched to serve the purpose of an individual manufacturer in Australia happens to be in relation to one of the principal industries in the constituency of the Prime Minister. No one would dream of saving that the Prime Minister himself would interfere in matters of this kind.

I do not wish to suggest for one moment that he would; but I do say that there never was a Minister in charge of a Department who made more mistakes of this kind than the present Minister of Trade and Customs has done. We find the Massey-Harris Company anxious to go into a Court of Justice in order to show that they have been acting honestly, and that the Department is straining, if not breaking, the law, not to rob them, but to help Mr. McKay, the Ballarat manufacturer of harvesters. Who ever heard of such a transaction in the history of the Customs of any respectable community? Here we have two keen business rivals, the Massey-Harris Company and Mr. McKay—the former having to bring in their goods under the Tariff law, and the latter being inside the ring fence. Mr. McKay comes down to the Department, but my honorable friend the member for Gippsland—a true, straightforward protectionist, who does not do these little mysterious twisting things—

Mr. SPEAKER.—Order! The motion before the House is that the Commerce Bill be read a third time.

Mr. REID.—I desire, with your permission, Mr. Speaker, to point out the danger of intrusting the administration of the Commerce Bill in the form in which it stands to a Department in which such things are done. It is in that way that I make the reference. If this Bill set up some standard to which all men alike would be subject—if the question of whether they are obeying or breaking the law had to be so decided that every man would be subjected to precisely the same scrutiny, the position would be very different. But there is no attempt to embody in the Bill any principle of procedure which will apply absolutely to all persons alike. Let me refer to clause 10 as an illustration of what I mean. This is the clause to which so much attention has been directed. We find in it a prohibition of trade. That in itself is, in the eyes of an enlightened Legislature, one of the most serious steps that could be taken; but in this case the prohibition applies not merely to trade inwards—which some of my honorable friends would probably abolish altogether if they could—but equally to trade outwards. It applies to the fruits of the industry of our own producers and manufacturers. Surely in that sense this question ought to appeal to my honorable friends

opposite. I know that they have just as great a desire as has any one on this side of the House to improve the prospects of our producers. I am sure their desire is not to increase, but to lessen their difficulties, not to hamper, but to free their productive energies. Honorable members opposite have, or ought to have, just as keen a desire as we have in that direction; but the Bill proposes to hamper, not only the importer, who is regarded by some as a natural enemy, but also the exporter, to whom members of all fiscal parties look for the future greatness and prosperity of the Commonwealth. Matters of commerce are to be regulated and decided, not according to the intelligent consideration of the legislators of Australia in two Houses assembled, but in the office of the Minister of Trade and Customs, who, in his determinations, will have the assistance of his subordinates. That office is to become the Parliament where all these questions affecting our commerce are to be settled. Was there ever a more lurid light thrown upon the imperfect perception and intelligence of the Minister of Trade and Customs in matters of trade and commerce than is afforded by the fact that the honorable gentleman actually proposed to secure the power to legislate in his own office against the producers of Australia? He actually proposed to so buttress himself in his office, that unless both Houses agreed to negative the regulations made under the Bill, they should have all the force of an Act of Parliament. A more monstrous, ignorant proposal in connexion with the framing of regulations was never made by a Minister. I ask the House to consider what it means. The power to legislate and to punish was to be absolutely handed over by this Bill to one man, acting behind the back of Parliament, except in the ordinary sense of Ministerial responsibility. That one man sought to so surround himself with powers, as against even this House, that he desired to have the right under the Bill to make regulations which should become the law of the land, even if this House unanimously rejected them, unless another place also agreed to their rejection. Was there ever a more monstrous attempt to establish a star chamber—to submit the producers and business people of Australia to the Ministerial thumb-screw. Even my honorable friends opposite, who have been so silent and acquiescent in this matter, had a slight interval of political conscientiousness, and were so shocked by this proposal that it

was dropped. Then it must not be forgotten that the regulations may prohibit the exportation of any specified goods. The goods are specified in a subsequent clause; but this is a very serious power to be exercised on the initiative of the Minister. The power to prohibit this export or that, this article of human trade and industry or that, and this subject of Australian production or that, is to be absolutely vested in the Minister—

unless there is applied to them a trade description of such character, relating to such matters, and applied in such manner, as is prescribed.

There is no definition of the kind of description that is to be applied; but there is to be a description relating to such matters and applied in such manner as may be prescribed. A more extraordinary provision will never figure upon the statute-book of any country. Exportation may be prohibited unless a series of things are done which are not even specified in the Bill so that they may become known and notorious to the people of the country. The farmers and producers of Australia are to be at the mercy of a knowledge or want of knowledge of the terms of regulations published in the *Government Gazette*. We know that some Acts of Parliament contain the sensible provision that a certain degree of publicity shall be given to important matters arising under them by advertisement in the public newspapers of a district. In this case, however, there is not the slightest obligation on the part of the Minister to bring under the notice of the people, regulations relating to trade descriptions, or to anything else which the Minister chooses to put into them. There is not the slightest provision for making known through their insertion in a single newspaper in Australia regulations in which men will be under all sorts of pains and penalties. The regulations are to be buried in the *Government Gazette*—a publication that no Australian farmer ever sees. This is a fine instalment of the enlightened legislation which is to come from a Labour-driven Government. Surely the matters in respect of which a trade description is required might be specified in the Bill itself. I feel the greatest want of confidence in this Bill, for the reason that I believe that it will be rigorously administered against one set of persons, and perhaps become a dead-letter so far as another set is concerned. There is a fine pretence of fairness about

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the Bill—it is to deal equally with imports and exports—but the provision that the Minister “may” make regulations in regard both to imports and exports, is such that the honorable gentleman may establish a set of regulations affecting imports that are absolutely different from those affecting exports. The Minister may frame a set of regulations affecting imports, and consider the propriety of making a set of regulations concerning exports. It is an anomalous and extraordinary position. It shows what administration means according to the particular view of the Minister of Trade and Customs. We will take it that he entertains these views with the greatest possible sincerity and enthusiasm; but I ask the House to consider the extent of the powers that are placed in his hands. I ask the House to consider the enormous opportunities which the Minister will have to push these powers to the furthest extreme in order to establish a kind of protection other than that provided by the Tariff. He may by his administration exact proper and honest dealing—which we all wish to see—in regard to imports, but may fall short of doing so in regard to exports. No doubt the importation of shoddy and paper for the manufacture of apparel, boots and shoes, and so forth will be ruthlessly and properly prevented; but my fear is that the manufacture of shoddy articles may be transferred to Australia, and that manufacturers of shoddy may be sheltered by the administration of this measure.

Mr. SKENE.—We have such manufacturers here now.

Mr. REID.—I have seen that stated on good authority. I believe that on one occasion it was found that a certain supply of clothing was manufactured largely of shoddy.

Mr. TUDOR.—This Parliament cannot deal with the internal trade of the States: only the States Parliaments can do that.

Mr. REID.—I admit that that is a fair answer. States industries must be the subject of States inspection, though goods manufactured in Australia will come under the Bill when they are intended for export.

Mr. SKENE.—Honorable members could have provided for the application of the Bill to the trade between the States.

Mr. TUDOR.—I voted for that.

Mr. MAUGER.—Most manufacturers are opposed to the practices which are complained of; there are a great many wrong things done which ought to be prevented.

Mr. REID.—No doubt; but, under the Bill as it stands, the Minister may turn the screw on the importer of shoddy apparel, and refuse to turn it on the exporter. I do not think that that will be done, but the Bill makes it possible. The clause provides for the application of prescribed trade descriptions. But will honorable members consider for a moment the immense area of the Commonwealth, and the secluded life which many of our producers lead; will they remember the want of familiarity on the part of these people with Government notices and Customs orders and regulations? I ask them, when they have done so, if they do not think there will be, for a long time to come, an enormous number of cases in which the misapplication of a trade description will have been absolutely innocent? Three months is given under the Bill to enable our producers to make themselves acquainted with what will be required of them.

Sir WILLIAM LYNE.—Not less than three months, as the Bill has been amended.

Mr. REID.—I am sorry that the period fixed is not less than six months, because that is not a very long time in the life of a statute, though, of course, the Minister will be able to make the period six months. I earnestly urge the wisdom of giving at least as much notice as that. The prescribed trade description may be a most intricate thing. It may involve appliances which our producers have never yet had, and will find it awkward to get. In sending their goods for export, they will have to trust agents at distant ports to carry out the provisions of the measure, in order to save their produce from confiscation.

Mr. McCAY.—They will be more than ever at the mercy of agents.

Mr. REID.—Yes. The representatives of a pleasant little country like that from which the honorable member for Bass comes, which one can walk over in two or three days, and which, by some oversight in the plan of creation, was not made 500,000 or 600,000 square miles larger, and my honorable friends from Victoria, are limited in their legislative purview by geographical considerations. It is not difficult in Victoria and Tasmania to make known to the people a change in the law; but the case is quite different in enor-

mous States like Queensland, South Australia, Western Australia, and New South Wales. I urge the Government, in their own interests—which I suppose is the strongest argument I can use—and in the interests of our exporters, to give the fullest notice of the proposed changes. I think, however, that the odds are that the officers of the Department will construct trade descriptions which no farmer will be able to apply, so that our producers will have to send their goods to an agent, trusting to him to comply with the provisions of the law.

Sir WILLIAM LYNE.—Is not that what is done now?

Mr. REID.—At the present time, if a man knows that his agent is not a rogue, he can send his produce to him with confidence, knowing that it will be shipped, and that he will duly receive payment for it. But under the Bill he will have to rely on his agent to place on the goods certain hieroglyphics to satisfy the regulations of the Department, and will run the risk of the forfeiture of the goods for some negligence, carelessness, or want of knowledge, for which he cannot be personally responsible. Forfeiture to the King sounds very patriotic, but it is really forfeiture to the king of the Customs Department. The Czar of Russia will soon have become a very powerless individual in comparison with the honorable gentleman, judging by the way in which he is gathering to himself powers as administrator of the Customs Department. I am sorry that he has not chosen Russia instead of Australia for his experiments in connexion with the branding of produce, and forfeiture for non-compliance with his regulations. If one class of the community could be distinguished from another, I would say that the primary producers of Australia represent perhaps the largest and best class of all. But they are not versed in Customs mysteries, and hieroglyphic trade descriptions, nor are they used to being held up to public execration for tampering with a measure intended to prevent fraud. It is not pretended that offenders against clause 10 will come within what is called the mischief of the measure. It is not pretended that they will have done any moral wrong. They will not be persons who have applied to their goods a description intended to mislead, or who have used methods of packing, casing, or branding likely to have that effect in any of the markets of the

world. But, notwithstanding, they are to be herded with persons guilty of fraud. One of the worst things about the Bill is that the names of such people may appear in the public prints of Australia as if they were members of gangs of swindlers, when their only offence has been non-compliance with a Customs regulation of which they had not previously heard, because their attention had not been drawn to it. The honorable and learned member for Corinella and others have over and over again contended that such offenders should not be associated with the crafty swindlers who, by their deliberate deceptions, are injuring the reputation of Australian produce. One of the worst features of modern legislation is its tendency to increase the number of criminals by branding as crimes acts which are not really criminal. The persons who offend against clause 10 will not be persons who are guilty of fraud, but persons who have innocently failed to comply with regulations of which they were ignorant. This is a new proposal, such as has not been heard of before in at least some parts of Australia. I know that in some of the States a system of grading has been applied to exports.

Sir WILLIAM LYNE.—It has been adopted in nearly all the States.

Mr. REID.—Not in New South Wales.

Sir WILLIAM LYNE.—That is the only State which has not adopted such a system.

Mr. REID.—I would ask the Minister whether the Government propose to adopt a system of grading under this Bill?

Sir WILLIAM LYNE.—Not in the sense in which grading has been referred to by the Opposition.

Mr. REID.—I should like to know in what sense grading is to be applied.

Sir WILLIAM LYNE.—It will not be in a nonsensical manner.

Mr. REID.—I should hope not. I think that since the House has left so much to the discretion of the Minister he should by this time have been able to make up his mind as to the principles he will follow in administering the measure.

Sir WILLIAM LYNE.—I fully explained the matter before the right honorable member came here at the beginning of the week.

Mr. REID.—In reference to grading?

Sir WILLIAM LYNE.—Not in reference to grading, but as to the lines on which the Act would be administered.

Mr. REID.—I do not wish to do the Minister any injustice. I confess that in reading through *Hansard* I pass by the dull speeches, and that I have not read the Minister's utterances.

Mr. JOHNSON. — The right honorable gentleman would not have understood them if he had read them.

Sir WILLIAM LYNE. — The honorable member is incapable of comprehending them.

Mr. REID.—The Minister should not say that, because no honorable member makes more admirable speeches than does my honorable friend the member for Lang. If my honorable friend were a supporter of the Government, the Minister would embrace him several times a day. I wish simply by way of parenthesis to express my unbounded admiration for the promise which has been shown by the colts on the Opposition benches.

Sir WILLIAM LYNE.—I have no doubt that they do everything under the direction of the right honorable gentleman.

Mr. REID.—I think that my honorable friends will bear me out when I say that I did not exchange a word with them during the four weeks I was away in Sydney. I had no need to do so, because I have the most implicit confidence in them. I regret that the honorable member for Denison does not give us the benefit of his experience. I am sure that he sympathizes with the views expressed by the honorable member for Franklin.

Mr. JOHNSON. — During the debate on the Treasurer's financial statement, he made one of the best speeches ever heard in this House.

Mr. REID.—I am aware of that, and that is why I should like to hear the honorable member speak more frequently. No man in Australia has had a longer mercantile experience than has the honorable member for Denison. It is a most singular thing—and the fact is one to which due importance will be attached in business circles, if not here—that the most experienced men of business in the House have spoken in the strongest terms against the provisions of the Bill. My honorable friends opposite have done one wise thing; they have concealed their want of experience by the very easy method of preserving silence. The Minister has stated that the Bill may be altered in the Senate.

Sir WILLIAM LYNE.—I said that I would consider the question of altering the title, because I was not wedded to it.

Mr. REID.—I should hope not. Fancy such a title as the Commerce Bill for a measure which deals with boots and shoes, apparel, manures, and seeds. When the Minister started out he apparently found some print of a Bill in his office, and thought that it had originated with his predecessors, and therefore must be a good one. He had such confidence in those who had held office before him that he brought the Bill down to the House, and laid it on the table without reading it. Now it appears that the measure was prepared by some subordinates in the Departments.

Sir WILLIAM LYNE.—It was seen by the right honorable gentleman.

Mr. REID.—I never considered the Bill. It was never brought before the Cabinet. I hope the Minister will not think that we left the draft Bill behind us as a trap for him.

Mr. DUGALD THOMSON.—The draft Bill had no title.

Mr. REID.—No; the draft Bill I saw had no title; it had not reached that stage. It was the production of some genius or other who was not a producer of butter. The title of the Bill is, "A Bill for an Act relating to Commerce with other countries"—relating to world-wide commerce. What a marvellous achievement in butter and manure. I sincerely hope that the Senate, to which the Minister has referred, and which is composed of representatives of the whole of the States, will make some amendments in the Bill, although not in the way of smoothing the path of fraudulent persons, for whom we all wish to make the law as hard as we can. No one has raised a word to mitigate a single penalty provided against wrong-doing, because there is no doubt that a wrong committed in connexion with the branding of foodstuffs is a fraud upon the innocent public. Not a man on this side of the House would lift his voice against the salutary provisions of this Bill. Strong as are my objections to a number of its provisions, I am so determined to punish fraud and to put down malpractices which are a hindrance to health, or are intended to defraud the people, that I shall certainly vote for the third reading of the Bill. I should be sorry to see any one vote against the measure, because its object is a good one. I do not care how often the Bill hits fraudulent persons, or how thoroughly it provides for their punishment. I have so strong a feeling in favour of the main

object of the Bill that I would not associate my name with an attempt to prevent it, in its good aspects, from becoming law; but that consideration makes one all the more anxious to have its defects remedied. In supporting the Bill, we to a certain extent share with the Government the responsibility for all the provisions contained in the measure that we may regard as wrong, and that is a load of responsibility that we do not care to bear. My great hope is that when we see this Bill again the force of many of the objections which we have raised in the interest of the innocent traders and producers of Australia and of other countries will have been recognised. Now, what will be the effect of this measure upon the industry of hundreds of thousands of persons when that industry has been crowned by the production of an article which can be exchanged for money? What will be the effect upon a man who, having never heard of the provisions of the Bill, has failed to put a brand upon his produce, or upon a man whose agent neglects to brand his produce? Such a producer is not a thief, or a sneak, or a swindler, but an honest man who has done nothing wrong. It is provided in clause 10—

All such goods to which the prescribed trade description is not applied—

That is to say, goods without a mark upon them, sent to market in a natural state without anything on them to convey any suggestion of fraud or deception. What is the result?—

All such goods to which the prescribed trade description is not applied, which are exported or entered for export, or put on board any ship or boat for export, or brought to any wharf or place for export, may be forfeited.

That really means "shall be forfeited." Let us consider the unlimited opportunities for favoritism that are afforded by the word "may." Either the clause must be administered in absolutely the same way in all cases, and therefore "may" must have the force of "shall"—

Sir WILLIAM LYNE.—The word "shall" was used in the Bill as first drafted.

Mr. REID.—Whilst it may be preferable to use the word "may," it really still means "shall," because I know that, if I were the Minister of Trade and Customs, I should shrink from taking the responsibility of seizing A's goods because they were not marked, and of refraining from seizing B's

goods if they were not marked. I should like to know what position a Minister would occupy who would single out from amongst the agents or producers of Australia certain persons as the objects of his favour? The Minister is wide-awake enough to see that if, in one case where there was no trade description, he shut his eyes and raised no objection to the goods being exported, and in another case he decreed that the goods were not properly described, and must be confiscated, he would expose himself to the strongest criticism. If such a process were often repeated, the scandals which were exposed by the Butter Commission would be as nothing to the scandals at the Customs House. The commissions paid in respect to exportations of butter, serious as they were, and objectionable as they seemed to have been, according to the report of the Butter Commission, were as nothing compared to the injury that might be inflicted by the exercise of the power to say to one man, "You can, with impunity, walk through the Customs House with your unmarked goods and launch them upon the markets of the world"; and to another man, who might happen to be an opponent in politics, "We shall stop you. You are a pestilent fellow. You are a Massey-Harris man. You are not a McKay man; not the real Sunshine article. You are from Toronto, and an opponent of ours, and altogether a bad fellow, and we shall stop your goods." Under the provisions of the Bill, the Minister might seize the crops of all the farmers in the Commonwealth who did not happen to know what the Bill meant, or whose agents might have neglected their duty. I do not care how anxious the Minister might be to do wrong. Suppose that he were consumed with a desire to shut his eyes in one case and open them in another, he would still be bound to apply the law impartially to every case of failure to mark goods, and would be obliged to seize them.

Sir WILLIAM LYNE.—Certainly not.

Mr. REID.—The Minister admits that "may" means "shall."

Sir WILLIAM LYNE.—No, I do not.

Mr. REID.—Then my remarks apply. I wish to direct your attention, Mr. Speaker, to this matter. I think it is a calamity that on many occasions we have not the assistance of Mr. Speaker in connexion with these measures of legislation. I know that many a good amendment must

occur to the brain of the Speaker, of which he cannot give us the benefit. If we only had the advantage of Mr. Speaker's assistance in dealing with matters of this kind, I am sure that our measures would assume a much better shape.

Mr. KELLY.—What about the assistance of some other members from South Australia?

Mr. REID.—I suppose that the Opposition have no more bitter opponents than the honorable member for Boothby and the honorable member for Barker. But both those honorable members, who are connected with a great producing State, have thrown aside their political prejudices in their patriotic desire to prevent the passing of this Bill in its present shape. I hope that I am doing my honorable friend, the member for Barker, no injustice when I say that while he is as keenly anxious as is any Minister or Ministerial supporter to have deception suppressed, he desires to separate the strictly innocent from the guilty, and not to include all the innocent producers of the country in the same category with those sharks who prey upon the public. That was the point of the amendment in clause 10 proposed by the honorable and learned member for Corinella. My honorable friend did not seek to paralyze the arm of the law, but wished to provide that, even in the case of the innocent exporter, the goods should be seized until security was given that a proper mark would be attached to them before they were shipped. The course which the honorable and learned member for Corinella suggested in his amendment was a very much more satisfactory one than that which is provided by sub-clause 3 of clause 10. He was willing to allow goods which had been inaccurately marked to be seized by the Customs authorities, and held until the prescribed trade description had been applied to them. Nothing could be more drastic and effective in the case of an innocent omission than the proposal of my honorable friend. He was perfectly willing that the Department should have power to seize goods which were improperly marked, and to detain them until the proper mark had been applied to them under the direct supervision of the Customs authorities. It does seem to me that, in dealing with innocent people, that provision would be sufficiently stringent. It is supposed that under sub-clause

3, innocent persons will be dealt with mercifully. Sub-clause 2 renders any goods seized under the circumstances to which I have referred liable to forfeiture, and sub-clause 3 provides that—

Subject to the regulations the Comptroller-General, or on appeal from him the Minister, may, in any case, and if in his opinion the contravention has not occurred either knowingly or negligently—

There are two elements introduced here. We have inserted in the Bill a clause which is intended to establish a certain state of things, but we make that provision subject to certain regulations. In other words, it is within the power of the Minister to frame a regulation entirely opposed to the clause itself. I recognise that it is impossible to provide in the Bill for every case which may arise, and that it is necessary that power should be given to deal with unexpected cases by regulation. But in all my parliamentary experience I have never known a provision such as this to be inserted in any measure. The clause purports to legislate in a certain direction, but makes that legislation subject to the arbitrary whim of the Minister. It is the most extraordinary thing in the world. I admit that it is usual to leave certain matters to be dealt with by regulation, but the regulations must always be consistent with the Act under which they are framed. In sub-clause 3, however, we lay down the law subject to regulations which may be made by the Minister. In other words, we enact a certain law affecting the rights of individuals with this proviso, "Subject to regulations." Under the Bill the Minister can frame a regulation which is absolutely opposed to the deliberate will of Parliament. We are, by making Parliament the creature of the Minister, instead of the Minister being the creature of Parliament, revolutionizing the methods of legislation which are ordinarily adopted. Here is a provision under which the Minister can wipe out our legislation by one stroke of the pen—

Subject to the regulations, the Comptroller-General, or on appeal from him the Minister, may in any case, and if in his opinion the contravention has not occurred either knowingly or negligently, shall permit any goods which are liable to be or have been seized—

This is one of the most extraordinary pieces of draftsmanship that I have ever seen. The Minister is compelled to do a certain thing only if he desires to do it. He can say that, in his opinion, the Act has been

contravened "negligently." If he does that, the word "shall" in the provision in question will not apply.

Sir WILLIAM LYNE.—Those words were drafted by the right honorable member's late colleague, the honorable and learned member for Corinella.

Mr. REID.—No doubt. It is just like patching a garment which is all holes. One may patch it as much as he likes, but he cannot make it a good garment. The object of the amendment was perfectly clear, but when it was tacked on to the sub-clause it became idle. Under this provision the compulsion is on the Minister, who has the option of thinking one way or the other. What sort of compulsion is that?

Mr. McCAY.—They were the Attorney-General's words which were inserted.

Mr. REID.—The extraordinary feature in connexion with this Bill is that our legislation is enacted "subject to regulation." In other words, the will of Parliament exists subject to the will of the Minister to wipe it out. Absolute power is given to the Minister to forfeit goods if he thinks that they have been improperly marked as the result of negligence. In this connexion the word "negligence" is open to two constructions. What is the first presumption that binds every person in our civil and criminal Courts? I admit that it works badly sometimes, but nevertheless it is an irresistible assumption. That assumption is that everybody knows the law. We cannot set up as a defence the plea that we are ignorant of the law. It would clearly be "negligence"—from the stand-point of that assumption—not to apply that proper trade description to goods which the law enacts shall be applied to them.

Mr. McCAY.—I asked the Attorney-General and the Minister not to insist upon the insertion of the word "negligently," but they both insisted upon its inclusion.

Mr. REID.—I can understand their desire to retain the word "knowingly," because there is clearly another point involved there; but I cannot understand their insistence upon the retention of the word "negligently," because ignorance of the law does not excuse a breach of it. If a man came along and said to the Minister, "I am a protectionist, and have always supported you. I have a lot of goods which you have seized for a breach of the law. But I did not know the law. I did not know

anything about the scorpion brand to which you have attached a certain trade description, and consequently I committed a breach of the Act." Then the Minister, with that lofty uprightness which characterises all his actions, would be compelled to say, "In spite of the fact that you are a friend of mine, I must consider that you are presumed to know the law, and therefore I cannot help you. I am obliged to seize your goods." But to knowingly commit a breach of the law is quite a different matter. Let us consider for a moment what will happen in this tribunal. Talk about the Arbitration Courts—they will be friendly gatherings compared with the business which will be thrown upon the Customs Houses throughout Australia, at any rate until this law comes to be understood.

Sir WILLIAM LYNE.—Yet the right honorable member intends to vote for the Bill.

Mr. REID.—It contains several good provisions that I cannot avoid voting for. For example, there are the clauses which relate to punishment for fraudulent and deceptive practices. A man who would not support them would be unworthy of a seat in this House. The cruel position is that the good in the Bill is so obvious that we cannot associate our names with its rejection. But we are fighting against the proposal to penalize innocent persons who are not associated with a gang of swindlers—innocent traders and producers. That is the brunt of our attack. I may say at once that we might have to reconsider our vote upon its third reading if the present occasion represented absolutely the final stage in the consideration of the Bill. But I cannot help cherishing the hope that, so far as these innocent persons are concerned, we may ultimately see the measure in a shape which will enable us to give it our full indorsement. If this Parliament consisted of only one House, we might be called upon to seriously consider the advisability of voting against the third reading of the measure. But I hope there is a reasonable prospect that whilst the stringent provisions of the Bill which are applicable to misconduct may be preserved in their entirety, the wisdom of another place may suggest some more considerate treatment of those persons who do not knowingly attempt to defraud and deceive. Of course, I am aware that, in drafting a measure, lawyers very properly endeavour to make its provisions cover as much as possible. This is very

evident in clause 15. In ordinary provisions connected with criminal offences, that endeavour may work out all right; but when it is proposed to make criminals of innocent persons, we must study the language we employ in reference to aiding and abetting. Clause 15 states—

Whoever aids, abets, counsels, or procures, or by act or omission is in any way, directly or indirectly, knowingly concerned in the commission of any offence—

This clause exhibits wonderful draftsmanship. We are getting a rich sort of literature in our statutes now. Surely if a thing is done "knowingly," it must be done "directly." How can a man "knowingly" and "indirectly" do a thing? It is all a question of knowledge. If he knows that he is doing a certain thing, that is an end of it.

Mr. MAHON.—He may get somebody else to break the law for him.

Mr. REID.—Even if he does so, he "knowingly" does it.

Mr. MAHON.—But it may be done "indirectly."

Mr. REID.—No. He must know that he is doing a certain thing, whereas the other person may not know it. Is it right to penalize the innocent instrument?

Mr. MAHON.—He would not do it "knowingly."

Mr. REID.—I agree with the honorable member. I do not see the necessity for using the words "directly or indirectly." Let us suppose that fifty persons were engaged in one transaction. The word "knowingly" ought to apply to every one of them, and it would. We cannot "knowingly" do a thing "indirectly."

Mr. MAHON.—We can, through another person.

Mr. REID.—The word "knowingly" covers every act, including delegation, substitution, and procuring. There are a number of statutes in which that term is used, and this is the first occasion upon which it has been found necessary to employ it in conjunction with the words "directly or indirectly." Let us take the case of a man who wishes to break this law, and knows of an innocent person whose services he may enlist to carry out a fraud. Surely that innocent person, who was not aware of the provisions of this law, should not come under it. No one would wish a person to be punished who had been deceived, and had been made unknowingly the instrument of wrong. The person who set the fraud

going, however, would always be caught by the use of this word "knowingly," because he would have knowingly procured men to commit the fraud.

Mr. MAHON.—But he might not do so directly.

Mr. REID.—The word "knowingly" is quite sufficient to cover such a case.

Mr. MAHON.—Does not the word "knowingly" qualify the words "directly or indirectly"?

Mr. REID.—If a man indirectly did something with a certain object in view, he would know what he was doing, just as well as if he directly did it. Let us take the case of an innocent man and a guilty one: The guilty man would commit the fraud directly. He would say, perhaps, "Look here, Smith, I will give you a fiver to do this for me, in spite of the law;" or he might go to Brown, a perfectly innocent man, and say, "I have a shipment of goods to send away and I wish you would look after it for me." Brown, being perfectly ignorant of this law, might do what he was requested to do without any intention to defraud. The man who appealed to Smith or Brown would be covered by this provision; because he would knowingly bribe Smith to break the law, or would knowingly make use of the innocent Brown for the same purpose. These words are quite unusual, and I do not think that they make the meaning of the clause any clearer. Where the instrument is consciously guilty of misconduct, it is quite right that he should be just as liable as the principal; but I wish to point out what may be the effect of the use of the word "aids." It will certainly catch innocent persons. Suppose that there is a consignment of butter made upon a particular farm in Victoria, that it is going to be shipped, and that there is a regulation which requires that the butter, or the cases which contain it, shall bear a certain description or brand. Let us assume further that neither the farmer nor his hands, nor the officers of the Railway Department employed in carrying the produce to Melbourne, are aware of these regulations. Nevertheless, if the description were not applied, all these persons would be aiding the commission of an offence against the Bill. The person who took the butter from the farm to the railway station, the men who looked after it whilst it was being brought to town by train, and those who removed it in carts

from the railway depôt to the wharf, would all be aiding in the carrying out of an offence against this measure, although they were perfectly innocent, and ought not to be subjected to punishment, as if they had wilfully committed the offence. It could not be said that they were "directly or indirectly knowingly" concerned in the commission of that offence. If those words had to be read in conjunction with the word "aids," the objection would be removed; but they are disjoined one from the other. If the clause simply provided that any person who knowingly committed an offence against the Bill should be liable to punishment, there could be no objection to it, but it declares that—

Whoever aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly knowingly concerned—

in the commission of an offence, shall be punished. The word "or" in each case separates, instead of couples, the antecedents. The effect of the whole of these provisions is such that if the Government had paid a little more attention to the suggestions that have been made with regard to this part of the Bill, an amendment would have been agreed to. I am glad to see that the honorable member for Bass sees, on mature reflection, that there is something in my point.

Mr. STORRER.—I can see that there is a "stone-wall."

Mr. REID.—Certainly not. Compared with the "stone-walls" I have seen, this is only an elegant picket fence. I have said all that I desire to put before the House in regard to this Bill, and do not wish to delay the third reading. The Minister is perfectly exhausted, and it is only right that we should endeavour to bring the discussion to a conclusion. I feel the satisfaction of having fairly and fully expressed my objection to those parts of the Bill of which I do not approve, whilst cordially supporting the excellent objects which it has in view. All its excellent features appeared in the original draft—the objectionable parts have been introduced since the last Ministry were in office.

Mr. KNOX (Kooyong). — Before the Bill passes out of our hands, I desire to enter a final protest against the inclusion of certain provisions which, in the opinion of those who will be very seriously affected by it, are likely to produce disastrous results. I am deeply grateful to the leader of the Opposition for having made a clear

and exhaustive protest against those parts of the Bill to which I object, and I hope that it will lead another place to take decisive action with regard to them. The right honorable member has shown that we are prepared to support every step that may be taken by the Government to prevent fraudulent trade, or the introduction of goods likely to be injurious to the public health, or to deceive. Unfortunately, under the Bill as it stands, exporters will find themselves confronted at every turn by serious obstacles. We are proposing to subject the whole of the exporting community to irritating interference, in order that the Commonwealth may carry out work that is already being well done by the States, and which calls for no intervention on our part. On behalf of the whole mercantile community, as represented by the Chambers of Commerce of Australia, I emphatically protest against the passing of the Bill in its present form. In the opinion of these Chambers, the Bill is likely to prove a very serious menace to the trade and commerce of the Commonwealth. The deputation from them which waited on the Minister a few weeks ago left him with the feeling that he was determined to act with perfect fairness. The honorable gentleman made a promise to restrict the operation of the Bill to articles of food and certain medicines; but under pressure he has allowed an amendment to be made by which the Bill will apply to apparel and boots and shoes and other things. The deputation was disarmed by the promise that he gave. I took care that every commercial centre in the Commonwealth should be apprised by telegraph of the reply which the honorable gentleman had given, my desire being that he should be placed in a proper light before the members of the different Chambers. But instead of offering any resistance to the amendment to which I have referred, the Minister practically accepted it. Had not the Chambers of Commerce been lulled into a false sense of security by his promise, they might have taken more decisive action. Their request was so rational that I think it ought to be placed on record. They said in the first place that if such a measure were considered necessary, to be consistent its provisions should apply not only to imports and exports, but to Inter-State trade. But the Government have not endeavoured to make the Bill apply as far as possible to both internal and external trade, nor have

they recognised that it was drafted in the absence of commercial experience; but they have obstinately and pertinaciously adhered to practically every line of it. The second point made by the Chambers was that they were satisfied from their experience that it would be impossible for all the details enumerated in paragraphs *a* to *f* of clause 3 to be supplied. These practical men, although they do not possess the legal knowledge of the right honorable member for East Sydney, considered the effect of every line of the Bill, and saw the practical difficulties which he has pointed out. They impressed upon the Minister the need for inserting some qualification in clause 3. They asked that the trade requirements of other countries should not be interfered with. They desired special consideration for the Eastern trade, not so that fraud might be perpetrated, but that prejudice might not be created by the marking of goods in a manner which might give offence to foreign buyers. Under the Bill as it stands, every article of export, whether intended for the markets of the East or for the markets of the West, may be subjected to the criticism of an official of the Customs Department, who may exercise his power in such a way as to bring the trade and commerce of the Commonwealth into disrepute. It is true that these merchants made the representations to which I referred at the instigation of business necessity, but in endeavouring to increase their own business they are incidentally swelling the trade of the country. At the same time, they wished to assist in the achievement of the good objects underlying the Bill. They recommended that reasonable notice should be given of any change in the law, and asked that a period of not less than six months be fixed. The necessity for such notice was strongly impressed on the Minister. The difficulty of apprising foreign agents and buyers in other parts of the world of the effect of regulations issued by the Customs Department here was pointed out to him, and he was made acquainted with the delays which would occur because of the long passages made by sailing vessels, and for other reasons. Consequently he somewhat reluctantly agreed that not less than three months' notice should be given, though he expressed the view in this Chamber that such notice was unnecessary. The deputation had consulted the Attorney-General as to whether

the Bill provided for the grading of exports, and that honorable and learned gentleman distinctly declared that that was not its intention. But there is now as vague an understanding of the meaning of the clause which deals with grading and standardization as there was when the Bill was introduced, and even the Minister of Trade and Customs would find it difficult to state definitely what its meaning is. He was asked by the deputation if the Government intended to fix standards, and his reply was—

I do not think that would be done. That would be grading. I do not think it is intended to grade 1, 2, 3, 4, and so on.

A member of the deputation objected to the use of the word "inferior," on the ground that manufacturers would not desire to have their goods marked "inferior." To that objection the Minister replied, "I would not care what the manufacturer desired. If his goods were inferior, I would have them marked 'inferior.' " The honorable gentleman seems to forget that there is a legitimate market for goods which are not of the highest standard, but it would be against all trade usage and custom, and would probably prevent business from being done, if "inferior" were marked across any goods exported from Australia. The Minister fairly explained to the deputation his position in regard to the Bill, and its members left under the impression that consideration would be given to reasonable suggestions for amendment. We did not expect that there would be the obstinate resistance to amendments and the determined retention of clauses which, if not amended, might have disastrous effects on the commerce of the country, which we have seen. It is true that some of the powers given in the Bill may not be exercised, and if it is not intended to exercise them they should not have been asked for. A humane oversight of our importations and exportations is a reasonable thing, and I am glad that the word "may" was substituted for the word "shall" in clause 10. But if the powers given by the Bill are rigidly enforced, great mischief may be done, and a great number of experts will have to be employed. The Minister has promised that he will not object to the consideration of an amendment for the changing of the title of the measure when the Bill is before another place. I think

that we cannot object too strongly to the placarding of a measure of this kind as the "Commerce Bill" of Australia. The underlying purpose of the measure is a good one, and we are all ready to support the Government in trying to prevent fraud in connexion with both importation and exportation; but to call a restrictive measure of this kind the "Commerce Bill" of Australia is to tell our customers in the United Kingdom, the United States of America, Germany, Canada, South America, China, Japan, and other places that our producers and exporters are so unprincipled that our commerce must be regulated by a restrictive measure for the protection of those who purchase our goods.

Mr. KELLY.—The title of the Bill is a slander on the country.

Mr. KNOX.—It will be regarded by foreigners in the way I have mentioned. Let us indicate in the title the real purpose of the Bill. Let us call it a Bill to prevent fraudulent importation and exportation. I hope that this measure will be very seriously considered in another place, and that provision will be made for its reasonable application. If it be allowed to pass in its present form, it will stand before the world as an indication that we are a corrupt people, that our transactions are fraudulent, and that it is necessary to impose the severest restrictions and penalties in order to insure honest dealing. Surely such a measure must do untold harm to the Commonwealth. On behalf of the commercial community of Australia I enter the most emphatic protest against the Bill being placed on the statute-book. I regret that the Minister has not seen his way to accept the suggestions made by honorable members on this side of the Chamber, who have been free from any desire to defeat the object of the Bill. Dissatisfaction exists throughout the Commonwealth at the manner in which the Bill has been dealt with. If its provisions are applied in the manner which appears to be contemplated by the Minister, such an outcry will be raised that the Ministry will be swept out of existence.

Mr. BRUCE SMITH (Parkes).—I desire to follow the example of other honorable members of the Opposition, and record once more my protest against the principle which underlies the Bill. The strongest testimony that could be afforded as to the undesirability of placing this measure upon our statute-book is furnished by

the honorable member for Kooyong, who, as the representative of every Chamber of Commerce in Australia, has perhaps made the most vehement speech that he has ever delivered in this House. I do not remember any previous occasion upon which the honorable member has failed to exercise that spirit of restraint which he generally allows to influence him. The futility of the criticisms passed upon the Bill by honorable members on this side of the House is indicated by the fact that the Minister who is in charge of the measure either dozed, or appeared to doze, during the delivery of the speech of the honorable member for Kooyong.

Sir WILLIAM LYNE.—I have heard the same speech about twenty times.

Mr. BRUCE SMITH.—The Minister seems to have reached such a condition that it may be said of him that he is impervious to ideas. But let me assure him, that this Bill will bring far more curses than blessings on his head. The Minister may have become inured to that kind of thing, but I am sure that he will live to regret that his name was ever associated with such a measure. I am not taking this opportunity to address the House in the spirit of an obstructionist. I do not approve altogether of the methods adopted in Australian Parliaments by members sitting in Opposition. I think that they cry "wolf" too often, and that consequently when the wolf comes it is difficult, if not impossible, to convince people that he is present. I do not approve of the practice of going on day after day and week after week obstructing every proposal that is introduced by honorable members on the opposite side of the House. I have seen that course followed in this House. But the whole of the opposition offered to this Bill has been thoroughly justified by the amendments which have been made. From the moment that the Bill was introduced, it was clear that it was a patchwork measure, which affected to be aimed at the morality of the commerce of this country. It does not, however, touch the morality of commerce. In the first place, in attempting to deal with imports it affects to watch over the character of the materials brought into this country, and to see that they are properly described, but with what result? The honorable member for Darling showed us a number of samples of materials called leather, which were, however, composed entirely of paper. I

have pointed out more than once that if the Minister had been anxious to guard the moral conduct of the commercial and industrial classes of this country, he would not have been satisfied to insure that a particular fraudulent manufacture should be properly described when it passed the Customs, but would also have taken precautions against its fraudulent use by the manufacturers of Australia. Under the Bill, a substitute for leather may be passed through the Customs under the description of brown paper. It may be transferred direct from the wharf to the stores of a boot manufacturer, and without impediment of any kind, be used in turning out children's boots. Therefore, the fraud upon our own people will be worse in its last than in its first stage, because the material will bear the stamp of approval of our Customs officers. If the object be to secure a higher standard of commercial and industrial morality, the Minister should have exhausted every practicable means of securing that end. It will be useless to guard against the dishonesty of the importer, unless we at the same time check dishonesty on the part of our manufacturers. The Minister would have effected the high moral purpose he has in view if he had introduced a Bill providing against the use of improper material for manufacturing purposes. We are all anxious to introduce a high standard of morality into our industries. But all men of the world who have mixed in the business affairs of life, know very well that there is a limit to the practicability of any attempts that may be made to force manufacturers and others to be honest. In order to make a small effort towards the attainment of an impossible ideal, we are instituting a state of affairs which must end in paralyzing the business of the Commonwealth. It has been suggested that, in order to deal with some classes of manufactures which appear to urgently call for condemnation, the measure should have operated in regard to goods passing between the States, as well as to those being imported into and exported from the Commonwealth. But, I venture to say that if that circumlocutory method of disgusting the people with the Bill had been followed up, there would have been such a hue and cry throughout Australia as would have driven the Ministry out of public life. The fact that the honorable member for Kooyong, who represents the interests of the commercial

community of Australia, has introduced more vehemence into his condemnation of this Bill than he has ever before been known to impart to his utterances, should have given the Minister pause and induced him to conclude that he was making a huge mistake in attempting to force this Bill through the House. It is a notable fact that amongst the members of the Government there is not one who can be said to have had any extended commercial experience. The reputations of Ministers are good, and their characters are honorable, but not one of them has gone through the fire of practical experience in such a way as to impress upon him the difficulties and complexities of commercial life. Ministers seem to think that the commercial work of a great country like this is carried on according to elementary rules; but a very short experience of the difficulties, complexities, and sinuosities of trade would have shown them that the application of regulations, such as are contemplated under the Bill would bring about a state of chaos. Why was the Bill introduced at this particular time? It is true that when Ministers took office they found a Bill which happened to have been prepared, not by the late Government, but for them; but there was no obligation on their part to take up that measure. The Bill has had an improper title applied to it. It does not deal with the commerce of this country, but with only one or two features of it. If the measure had been introduced in some other form, and had been less ambitious in its objects, it might have been possible to deal with a number of important matters in a very much more satisfactory and much less injurious manner. When the Bill was introduced, I pointed out that it contained features which I should be very glad to support; but I also directed attention to the fact that it dealt only in part with the particular commodities which it affected to control. I pointed out also that the control of the Customs authorities over imports would cease immediately they were allowed to pass into the Commonwealth. If the Minister will only pay proper regard to the criticism offered by the honorable member for Kooyong, he will hesitate before he allows the Bill to pass from this House in its present form and as a matured measure. Let me again point out what I suppose every man of business recognises, namely,

that the consumer is being almost entirely lost sight of in this Bill. Once or twice I have been twitted with thinking too much of the interests of the consumer, and some time ago I had the pleasure of quoting the extraordinary doctrine which was laid down in the *Age* newspaper, that the whole principle of protection implied that we should look after the producer, and that the consumer would look after himself. I maintain that the consumers are the people, and that it is the duty of every free-trade representative in this House to look after their interests. I submit that in this measure the interests of the consumer are practically ignored. He has a sort of false security given to him, because he is assured that all importations will, in the interests of good government, be supervised by the Customs authorities. But whilst the Bill provides that all imports shall be true to their trade description, no attempt has been made to prevent the people of Australia from manufacturing fraudulent goods in our midst to the detriment of the consumers. In the Customs Act we exercise a good deal of supervision over the manufacture of a number of articles which come under the heading of "narcotics and stimulants." What is to prevent us from responding to the invitation to supervise the manufacture of goods, the importation of which this Bill is intended to prevent? What is the use of keeping out of Australia boots made of paper, if similar articles can be manufactured here? The same remark is applicable to patent medicines. Where is the utility of excluding fraudulent goods of any kind if we permit them to be made within the Commonwealth? Consequently, I claim that this is a patchwork measure, which the Minister will live to regret having passed. Much as I admire his administrative powers, I say that in allowing the impressive speech of the honorable member for Kooyong—who spoke as the figurehead of the commercial community—to pass unheeded, the Minister is not doing himself justice. I repeat that he will live to regret the introduction of this Bill.

Mr. CONROY (Werriwa).—One fact in itself suffices to justify my opposition to this Bill, namely, the absolute power which it is proposed to place in the hands of the Minister. I suppose that we should have to go back in history at least 200 years to find a parallel to the present position. So

far as English history is concerned, our efforts for many years have been directed towards lessening the power that is reposed in the Sovereign. The whole struggle has been to bring even the King himself under the control of the law. After many years that end has been achieved. Now, however, it is proposed to substitute a new form of despotism for parliamentary authority. In the old days there was some excuse for a despotism, in that it was always supposed to be used in a beneficent manner, and in accordance with the wishes of the great bulk of the people. As the masses at that time were unable to read or write, they were to a certain extent safeguarded by such a form of government. But in this Bill—despite the advance of civilization—an attempt is being made to make the Minister in his Department practically autocratic. Under its provisions, despite any injury which may be inflicted upon the producer or consumer, his decision cannot be challenged. It is not open to review. No matter how harshly he may administer the law, he has merely to say, "Such and such is my opinion," and there the matter ends. Some time ago, when certain measures relating to lands and mining were before the New South Wales Parliament, I took the opportunity of drawing attention to the fact that extraordinary powers were being vested in the Minister for the time being—powers that would inevitably lead to corruption. Nobody who is familiar with the history of that State can doubt that my prediction has been verified. Had the Minister's decisions there been subject to review in a Court of law, the scandals which have occurred in the Lands Department would have been avoided. The great bulk of honorable members opposite do not appear to grasp that fact. It is unreasonable to assume that the Minister in charge of the Customs Department will always be immaculate and absolutely unapproachable. To my mind it is perfectly clear that men will have peace, and if they cannot secure it in any other way they will pay for it. Consequently, under this Bill we shall produce a deterioration in the standard of men who will administer the law. I think we should provide that if the Minister gives a questionable decision, that decision should be subject to review in a Court of law. What is likely to happen if we vest in the Customs inspectors for the time being the extreme power to grade

Mr. Conroy.

all goods that are imported or exported? Undoubtedly the man who is prepared to pay those officers for shutting their eyes to irregularities will be able to get his goods through, whilst the individual who refuses to indulge in such reprehensible practices will not. Consequently we shall be offering a premium to dishonesty throughout our commercial world. No better illustration of the truth of my contention could be obtained than that which is forthcoming from America, where time after time whole departments have been corrupted. The administration of the law there has been occasionally so harsh that men have set themselves to work to obtain relief, and being unable to secure it at the hands of Congress, have sought it through corrupt channels. Who would have thought that the liquor law passed in New York to minimize the evils arising from the excessive use of strong drink would have been so administered as to render it impossible for an honest publican to carry on business? But the fact remains that its provisions were so stringent—that so much power was placed in the hands of the police—that honest men had to go out of the business. Their places were taken by others who were ready to give bribes, with the result that their houses remained open day and night. As a matter of fact, in no other city in the world are life and property less secure than they are in New York. This is due to the demoralization of the police. Such is the stringency of some of the laws in operation there, that many honest men have been driven out of trades to which they apply, and their places have been taken by others prepared to secure relief by means of bribes. This, in turn, has caused men, determined to live by blackmail, to join the police force. In our attempts to enforce a high standard of purity, we may bring about a similar state of affairs. We shall place in the hands of the inspectors for the time being under this Bill such immense powers to restrict trade and commerce that men who are determined to carry on their business, despite this law, will be prepared to pay for the privilege of doing so. It is stated that in some of the departments at the present time certain prices have to be paid. I do not mean to suggest that there is open corruption in connexion with them, but it is said that attempts are made to soothe and allay the prejudices of officers, and to

induce them not to attend to their duty as well as they might do. And yet we now propose to absolutely place the Minister outside the law. That is one of the strongest objections that could be urged to the Bill. If the Minister chooses, he may frame such stringent regulations that practically the whole of our trade for the time being will be blocked. I ask the House to think for a moment of the injury that may be done to our producers by means of such a system before the law can be amended. We have pointed out these dangers; but honorable members opposite, in blindly following the Government wherever they may choose to lead them, are opening the door to new frauds. I strongly resent the extreme power that is given to the Minister, and have no hesitation in saying that the result will be injurious to the bulk of the producers of Australia. We are even trying to regulate the sense of taste of those who wish to buy our products on the other side of the world. It seems useless to make any further protest, but I, for one, am certain that, unless there is a failure to administer the Bill as it may be administered, the difficulties and dangers arising from it will be found not to have been unduly exaggerated by the Opposition.

Mr. LIDDELL (Hunter).—I have patiently awaited an opportunity to speak to this motion. Representing as I do a community whose prosperity practically depends on its export trade, and the safeguarding of the interests of the consumers of its products, I do not intend to allow this Bill to pass without entering an emphatic protest against it. For my own part, I believe that while it does not go far enough in one direction, it goes altogether too far in another. It places too much power in the hands of the Minister. We were promised that the Bill would contain a provision which would to a certain extent prevent unfair competition between the various States, but that promise has not been fulfilled. As an illustration of the unfair competition to which I refer, let me point to the present position of the wine industry. The wine-growers of South Australia, by adulterating their wine for sale in their own State with sugar, are able to sell, by means of the profit thus made, unadulterated wine in the neighbouring States at a price below that at which the local vignerons can supply it. There is nothing in the Bill to prevent that practice. So far as I can

see, its only effect will be to hamper the exporter and give no relief whatever to the importer. We were also promised that it would prevent the introduction of deleterious compounds and patent medicines harmful to the health of the community. The Minister will find, however, that the Bill is practically unworkable. If it is to be so administered as to prevent the importation of deleterious goods, an army of experts will be required. The only satisfactory way to achieve the object I have mentioned is to institute a system of Federal quarantine and to establish a Commonwealth Department of Public Health. I think that time will prove that this is but another example of the evils of party government. The Bill has been forced through the House by a Government which has not a majority of direct supporters, but is kept in office by a party, the members of which have shown by their silence that they do not approve of some, at least, of its provisions.

Mr. G. B. EDWARDS (South Sydney).—I do not wish to detain the House by joining in useless opposition to the passing of the Bill. I supported its second reading because I believed, as I still believe, that it contained a principle that we might very well adopt. But, as I said on a former occasion, it places in the hands of the Minister powers which are fraught with the greatest danger. The Opposition have failed to induce a somewhat stubborn Minister to adopt any amendment designed to make it a workable measure. On the contrary, the Bill has been made even more drastic than it was when introduced. If I were influenced by purely party considerations, I should be pleased to see it carried, because there can be no doubt that it will raise such a hornet's nest about the ears of the Ministry that it will bring them to the ground. No measure yet passed by this House is calculated to produce so much irritation as this will do if it be strictly administered. The Minister has either to stultify himself by allowing the great powers vested in him by the Bill to remain inoperative, or else to enforce those powers, and so prevent people from exporting certain commodities, which may, nevertheless, be consumed in our own country. So many difficulties will arise from the exercise of the powers vested in the Minister that I am satisfied that both he and the leader of the Government will regret the day that they submitted the Bill

to the House. The cardinal feature in the measure at the outset was one of which we almost wholly approved, but throughout its consideration the Minister has made no response to the appeals of experienced business men, who have pointed out that the Bill, unless it is to be used as an instrument of tyranny, will be practically inoperative. The honorable gentleman has set himself up against the practical knowledge of business men in the House, who have no other interest in the matter than a desire to insure the well-being of the commercial community. Although he has been asked again and again to say whether there has been any demand for this Bill, we have not been able to ascertain whence the request for its introduction came. It is only right that the public should be protected from the importation of deleterious commodities; but the Bill goes far beyond that. It seeks, in a ridiculous fashion, to protect the consumers of Australian produce in other parts of the world, and may thus do great harm to our commerce. I venture to predict that many of the provisions of the measure will prove inoperative, and will not be put into force, or, if they are put in force, the Minister will wish that he had never caused their enactment.

Mr. RONALD (Southern Melbourne).—We on this side of the House have been challenged over and over again to give a reason for the passing of the Bill. Honorable members opposite speak as though Australian produce has no reputation to maintain. The purpose of the measure, I take it, is to keep watch and ward over the reputation of our goods, and to prevent fraud in connexion with either importation or exportation. That statement, I think, answers the whole of the objections to the measure.

Mr. DUGALD THOMSON (North Sydney).—I wish to remind the Minister publicly of an omission of which I reminded him privately. As the Bill stands, a trade description includes a Customs entry. As honorable members know, the regulations may require that a particular trade description shall give particulars in regard to a great variety of subjects. Every ingredient in a complex article may have to be named, together with its place of manufacture, and many other things. While it may be perfectly right to demand the statement of such information on a label

or invoice, it would be manifestly unjust and cumbrous to require it to be repeated on a Customs entry. I understand from the Minister, however, that in another place he will have carried out his promise that the statement of this information on the Customs entry shall not be required unless that entry is the only trade description.

Sir WILLIAM LYNE.—Yes.

Mr. DUGALD THOMSON.—I shall not repeat the objections which have already been urged against the Bill. It is another instance of legislation for the accomplishment by indirect methods of what should be attempted by direct methods, and the result is that powers are given to deal with major offences which may be applied to minor offences. Another objection to the Bill is that a farmer or producer, reading its provisions, will not gain from them a knowledge of the requirements of the law. In my opinion, the measure should have dealt directly with deleterious and improper importations and exportations, and should have been so framed that those whom it is likely to concern could, by reading it, ascertain exactly what they must do, and what they must avoid doing. I trust, however, that improvements will yet be effected in it, and that when it becomes law it will be a much better measure than it is now.

Mr. McWILLIAMS (Franklin).—I must enter my protest against the Bill. I think that no measure of equal importance has ever been forced through an Australian Parliament in the way in which this measure has been forced through this House. Men who possess practical experience in connexion with exportation have shown conclusively that it will be impossible to put into operation some of the clauses of the Bill without absolutely stifling Australian industries. So that, as the honorable member for South Sydney has pointed out, a great part of the measure must remain a dead-letter, or, if applied, will do such damage that the next Parliament will find it necessary to amend it. Although the discussion of its provisions have occupied some time, that time could not have been better occupied. The measure, as originally introduced, was a very crude one, and Ministers showed that they possessed no knowledge as to what would be the practical result of the operation of its main clauses. The effect of the debates which have taken place, however, has been to secure the passing of amendments which have greatly

improved the measure. I have been surprised to observe the utter want of knowledge of, if not of sympathy with, the operations of the producers of Australia, displayed by the majority of honorable members. If we are to progress we must increase our export trade. Our exporters, whether they send away wool, or wheat, or fruit, have to face the competition of the world. Last year, between 2,000,000 and 3,000,000 apple trees were planted in the Commonwealth, 1,000,000 trees being planted in Tasmania alone. The fruit which those trees bear must be sent for sale to the markets of the world, and within the next four or five years Australia will be exporting between 5,000,000 and 6,000,000 bushels of apples. To attempt to regulate that trade means to run the risk of considerably harassing those engaged in it, and surely they have already sufficient difficulties to face. It is because I think that many of the provisions of the Bill will be intensely mischievous, if put into operation, that I have objected to them so strenuously, though I am not prepared to vote against the third reading of the measure, because there are other clauses prohibiting the importation and exportation of deleterious goods, and for the prevention of fraud, which I and other honorable members wish to have passed into law. The fraudulent importer or exporter has none of my sympathy; but the Minister makes a great mistake in thinking that articles of export are necessarily increased in value by branding them with a Government mark. There are men in the export trade who would not exchange their private brand for any Government brand or certificate of quality that could be given to them. Their brand has won a name for their productions in the markets of the world, and no Government testimonial to the quality of their goods would increase the prices obtained for them. Notwithstanding the slurs which have been cast upon our exporters by some honorable members who, on every occasion, have shown an utter want of sympathy with them, the quality of their goods is such that it could not be improved by any Government grading, and I protest against the attempts which have been made to interfere with their business operations.

Mr. STORRER (Bass).—I wish to enter my protest against the statement of members of the Opposition that those who support the Bill have no sympathy with the

producers. My sympathy with the producers is as great as that of any other honorable member of the House.

Mr. McWILLIAMS.—The honorable member has voted against them throughout the consideration of this Bill.

Mr. STORRER.—I have on all occasions shown my sympathy with them. I have not called the manufacturers and producers of Australia robbers, as some honorable members who sit on the opposite side of the Chamber have done.

Mr. DUGALD THOMSON.—They have never been called that.

Mr. STORRER.—I know a little about the ways of dishonest importers, because I have been in business for twenty years, and I have had false invoices sent to me, in which the prices of goods were set out at 25 per cent. less than the cost prices. It is the duty of the Government to protect the revenue, and I protest against the insinuations that have been made against the officers of our Customs Department. Honorable members have no right to speak against them unless they can bring forward and prove some specific charge of under-hand dealing or dishonesty. It has been suggested that under the Bill we shall have in Australia the American system of bribery, but such an insinuation is not fair to our officials. On one occasion during this debate, I suggested, by way of interjection, that the Committee should proceed to a division. I was thereupon told by a member of the Opposition that I was not prepared to listen to fair discussion. So long as discussion is fair, I am prepared to listen to it for a week; but when once a matter has been decided, I do not think that honorable members should waste time in repeating day after day arguments which have already been exhausted. I have voted for the Bill because I thought that it would operate to prevent the importation and exportation of inferior and deleterious goods.

Question resolved in the affirmative.

Bill read a third time.

ADJOURNMENT.

MR. CROUCH.

Motion (by Sir WILLIAM LYNE) proposed—

That the House do now adjourn.

Mr. KELLY (Wentworth).—I notice in this morning's newspapers an advertisement

to the effect that the Right Honorable R. A. Crouch, M.P., will deliver an address in the Town Hall this afternoon in answer to the Prime Minister. Is the gentleman referred to our own Captain Crouch, or some obscure member of the Privy Council?

Mr. CROUCH (Corio).—I do not think it is fair for the honorable member to refer to a public insult to which I have been subjected. I do not know that the advertisement is libellous, but I am consulting my solicitor on the subject.

Question resolved in the affirmative.

House adjourned at 4.47 p.m.

House of Representatives.

Tuesday, 3 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

IMMIGRATION.

Mr. BAMFORD.—The following cable-gram appears in this morning's *Argus*:—

Mr. Jesse Collings, the well-known member for the Bordesley Division of Birmingham, has written a letter to *The Times* with reference to "General" Booth's scheme for sending 5,000 families to Australia. Wholesale assisted immigration of healthy and industrious workers is referred to by Mr. Collings as an "appalling national danger." He expresses the opinion that if the Government assists such wholesale deportation it will be little short of criminal. "Commissioner" Bramwell Booth has replied that the Salvation Army does not propose to send people in comfortable circumstances, but only unemployed, and some suffering from actual want.

Does the Prime Minister consider it advisable, under the circumstances, seeing that we have already many unemployed and others in actual want in Australia, to continue the negotiations for the introduction of these people?

Mr. DEAKIN.—The negotiations have passed into the hands of the Agents-General of the States. That men are not in comfortable circumstances, or are even in want, does not, of necessity, cause them to be undesirable immigrants. Most of these families may be desirable immigrants, and if the Governments of the States are able to settle on the land those they approve, the prosperity of all classes must be thereby increased.

WESTERN AUSTRALIAN POST AND TELEGRAPH ADMINISTRATION.

Mr. CARPENTER.—Will the Postmaster-General, before making the drastic changes in regard to the administration of the Post and Telegraph Department in Western Australia which have been foreshadowed in the press, give the officers there every opportunity to protest against alterations which may affect them adversely?

Mr. AUSTIN CHAPMAN.—They will have every opportunity. The report in question is at present under consideration.

PAPERS.

Mr. DEAKIN laid upon the table the following papers:—

Correspondence relating to the Federal Capital Site (15th September, 1904, to 4th September, 1905).

Correspondence between the Prime Minister and the Premier of New South Wales respecting a draft Bill to expedite the settlement of the Capital Site question (8th to 29th September, 1905).

QUEEN VICTORIA MEMORIAL.

Mr. REID.—Is it the intention of the Prime Minister to submit, at an early date, the motion regarding the Queen Victoria memorial of which notice has been given?

Mr. MAHON.—Why did not the right honorable member submit it?

Mr. REID.—That is a pertinent question, and I should like to inform the honorable member, if I may be permitted to take the irregular course of answering it—

Mr. SPEAKER.—I am afraid that the right honorable member cannot be permitted to do so.

Mr. REID.—I have the fullest intention of supporting the motion. No doubt the Prime Minister has learnt from a paper which reached the Department of External Affairs shortly before the late Government went out of office, that there is some urgency, because the completion of the design has been suspended until it can be known whether Australia will join in the erection of the memorial.

Mr. DEAKIN.—The motion has not yet been brought on because of the want of opportunity to deal with it without impeding the progress of necessary legislation. I am in receipt of later information, which appears to show that inaction in any part of the Empire is not responsible for the delay of which the right honorable

member speaks, which is due to the fact that the general design has not yet been completed.

CENSUS AND STATISTICS BILL.

SECOND READING.

Debate resumed from 23rd August (*vide* page 1386), on motion by Mr. GROOM—

That the Bill be now read a second time.

Mr. KELLY (Wentworth).—I do not think any one will deny that the creation of a Commonwealth Statistical Bureau and the making of arrangements for the taking of a Commonwealth census is a Federal necessity, although, as the Minister pointed out in his second-reading speech, this is a power which the Commonwealth must exercise concurrently with the States. For that reason it should be exercised most circumspectly, and my chief objection to the Bill is that it does not indicate a desire on the part of the Government to exercise this concurrent power in a way which will prove not prejudicial to the *amour propre* of the States. The Minister explained the administration which he thought should be pursued if the Bill were passed; but this Government has been too ready to ask to be endowed with legislative discretion. Instead of asking for instructions from Parliament they wish to be empowered to legislate in Cabinet on each question as it arises. The Minister, in his second-reading speech, as reported at page 1385 of *Hansard*, said—

There are two courses open. We might have a central statistical bureau, with branches in each of the six States, which could be used for State purposes as required. As an alternative, we could establish a central Commonwealth bureau, and enter into negotiations with the various States with a view to utilizing their departments to the fullest possible extent. During the early stages of the organization of the Commonwealth departments, the latter will be found the most practical course to pursue.

The Minister should not have put two courses before us, asking us to give him power to follow either as he might think fit.

Mr. GROOM.—The Bill contemplates the latter course.

Mr. KELLY.—As I shall show before I have finished, it also contemplates the former course; and the Minister in making that statement had both courses in view. It was his duty, however, to tell the House which he thought would be the right course to pursue, and to ask for power to follow

that course. It was not for him to say what he thought should be done, and then ask also for power to do something else. The Government should take the responsibility for proposing one or other of these two courses. They should not ask Parliament for power to carry out either course, giving us no security that the course which we think best will be carried out. The Minister continued—

Of course, we could negotiate with a view to taking over the States Departments.

That is another matter upon which I have a cause of quarrel with the Government. Had they negotiated in the way they should have done before they submitted this measure, they would have been in a position to say which of the two courses proposed would have been best to pursue. They now ask us to authorize them to take either one of two courses which they may conceive to be best after the States have been approached on the subject. Why were not these negotiations entered into before the Bill was presented to us? The Minister further says:—

If they do not desire us to do that, we can arrange to co-operate harmoniously with them.

Surely an attempt should have been made to arrive at an understanding with the States before the Bill was presented. I do not regard the Bill as premature. On the contrary, it is a necessary measure; but we should have had some further indication than is afforded by the small, and far from hopeful, correspondence that has passed, of the anxiety of the Government to bring the negotiations with the States Governments to a successful conclusion. The Bill contains two diametrically opposite proposals. In one clause, power is sought to appoint a Statistician with authority to deal with the statistics of practically every conceivable subject. In another part of the Bill, provision is made for the appointment of States officers, as the deputies of the Commonwealth in connexion with statistical work. There is no delimitation of the duties as between the Commonwealth and the States officers. The Minister said—

We start on the assumption that the States will need to have their own local statistics for their own purposes.

Necessarily, the Minister also started with the assumption that the Federal authority would require to have its own statistics for its own purposes. And yet no attempt

has been made to delimit the work which the respective authorities are to undertake. Take the case of industrial statistics. At present, industrial matters are wholly within the purview of the States, and it is obvious that if, before the States have handed over to us their authority to deal with industrial matters, we enter upon this branch of their statistical work, we shall double-bank the statistical records. Power is sought to compile statistics relating to factories, mines, and productive industries generally. Whilst it may be conceded that all these are subjects of Federal interest, it will be seen that under the double-banking process I have indicated, the taxpayers will be required to bear a greatly increased expenditure without deriving the benefit of a more complete service. An effort should have been made to define clearly the scope of Federal statistical legislation, and to indicate the work that is still to be left to the States. I must also strenuously object to the large powers of prescription for which the Minister is asking. Recent legislation in the Commonwealth and the States, and even in the mother country, has been marked by an increasing assumption on the part of the Crown of the powers which properly belong to our representative institutions. The liberties of the people, which were won at such great cost, have apparently become matters of such small concern that year by year fresh powers are without a struggle being handed back by the Parliaments to the Crown. In the Bill provision is made for handing over to the Minister of the day powers which should rest with this House. The Minister seeks authority to exercise immense discretionary power. He informed us as to his views with regard to the way in which the Commonwealth should exercise its authority to compile statistics; but if one contrasts the clauses which authorize the Minister to make arrangements with the States Governments with the provisions which are intended to enable the Commonwealth Statistician to collect statistics upon every conceivable subject, one cannot fail to be struck with the curious contradiction involved. If the Minister is armed with the powers now sought, the States will be compelled, perhaps, much against their will, to hand over to the Commonwealth their control of a number of statistical matters. We all know that the expenditure incurred by the Common-

Mr. Kelly.

wealth in this direction will be debited to the States on a population basis. For example, if under clause 16 the Government decide to collect industrial statistics, say, in Queensland, and that State wishes to compile similar information for itself, although the latter may have its own statistical bureau, it will still be required to bear a share of the expenses of the Commonwealth's statistical operations within its own borders.

Mr. BAMFORD.—What benefit would accrue from having those statistics duplicated in any way?

Mr. KELLY.—That is exactly the point which I am making.

Mr. BAMFORD.—Under such circumstances would not the Government of Queensland gracefully give way to the Commonwealth?

Mr. KELLY.—But if it did not wish to do so, seeing that it possesses concurrent powers, we ought to exercise our powers very circumspectly indeed. We should recollect that the same taxpayer would be required to bear the cost of both operations. For my own part, I think that the work of collecting statistics generally is one which should properly belong to the Commonwealth. But before the powers of the States in this respect can be abrogated, it is obvious that we must inspire them with confidence in Commonwealth administration. Otherwise they will not be prepared to surrender their powers. The best way in which we can inspire that confidence is by negotiating with the States—not by arbitrarily taking from them powers which they possess under the Constitution. By compelling them to contribute to the cost of maintaining a Federal Bureau of Statistics we shall oblige them to surrender control of such statistical branches as they themselves now imagine it necessary to conduct. That is a point which I suggest for the Minister's consideration. If clause 8 in the Bill means anything, we shall require to eliminate from clause 16 such powers as conflict with the powers which the States have an equitable right to continue to exercise. We know that there are certain functions which the Commonwealth should exercise. For instance, unless we collect the census ourselves, we cannot be sure that the basis for the redistribution of electorates is the soundest procurable. Under other circumstances, it would be possible—at the same time, I think that it would be extremely improbable—for the States to "fake" their census returns

in order to secure greater representation in this Parliament than that to which they were entitled. But whilst exercising our own powers, we must endeavour to safeguard the rights of the States. At the present time, the Commonwealth is regarded in some of the States with absolute dislike, and in others with feelings approaching unpopularity. The main reason for this unpopularity is that instead of adhering strictly to our own duties, we have trespassed upon the industrial domains of the States.

Sir JOHN FORREST.—When?

Mr. KELLY.—Upon the occasion that the right honorable gentleman exhibited one of the few evidences that he is possessed of some backbone—I refer to the time when the Conciliation and Arbitration Bill was under consideration. I have shown that the Minister should exercise great circumspection. I would further point out that the same powers of prescription are sought to be conferred by no less than nine clauses of the Bill. In the first of these provisions—I refer to clause 9—since the prescription deals only with the servants of the State, it is a matter of comparatively small concern.

Mr. GROOM.—Does the honorable member draw a distinction between “prescription” and “regulation”?

Mr. KELLY.—Yes.

Mr. GROOM.—Under the Acts Interpretation Act, “prescribed” means “prescribed by regulation.”

Mr. KELLY.—Clause 11 provides—

It shall be the duty of the Statistician, subject to the regulations and to the directions of the Minister, to prepare and issue forms of instructions, and take all necessary steps for the taking and collection of the census.

That provision contains no indication of the nature of the questions which shall be asked in the householder's schedule. This is a matter of far-reaching importance. Provision is made in one clause of the measure that no person shall be asked to state his or her religion. That, however, is the only exception which the Bill contains. I venture to suggest that this House should have submitted to it the form which these census returns are to take. Clause 12 refers to the schedule which is to be left with all householders, but the Bill does not stipulate what that schedule shall comprise. I do hope that the Minister will not regard my criticism as captious, because if he will

refer to the Electoral Act, he will find that similar schedules have already been included in that Bill. Seeing that, despite this foresight, that measure created so much inconvenience and departmental bungling upon the first occasion that it was brought into operation, I trust that the Minister will endeavour to make this Bill as perfect as possible. Unless some safeguard be inserted, questions might easily be asked of a character that this House would not approve if it had the power to revise the schedule submitted. I am not anxious to delay the Bill reaching the Committee stage, and, therefore, I do not propose to deal with these matters in detail at the present moment. Another clause in the Bill provides:—

Every person shall, to the best of his knowledge and belief, answer all questions asked him by a collector touching any information required to be filled up and supplied in the householder's schedule.

That provision constitutes a further extension of these powers, the limits of which we are not able accurately to gauge. In a subsequent clause by which so many statistical powers will be vested in the Commonwealth, the Minister will be enabled to say which, if any, of these statistics shall be collected. The Minister thus actually asks for the power at any time to stop the collection of statistics throughout the Commonwealth, should such a course seem desirable to him. If statistics are necessary for the various purposes for which we know they are required, surely we ought not to be asked to trust any Minister with the discretion of saying that their collection shall cease at any moment he pleases. The whole of the statistical work of the Commonwealth may readily be upset under this clause, unless an amendment be made. We find again in clause 17, that for the purpose of enabling the statistics referred to to be collected, all prescribed persons shall fill up and supply, in the prescribed way, the particulars specified in the prescribed form. Have we gone so far that it is necessary, in providing statistical machinery, to arrange for prescribing persons and directing that they shall give all information “as prescribed?” This provision almost reads as if it were the ukase of the Czar of Russia, instead of something that has emanated from a Minister whom we hope is at least sympathetic towards the liberties of the people. A really important departure is proposed under clause 19. Under this

clause, the Minister seeks power to send the officers of the Department on general roving commissions through all places of business, workshops, and the like, during working hours, in order to make, not such inquiries as this House thinks ought to be made, but such inquiries as are prescribed. These powers are altogether too wide to be vested in any statistical bureau. As honorable members are aware, officers of the Department will be able to enter any branch of a man's business to compile statistics on every phase of human industry. In these circumstances, should we give the Minister practically unlimited power to send officers, at his own sweet will, to examine books, and generally to interfere with business, because certain statistics which this House may think unnecessary are, in his own opinion, or in that of the Statistician, required? If these provisions be exercised to anything like half their possible extent, we shall have a statistical bureau of such dimensions as the world has never seen. I suggest to the Minister that this clause in itself necessitates the restriction of the wide powers that he desires to have vested in him. Another curious part of the measure is that which gives the Statistician a mandate to compile and tabulate the statistics collected "pursuant to this Act," and to publish such statistics or abstracts thereof "as the Minister directs." Inferentially, therefore, he is to keep from publication such statistics or abstracts thereof as the Minister may direct. This, again, seems to be altogether too wide a power for the Minister to seek. If the House says that statistics are necessary, surely there should be no political interference with the proper departmental work of preparing them. But here we have the Minister seeking the right to say what statistics shall, and what shall not, be published. What purpose will statistics serve if they are not for the use of the people of Australia? If they are to be held up at the sweet will of the Minister—if some of them, instead of being published, are to be placed in some Ministerial pigeon-hole—of what use will they be to the people? This provision is certainly one that must be eliminated, and I trust that the Minister will see his way to omit it without action being taken by any one else. The honorable and learned gentleman, as we know, is usually anxious to see that the House is fairly treated. So far, he has not been in charge of a Com-

Mr. Kelly.

merce Bill, or other kindred measures, and we are, therefore, in a position to regard him with a certain degree of hope. That being so, I do say that as this fault has been pointed out, we shall certainly look forward to his correcting it before the Bill passes out of Committee. The next point—and this is the most important of all—is that under this measure the Government propose to take a census when they please. I do not know whether they have realized exactly what this means. The cost of taking a census of Australia amounts to over £100,000, and if a Minister is to have the right at any time to incur such an expenditure, we may well ask what has become of Parliamentary control. Then, again, as if this were not sufficient cause for alarm, we find that the Bill, when read in conjunction with the Representation Bill, places the House, and especially representatives of those States whose population is increasing, in a rather invidious position. The Representation Bill provides—

Mr. SPEAKER.—That measure is before another place, and may not be discussed.

Mr. KELLY.—I am merely referring to it incidentally.

Mr. SPEAKER.—Then the honorable member will be good enough not to mention the name of the Bill.

Mr. KELLY.—In another Bill dealing with the basis of the representation of the various States in this Chamber, there is a provision insuring that—

After the first census taken after the commencement of this Act an Enumeration Day shall be appointed at the expiration of every fifth year after the then last preceding Enumeration Day.

Under this measure, however, a census need not necessarily be taken for another hundred years, because the Minister alone has the power to fix the Census Day. After the first enumeration, which we know must take place, no further enumeration day can be decided under that Bill until the Minister chooses, under this one, to hold a census. So that if, ten or eleven years hence, any State happened to have a bigger proportionate population than it has at present, it would not be able to get its proper representation in this House until the Minister of the day saw fit to hold a census under the wide discretion he is given in this Bill. Surely the House will not stand that! In my opinion the Bill should be altered,

and a definite period fixed for holding a census.

Mr. G. B. EDWARDS.—The year ending with "one" is adopted throughout the Empire.

Mr. KELLY.—Yes. The Minister of Home Affairs, speaking without proper consideration, I think, stated that throughout Australia a census was taken by the States at decennial periods. He cannot really hold that opinion, because he knows as well as any one here that it is not the case in Queensland, but his speech shows—

Mr. GROOM.—It does not say that.

Mr. KELLY.—In his speech the honorable gentleman said—

Each State also acts on the uniform principle of a decennial census.

Mr. GROOM.—I referred to Queensland at another time. Even that State, although providing for a quinquennial census, has acted on a decennial basis.

Mr. KELLY.—Queensland thought it necessary to hold a census more frequently than decennially; but for the purposes of economy it will not collect a census this year, and will wait until the decennial period comes round. If it has made this experiment in the direction of more numerous census, and found that the results did not justify the expenditure involved, surely the Commonwealth might take a lesson from that State. This particular part of the measure is at fault, no matter how it may be regarded. Looked at from the point of view of holding too few census it will interfere with the representation of the States here. If we have too many census, it will interfere with the ordinary practice that has hitherto obtained, not only throughout Australia, but throughout the British Empire—a practice which, when departed from in one State, was found to be so expensive that it reverted to the old procedure. I cannot see that any reason is given for this novel provision. The Minister has not shown us why it is necessary to have a census whenever he thinks fit. It has, I understand, been said that this is to enable the Commonwealth to carry out the desire of a State to hold a census at any time it may think fit. But, surely, with so large an expenditure as £100,000 involved, it is not asking too much to require the Government of the day to come down to the House and apply for special authority. These are all large increases in Ministerial responsibility,

which I hope the House will not approve. It is rather significant that whereas the Crown is very ambitious for an increase of its own powers, it shows a singular disregard for the rights of the people as regards the operation of the measure. One provisions says that—

Any person who forges, or utters knowing it to be forged, any form or document under this Act, shall be guilty of an indictable offence, and liable to imprisonment for a term not exceeding three years.

The people who will suffer by this forgery or the uttering of forged forms or documents will be the people of Australia. When a forgery is committed in the ordinary way, I think that the penalty is about ten or fourteen years, at any rate it is in the State from which I have the honour to come. Why should the penalty for forgery under this Bill be so exceedingly light? It is a very serious offence. Here is one chance that the Ministers have of safeguarding the rights of the people, and I do not see why any special provision should be inserted to save the criminals involved from the ordinary punishment for that offence. I only touch upon this matter in passing to show that whereas the Ministry is extremely ambitious for new powers it is not so careful of the ordinary rights of the people. I do not wish to delay the passing of the Bill. I recognise that there are certain statistics which the Commonwealth should collect. I certainly think that the census should be taken by the Commonwealth, but only at fixed periods and in the way which the House may lay down. I regret that in his speech the Minister made no reference to the probable expense of collecting the census, gave no assurance that the Federal and States Departments would act in co-operation, and offered no valid reason why the census should not be taken at fixed periods. I have only a few matters to regret about the Bill. It is too loosely drafted, throwing, as I have pointed out, too great discretion upon the Department. It allows too great Ministerial powers as regards taking a census, ordering and inferentially, stifling the publication of statistics at its own sweet will and arranging what statistics shall be collected. I hope that before we go into Committee the Government will be able to bring down some amendments that will be the means of shortening the discussion which is bound to ensue if the Bill is sought to be passed in its present very loosely-drafted form.

Had it not been for this loose drafting I should not have availed myself of my right to speak on the second reading of the Bill, but in its present form I think that the more it is debated at this stage the less discussion there will be in Committee. It certainly is not the fault of private members if they find it necessary to have a preliminary discussion at this stage. I would suggest to the Minister that he should reconsider the measure with a view to telling the House definitely what he wants, and giving it an opportunity of granting him definite powers.

Mr. KNOX (Kooyong).—This is essentially a Bill to be dealt with in Committee. I agree with the speaker who has just sat down, that an effort should be made to save expense and to work in with the States in that enumeration of population which is necessary. I entirely concur in the view that there ought to be a fixed period for the census, and that years at the end of whose numbers the figure one appears—such as 1901 and 1911—should always be the years in which a census is taken. I have risen to say that at a later stage, after I have been able to consult the draftsman, I shall move that the householder's schedule be a schedule to this Bill; not with a view to limit the statistics which the officers may desire to collect, but in order that the House may understand the minimum of information to be obtained. If honorable members will refer to the New South Wales Act or the Victorian Act, they will find that elaborate details are given as to the information to be secured. In clause 16 of this Bill, the heads of the various branches of information to be compiled are set out; but I think that the Bill fails in giving to the House a very limited idea as to what the character of the information is to be. I have spoken upon the subject to the Minister in charge of the Bill, and I earnestly hope that he will recognise that as this is a measure affecting the statistical information of the whole of the Commonwealth, it is much too narrow and restricted in its terms. It is true that the Minister has been guided to a considerable degree by a conference of Statisticians recently held. But we should like to have an assurance from him that he is co-operating in some way with the States.

Mr. GROOM.—I stated in my opening speech that it was desirable to do so.

Mr. KNOX.—It was my fault that I had not the pleasure of hearing the Minister's

speech. I think that it would be monstrous to duplicate the expense in obtaining information which is so necessary, both to the States and the Commonwealth. We should co-operate with the States. We should also co-operate in obtaining our information in such a form that it will be useful for purposes of comparison. We should fall in, as far as possible, with the practice that has been pursued by the States, and also with the practice in Great Britain. Comparisons which are drawn from statistical information are much more satisfactory if they are based upon similar data, and relate to fixed and regular periods. I recognise that in a matter of this sort we are largely in the hands of the Minister for the time being. But, at the same time, I urge that the Bill ought to be much more specific. It is a short measure dealing with an enormous subject, and involving States' interests. It is essentially an enabling Bill. But the information which it is proposed to obtain is vital. We should, therefore, schedule the various kinds of statistics which shall be collected. I rose at this stage simply for the purpose of letting the Minister know that I am expressing, not only my own personal view, but that of other honorable members who think that the Bill is very meagre in the respects I have indicated, and that we shall ask honorable members in Committee to consider the expediency of making the householder's schedule a schedule to the Bill, and the details of information which are to be obtained much more comprehensive and more completely particularized than they are in the general terms here employed. Each one of us has his individual opinions as to what the nature of the information to be collected ought to be; and we should, in my judgment, have an opportunity of expressing our opinions on that point. Of course, this cannot be considered as other than a very necessary Bill, and the wonder is that it has not come before the House at an earlier period. I trust that it will be amended in two or three particulars, especially those which I have indicated. Feeling that the measure is essentially one for consideration in Committee, I shall not labour the points I have mentioned any further at the present stage.

Mr. McCAY (Corinella).—I agree that this is a Bill for consideration in Committee, but there are one or two matters to which I should like to direct the attention of the House on the second read-

ing. I think it is more convenient to do so, as it will conduce to a saving of time. I have no objection to a Census and Statistics Bill being brought in and dealt with by this Parliament, although personally, I do not think that there is any urgent hurry for it. But there are two or three points in connexion with the measure as it comes before us which I think justify some criticism. The first to which I should like to refer is the fact, as it appears to me, that although this Bill refers in one or two clauses to making arrangements with the States, its general tenor seems to disregard certain existing facts with respect to the collection of statistics by the States. For example, the Bill takes power to collect statistics relating to factories and mines. The fact is that in all the States these statistics are already being collected, at least as efficiently, and certainly much more economically, than the Commonwealth could collect them on its own account. The States in connexion, for example, with factory legislation, have all the machinery and the officers who can get, and who do get, all available information from time to time. If the Commonwealth proposes to disregard all this work, and collect information for itself, it will certainly not get it any more fully, and, equally certainly, the information will be found very much more expensive. The measure should show more clearly that existing agencies are to be utilized—existing agencies, the efficiency of which has been proved, and the economy of which is recognised. If, for example, in the States of Victoria or New South Wales, it is proposed to collect all the factory statistics by means of Commonwealth officials, instead of by State officials, we shall inevitably duplicate a great deal of work and information, which is absolutely necessary to the States, for the purpose of carrying on their administration. In a matter of this kind, we should confine ourselves to collecting and collating the information gathered by the States. Instead of the Commonwealth creating a bureau for collecting information, there ought to be a central statistical staff for the purpose of dealing with information already collected, and making the necessary calculations. I must confess that I am much surprised to find it proposed that the census shall be taken whenever so directed by the Governor-General. To take a census of Australia costs £120,000, if we are to judge by past ex-

perience; and are we to leave expenditure of this kind to be determined by the Governor-General, meaning that a census shall be taken whenever the Executive Government of the day chooses?

Mr. GROOM.—There will have to be a preceding appropriation.

Mr. McCAY.—If so, why not do what is intended by the clause, and say frankly that there shall be a census in each tenth year, ending with the figure one—in 1911, and so on? The States have always considered this matter, which involves so much expenditure, as of sufficient importance to justify the passing of special Acts every ten years. But we, in our political laziness—that is the only name I can give it—pass everything on, even a matter of this kind, to the Governor-General, which means the Ministry of the day. This measure should, undoubtedly, prescribe one of two things; it should either provide for the next census, or it should provide for a periodical census, and say in what year it shall be taken. I admit that the day cannot be named as in the case of the States; but we could prescribe that the census shall be taken in 1911, and every ten years afterwards on such days as may be appointed by proclamation. This Bill gives a power for which there is no need—a power which Parliament should not give to any Executive. Really we are, nowadays, coming to such a pitch in regard to legislation that all we want is a short Act—at any rate, while the present Ministry is in office—setting forth that the Governor-General may make regulations, prescribing how the powers vested in us by the Constitution are to be exercised. That would save a great deal of trouble, so far as Parliament is concerned; but I do not know whether Parliament is prepared to thus let its power go. There are many matters in which it is inevitable that power must be delegated to the Executive, but my view of legislation by regulation is that power should never be so delegated unless in order to do something which Parliament cannot do itself. In this particular instance, certainly, Parliament can deal with the matter itself. After all, the Bill is nothing but an enabling measure, and it gives the public very little or no information about the census. The Bill, in effect, says that there may be appointed a Commonwealth Statistician, and that a census may be taken whenever the Government choose—that the Government may

collect statistics as they determine, and may make regulations for carrying into effect the power we give to the Ministry. That is not legislation of the kind that this or any Parliament ought to pass. Wherever possible, powers should be defined, methods shown, and particulars given. It is only where the complex character of the modern political state renders it impossible to foresee and arrange for all details that the power of delegating legislation, or legislation by regulation, should be exercised. If we compare the last Census Act of New South Wales or of Victoria with this Bill, we are struck at the outset by the meagreness of this measure. The provisions should be more full in every way. The Bill consists of a series of clauses, which, without exaggeration, may be said to end with the words "as may be prescribed." There is far too much prescribing, and far too little legislation; and I hope, therefore, that in Committee the Minister will accept amendments—because, unless amendments are accepted, it will be quite hopeless to attempt to carry them—so as to make this measure fuller, as it ought to be, and more like an ordinary Census Bill, instead of merely a measure authorizing the taking of a census and the collection of the necessary statistics. I do not wish to delay the Bill from getting into Committee, but I desire to say here and now that it is altogether too brief. In their attempts at brevity, the Ministry have succeeded in leaving out most of the matters that should find a place in a measure of the kind. If the Ministry will allow this skeleton—for it is little else—to be clothed with flesh in a proper legislative way, it will assist the passage of the measure through Committee, and make it more in accordance with the traditions of legislation to which we are accustomed than is this recently acquired method of passing everything on to the Executive. The latter is not the duty of Parliament; on the contrary, it is the duty of Parliament not to leave matters to the Executive except where such a course is inevitable. Parliamentary control is disappearing day by day, and inevitably so in some cases; but it should be our duty, where the step is not inevitable, to see that we do not let go our legislative authority. I do not desire to delay the passing of the measure, and I therefore content myself with these very few words on the motion for the second reading.

Mr. McCay.

Mr. REID (East Sydney).—I suppose that, as usual, the efforts of the House in dealing with this measure will be left to those who sit on this side. It really seems as if the burden of discussing the measures introduced by the present Government were left entirely to honorable members on these benches. There is a stolid power on the other side which does not at any time assume an intellectual phase; it is simply a physical, dense power of carrying anything or rejecting anything which it does not think it necessary to discuss. This measure is one of the most interesting that could be introduced, and one on which I am sure there cannot be any sort of feeling in reference to the different political parties in the House. It is a practical, business question of very great moment and considerable difficulty. We must all recognise the fact that the subject forms one of the troublesome problems of the Federal power. There must be a number of questions which are interesting to the States and not interesting to the Commonwealth, and a number of questions that are interesting to the Commonwealth and not interesting to the States; and from that simple state of things arise a number of difficulties. Some vigorous action will have to be taken, or we shall find ourselves, in the exercise of this power of dealing with census and statistics, duplicating public expense, instead of effecting economies. Federation has, I think, been an intense disappointment in many respects, but in no respect more than in the failure which seems to attend both Federal and State authorities in their efforts to bring about economy under the new order of government. Unless some happy change comes over the relations between the two powers, unless there is some exercise of greater wisdom than we have seen on both sides in reference to questions of difficulty, this Department of Census and Statistics, instead of proving a means of public economy, will lead only to further extravagance. The first thing which must be recognised by the States authorities is that, whether wisely or not, the people of Australia have handed over this work—and a very important work it is—of census and statistics to the Federal power. The States Governments must be aware, and I trust will frankly recognise, that this business is one which has been handed over to us, that we must do our duty in establishing this Department, and

that we have the right to suppose that when we do establish it they will make use of it, and will accept the situation in such a way as to reduce the public burdens. It might very easily be, unless there is some wise mutual arrangement and understanding, that we shall launch the people of Australia into a very serious expenditure in connexion with this matter, and that instead of getting efficiency, certainty, and continuity, we shall produce nothing but friction and confusion. No one has shown a greater desire to study the susceptibilities of the States Governments than I have done. I do not think any effort is wasted in the endeavour to establish good feeling amongst those administering the powers of government in the States and in the Commonwealth, because I believe that is a first condition to the bringing about of a better state of things. But with every desire to stretch forbearance and consideration, I have come to the conclusion that in this matter it is the duty of the Federal Parliament and Government to take this Department over, and not to hesitate to carry out this duty. Unless we take this Department over with a determination to make it something like a national Department, unless we are prepared to emulate the success of the American people or the people of the mother country in connexion with their Statistical Departments, we should do better to let this matter alone. I will strengthen the hands of the Ministry in every possible way in the establishment of a Department worthy of the importance of the subject. The expression "census and statistics" is a dry one, and to a large number of minds it suggests very little, but to those who are aware of the value and usefulness of good statistical systems in reference to the affairs of nations, the control of this Department will be looked upon as one of the most important departures of the Commonwealth. If it is well established it ought to become a tower of strength to the Australian people, especially in the way of showing in a true and clear light and in a convincing way the real strength and variety of resources and the prosperity that exist in this part of the world. I believe that a proper statistical display of the facts of the Commonwealth to-day would be of immense service in every part of the globe, and would do more to dispel idle, silly prejudices and slanders than anything else that could be mentioned. The rock on which the whole project may be shipwrecked is the want of a good understanding between the Commonwealth and

States Governments, but perhaps even more dangerous than that would be any sign of weakness on the part of the Commonwealth Parliament or Government in dealing with this important matter. I submit that we have no right to take up this matter unless we intend to deal with it thoroughly. We have no right to take it up in the light of there being six or seven Statistical Departments in Australia, or in the way of adding a Statistical Department to the six that exist to-day. Our determination should be to establish this Department on such a foundation that it will be looked to by the States Governments for help in the collection and tabulation of information which may be of even greater interest or importance to the States than to the Commonwealth. On the other hand, we cannot forget that the Commonwealth Government must look to the States Governments to a very large extent in connexion with this Department. If we required to establish Commonwealth agencies in every State, in order to get all the information which it would be proper to get for carrying out the work of this Department, I admit that the expense would be ruinous. We must look, to a very large extent, to the help and co-operation of States Governments, in the use of States officers, in order to secure any sort of economy in connexion with this matter. I quite agree with my honorable and learned friend, the member for Corinella, and other honorable members who have spoken, in their general criticism of this Bill. No doubt, it is a measure in which the line of least resistance has been followed all through. I am afraid that unless it is braced up in some way, and is made more definite, we shall begin the consideration of this matter with a false step. Take that one most important, but very simple, question, as to when the first Australian census should be taken. What conceivable doubt can there be as to the year in which that census should be taken? If we go to any other period than that suggested by my honorable friends; if we go away from the year 1911, what will be the result? All our statistical and census information which has been collected on the basis of ten year periods will be useless, and there will be no basis of comparison provided. Let us suppose that we determined to take our census in 1908 instead of 1911. All the vast mass of information which we have, and which would serve as a basis for proper comparison, and would

preserve the continuity of the statistics of the States, would be destroyed by that one simple blunder. I am sure the Minister can have no idea of fixing any other year than 1911. The honorable and learned gentleman, in giving a reason for not fixing the date, used these words—

It is intended to have a decennial census here, but provision is made and the manner set forth in clause 10—

That is a provision that the Governor-General can name the time—

pending negotiations with the States for the transfer of the Statistical Departments to the Commonwealth, or some other arrangement under which the statistics of population may be collected by the Commonwealth.

When we recollect that we are in the year 1905, and that the next census cannot be taken for six years, it will be seen that we shall begin in a most abject way, if it is presumed that we cannot within six years, between 1905 and 1911, come to some sensible arrangement with the States about the taking of the census. Clearly, the Commonwealth Government must take the census. It is impossible to have any arrangement under which the six States will take the Australian census. We might get the advantage of the assistance of the six States in taking it, but the Australian census must be taken by the Commonwealth Statistical Department. What a ridiculous development it would be to have a Commonwealth Department of Census and Statistics, and yet have the Australian census taken by six different States Departments. The thing would be ridiculous. We must have a census in the year 1911 and every tenth year following, and the Commonwealth Government must carry it out. It must be really a Commonwealth census. These things being so, why cannot the measure be explicit on a simple point about which the slightest controversy is impossible. We have been told that the regular census costs about £120,000.

Mr. GROOM.—For collection and compilation only?

Mr. REID.—Yes. It is obvious that that great expenditure should not be incurred more often than once in ten years. If some extraordinary event, of which I cannot conceive the possibility, should make it advisable to take a census at some irregular period, it would be proper for the Ministry of the day to bring down a special Bill to obtain the sanction of Parliament to so unexpected and expensive

an innovation. Therefore, I strongly urge that clause 10 should be made to contain a definite provision in reference to the time of the taking of the census. The honorable and learned member for Corinella seems to think that it will be difficult to fix the precise day; but to my mind there would be no difficulty.

Mr. BAMFORD.—The census might be taken on a Sunday.

Mr. REID.—Yes. In the New South Wales and Victorian Acts which provided for the taking of the census of 1901 in those States, there was the provision that the census should be taken on Sunday, 31st March, of that year, and in a general Act the provision might read "On the last Sunday in the month of March."

Mr. GROOM.—The day could be fixed by proclamation.

Mr. REID.—The day is not a very important matter, but I think that it is important that the census should be taken in or near to the month of March. Is there not a provision in the legislation of the mother country providing for the taking of the census in March?

Mr. GROOM.—In the mother country the taking of the census is the subject of a special Act on each occasion.

Mr. REID.—I see, by reference to the last English Act, that the day fixed is the day which was fixed in New South Wales and Victoria.

Mr. GROOM.—I think that the States followed the English legislation.

Mr. REID.—Probably the last Sunday in March would be the best day to provide for as a uniform arrangement, Sunday being the most convenient day of the week for a purpose of this kind. Although the Minister may wish to leave the fixing of the day of the week and the month of the year to a proclamation, I feel sure he will meet the view I have expressed by putting the year beyond doubt. We can at present compare the period between 1891 and 1900 with the preceding decennial periods 1881 to 1890, 1871 to 1880, 1861 to 1870, and 1851 to 1860, and the holding of a census at an irregular period would throw everything into confusion, and upset the basis of comparison. We should, however, fix the taking of the Commonwealth census for periods which would fall in with not only the decennial periods of the States, but also those of the mother country. I think that the provision of the Bill in regard to the householder's schedule in

connexion with the census is objectionable. I have not had time to look at any but the New South Wales Act.

Mr. GROOM.—The Victorian Act is practically in line with it.

Mr. REID.—I hold the view that the particulars of information required to be set out in the householder's schedule should be stated in the measure, though I would not object to the Executive of the day being allowed to add to them. It would be a grave responsibility to place on any Ministry to ask it to construct the householder's schedule. There will be a perpetual irritation in some quarters which will be aimed against the Ministry; but if Parliament itself decides what particulars shall be required, there can be no political controversy on the subject, and no grievance against the Government which happens to be in power at the time of the taking of the census. I believe that sore feeling is created at these times by the asking for information in regard to a number of particulars, and I strongly urge the Minister to follow the lines of the last New South Wales Act in stating, in the measure itself, what particulars shall be required for census purposes. I suggest that the Bill should set forth the particulars of information which we consider essential in regard to the taking of the census, though I shall not object to the Executive having power to add to them. There is no such schedule of particulars in the Bill. I refer to the New South Wales Act with great confidence, because it was drawn up by the then Government Statistician of the State, Mr. Coghlan, who, it is matter of common knowledge, is an eminently able and experienced statistician. Although it may be a troublesome thing to determine what particulars are indispensable in the taking of a census, and to embody them in the Bill, such a course will save a great amount of trouble in the end. The particulars required for the census are one thing, and the general statistical information which it may be thought desirable to get, another. The New South Wales Act—No. 65 of 1900—provides for the obtaining of information other than that stipulated for in regard to the census. Its provisions for the taking of the census are of a permanent character, and are therefore perpetual. Sections 13 and 14 set forth a large number of matters regarding which there cannot be the slightest doubt that information

is desirable. I admit that the expressions in clause 16 are very wide and cover an enormous field, but I doubt very much, after looking at the other sections, whether they contain provision for all the information that we should collect. For instance, on casting my eyes over clause 16, I do not think that the provisions in paragraph *e* as to "agricultural, horticultural, viticultural, dairying, and pastoral industries," would enable us to obtain information which I think about as valuable as any that we could procure, namely, with reference to the land tenures of the States. Moreover, we all know the grumbling that prevails when troublesome returns have to be filled in. If the Government seek certain information, without the express authority of the Act, they will be blamed for asking for more than is required. People will say: "Why do the Government prescribe this?—the Act does not prescribe it; Parliament did not prescribe it, and yet this meddling Government is requiring information upon an additional subject, and is unnecessarily worrying us." No matter what Government may be in power, it will have a thorn in its side, if it acts in that manner. The effect of clause 16 would be this: Many persons would argue that Parliament never intended that information should be collected upon the very important subject I have mentioned, or otherwise they would have expressed that intention. It is a very important and large subject, and it would be contended that inquiries with regard to it did not suggest themselves to Parliament when the clause was passed, because, whilst details with respect to horticultural and viticultural subjects were set out, no mention was made of land tenures. If we defined nothing, the position would be more satisfactory. If we define anything, we shall be bound to mention the larger questions which are present to our minds, and I look upon information with reference to the land holding of Australia as of the utmost consequence. I mention this merely as one of a large number of matters arising under clause 16, with which the Minister is, no doubt, familiar. I must confess that I cannot understand clause 21, which provides—

No person shall be liable to a penalty for omitting to state the religious denomination or sect to which he belongs or adheres.

Now I could understand a provision which left out all reference to information with

a form which is more readily accessible. Take, for example, some of the matters to which reference is made in this Bill—such as industrial matters, rates of wages, &c. These can be very much more readily referred to in Mr. Coghlan's production than they can be in the work which is compiled by the Victorian Statistician.

Mr. CAMERON.—Mr. Coghlan goes more fully into details.

Mr. JOSEPH COOK.—That is not the reason for it. The honorable member may find in the Victorian production almost anything that is contained in *Coghlan's* statistics, but he will have to search deeply for the information, and he will require to make his own computations before he can arrive at the desired result. Similarly, very valuable information is presented to us in the monthly sheets which are supplied by Western Australia. But there, again, a different method of compiling that information is adopted. Why should this be so? I venture to say that if we had one central bureau operating under the control of the Commonwealth, many thousands of pounds would be saved to the States, and we should be able to furnish them with statistical information which would be quite as handy, from a reference stand-point, as that to which we are accustomed in New South Wales.

Mr. CAMERON.—But owing to jealousies on the part of the States we shall be duplicating expenditure.

Mr. JOSEPH COOK.—I do hope that the honorable member does not think that the jealousies of the States should be regarded as the determining factor in our legislative action. Whilst we must always pay more or less regard to the prejudices of the various States—to their traditions, and to anything which makes for their local patriotism—I say that their mere jealousies ought not to prevent us pursuing a course which we clearly see will be for the ultimate benefit of the Commonwealth at large. I quite agree with the honorable member that we ought not to duplicate the burden which is at present imposed upon the taxpayer in regard to the collection of statistics. But we ought to legislate upon this question, and we ought to establish our own Statistical Bureau without paying any heed to the local prejudices of the States, to which constant reference is made, by implication, in this Bill. The desire to consider their prejudices is written large all over the Bill. It

seems, indeed, to be almost apologetic to the States.

Mr. GROOM.—The honorable member for Wentworth has expressed a contrary opinion.

Mr. JOSEPH COOK.—While I am always anxious, particularly in the present position of the Federation, to preserve States' rights, I think that this is one matter regarding which we ought to consider, not so much the local jealousies of the States, as their welfare as a whole. I do not hesitate to say that in the collection and presentation of statistics we could save many thousands of pounds, whilst at the same time consulting the convenience of those who have to resort to them throughout the length and breadth of Australia.

Mr. CAMERON.—If the States would not give way the honorable member would make the unhappy taxpayers pay twice.

Mr. JOSEPH COOK.—They say that they will not give way. I am endeavouring to show my honorable friend that this is one of the matters with respect to which we ought to apply a little legitimate pressure to the States. If we could set up a statistical bureau, which would manifest its superiority to those of the States in the collection of the same information, I think that the States Government would soon see that they were wasting their own money in continuing this work.

Mr. KELLY.—Does the honorable member think that the Federal bureau will be superior to those of the States?

Mr. JOSEPH COOK.—I have already said that the taking of the census and the compilation of statistics generally is essentially a matter for the Commonwealth.

Mr. KELLY.—But as regards statistics relating to industries over which we have no control?

Mr. JOSEPH COOK.—The honorable member has only to investigate the industrial statistics of the various States to recognise the necessity of some Federal power to arrange them upon a uniform basis.

Mr. KELLY.—If we could arrive at that.

Mr. REID.—We have the power.

Mr. JOSEPH COOK.—I think so. Let the honorable member compare, for instance, the way in which the rates of wages in similar industries in the various States are compiled. That matter in itself has furnished for many years the great bone of contention between Victoria and New South Wales with reference to the fiscal

issue. Victorians have quoted their own statistics to prove conclusively that in the protected industries of this State, prior to Federation, much higher rates of wages were paid than were ruling in similar industries in New South Wales. On the other hand, the free-traders of New South Wales have proved conclusively from the statistics of that State that the rates of wages were much higher in New South Wales than they were in Victoria. If we had had a common set of statistics for both States, arranged by the one compiler, there would not have been anything like as many points of difference as have existed for many years. I do not pretend to say that the mere manipulation of these statistics would have settled the fiscal problem. It does not rest in the last resort upon an analysis of statistics, or anything of the kind. I do say, however, that we should have less of the constant wrangling that we have witnessed between the States if we had a common set of figures, dealing with our social and industrial development, emanating from the same source, and that that source ought unquestionably to be a Federal one. I therefore think that, if we regard the matter from the view point of the collection of industrial statistics, or from any point of view whatever, the argument is wholly in favour of centralizing the control and unifying the work throughout the whole of the States. I can understand some local jealousy at the suggestion of the surrender of some of Tasmania's powers in this respect, because that State has a very able compiler of statistics. In some respects, I think that Mr. Johnston is the equal of Mr. Coghlan, and there can be no doubt that he is a very able statistician. That being so, we may understand readily enough that there may be some tardiness on the part of Tasmania in surrendering these powers to the Commonwealth. But, so far as I recollect the correspondence—and I am speaking now only from memory—when the proposal was put by the Commonwealth Government to the different States, it was referred to the Statisticians for report, and they, without exception, vetoed it. That was only to be expected. Why should they veto themselves practically out of the independent control of this work? Most of them, of course, would still be required just as at present, but there would be less of the detailed work to be done by them than there is at the present time. If the Commonwealth took over this matter, most of the States Statisticians, in my opinion,

might also with advantage be taken over. They could be made States inspectors in some such way as we have States inspectors under the Public Service Act. As to the detailed work of collecting and compiling statistics, a great deal of labour could be saved by unifying the control. Much of the labour now involved in the collection of statistics is due to the Federal reference that is constantly necessary. We know, for example, that nearly all the statistical compilations of the States contain comparisons with other States. That involves immense labour, and it is in this respect particularly that a great saving would be effected by a common collection of statistics, and a common control and presentation of them by one central office. I trust that before the Bill leaves the Committee the Minister will see whether we cannot take a great deal more power in this respect than that for which provision is made in the tentative little measure—the half-hearted measure I had almost said—that he has presented to the Chamber. Let us refer for a moment to clause 8, which provides that—

The Governor-General may enter into any arrangement with the Governor of any State providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act and in particular for all or any of the following matters :—

The clause then goes on to provide that all the information we are seeking power to obtain under this Bill may be supplied to us through State sources. If we are going to have a central bureau of statistics for the Commonwealth, it ought to be on the basis of economy in the present order of things; it ought not to contemplate the perpetuation of the present costly services which are now rendered to all the States. On the whole, Australia is, perhaps, better served in the matter of statistics than is any other country of which I know. One has only to turn to the *Canadian Year Book* to see the immense advantage which we enjoy in this respect over Canada.

Mr. CROUCH.—Is that a governmental publication?

Mr. JOSEPH COOK.—Yes. Our multiplication of figures in the way of tabulation does not seem to give us the prosperity and reputation, industrially, socially, and otherwise, which the people in Canada are enjoying just now. But of all the countries I know of, Canada is the one country as to which it is difficult to get information concerning industrial and social

matters. For instance, it would be the most difficult thing possible, I think, to learn the rates of wages in its iron industry, or in its coal-mining industry, or in other industries. Its industrial statistics are of the most meagre order and kind. I think that where Canada spends £1 on the collection of statistics, we, in Australia, must spend nearly £5. Quite apart from the question as to whether we spend too much, or too little, an opportunity is here afforded for effecting a great economy to the taxpayers of Australia. Our course ought to be very clear and definite, and that is to set up an industrial bureau, and place upon the States the responsibility for the duplication of the work if they so desire. The States have been asked to intrust the Commonwealth with the collection of statistics, and the doing of the work, and they have all replied, "No," emphatically. But that, I venture to say, should not end the matter at all. We have simply appealed to interested persons to surrender some of their vested interests, and, of course, they have replied "No." One wonders why the Premiers of the States have, as I think, so weakly passed on the reports of their officers with their own indorsements. There does not seem to have been any attempt made to seriously negotiate the matter at all, or even to seriously consider it. All that has been done has been courteously to pass on our reference to them, get the answer of interested statisticians, and send it on to us with their own indorsement. There is an obligation upon the Federal Government to take a further step, and not to let the matter end in that perfunctory way. They ought to furnish serious reasons, together with estimates, to the whole of Australia. It ought not to be a difficult matter to furnish an estimate for each State showing the possible saving amongst other advantages by the transfer of this work to the Commonwealth. I think that if we could show that a saving of say several thousands pounds a year would be effected in each State, the States would very soon want to know why it was that they were incurring this expense, while the work was also being done under Federal control. Having passed certain laws affecting all the States particularly in their industrial relationship—having granted a sugar bounty, framed a common Tariff, passed a Conciliation and Arbitration Act, and done a dozen other things of a like kind—

Mr. Joseph Cook.

surely it ought to be the aim of the Commonwealth to collect our industrial and social statistics, and unify them as far as possible? That could be done, I think, if the Government were to proceed in the right way, and treat the matter as if they were in earnest. I never saw anything more weak than the action of the Government in their negotiations with the States on this subject. I think that, even now, if the Government would look about them, they could get a competent man to report upon the whole question, particularly with a view to showing what saving could be effected by the unifying of the process. I am sure that a man like Mr. Coghlan would give the Government an estimate in that regard, and I am inclined to think that public opinion would soon do the rest when it was seen that the States were wasting money in what I cannot help thinking would be a wanton way. At any rate, that is a matter for the States to consider. I do not know who is responsible for the gingerly fashion in which the Bill is drawn. My criticism may or may not apply to the Minister in whose charge it is. I do not know to whom it applies, but whoever drew the Bill has treated the States in far too gingerly a fashion as to a matter which, in its very essence, is one for unification of control and operation.

Mr. KELLY.—Does the honorable member think that the Minister has treated the House properly in asking for two diametrically opposite powers, namely, the power to remit to the State and the power to carry out the work himself?

Mr. JOSEPH COOK.—For the moment I am only looking at clause 8, which gives the Minister power to talk nicely and appealingly to the States on this matter.

Mr. KELLY.—But clause 16 gives him power to do what he likes.

Mr. JOSEPH COOK. I believe that, as I entered the Chamber, the leader of the Opposition was referring to the omission of some matters from that clause. I understood the right honorable gentleman to be referring to the need for collecting statistics as to holdings and land occupation generally.

Mr. GROOM. — He mentioned that he thought it should be expressly set out in the Bill, but his objection is met by the provision for statistics in relation to agriculture and industry.

Mr. JOSEPH COOK.—The Minister will have to alter the wording of the Bill if he intends it to cover holdings, tenures, and all that kind of thing. It is a matter of almost supreme obligation on our part to collect statistics showing the trend of settlement. For instance, nearly all the States are passing a number of measures for closer settlement, and measures which have to do with the social amelioration of the people, beginning at the point of settlement upon the land. If I am not very much mistaken, while the States are doing this legislative work in a small way, the process of aggregating large estates is proceeding out of all proportion to their efforts in the other direction. Take, for instance, the case of New Zealand. The Government of that Colony have been buying estates at the rate of £750,000 a year for the last ten or twelve years, but in spite of that effort in this great Colony, which is supposed to be at the very apex of our social and industrial community, 500 persons own one-half of its alienated lands. I am afraid that the same process is in operation in Australia, that for every estate which is bought and cut up for the people, estates are being formed in a greater ratio than the efforts of the States to reduce the size.

Mr. KENNEDY.—I do not think that that has been the case in recent years.

Mr. JOSEPH COOK.—That is so, I believe, to-day. If the honorable member will investigate the figures, he will find that for every estate that is bought and cut up, two or three estates are made by the process of aggregation which is going on.

Mr. KENNEDY.—That occurred in 1895 and 1898, while land was cheap, but it has not occurred since then.

Mr. JOSEPH COOK.—I have just quoted the case of New Zealand, where, after ten or twelve years' experience of this radical land policy, 500 persons own one-half of its alienated lands.

Mr. TUDOR.—What were the figures for a few years ago?

Mr. JOSEPH COOK.—I do not know. I am speaking from memory.

Mr. McLEAN.—The facts are quite the contrary in Victoria.

Mr. JOSEPH COOK.—That shows the great need for a common compilation of statistics bearing upon this particular matter. If we had the figures tabulated, we should be able to discover whether we were

doing good, and, if so, to what extent, by the social legislation of the various States; we should be able to see which State and which method was tackling the problem in the best way, and what further improvements, if any, were required. That is a matter of the utmost consequence to Australia at the present time, in view of our efforts in the direction of social amelioration. I think that statistics on such a subject ought to be under the control of the Commonwealth of Australia, and ought not to be left to the various States. Then take our systems of internal taxation. If the Commonwealth had absolute control, statistical information on that subject could be tabulated. We should get, for instance, tabulated statements of the direct taxation of the various States, showing at a glance, in one table of figures, what methods were adopted right through the whole gamut of internal taxation. Again, with regard to the count of the heads of the people, I understand that at present, by reason of an understanding arrived at between the Statisticians of the various States, the census is taken on a uniform plan. But there is no guarantee that the same method is adopted as to details such as would be possible if one authority had control. There may be a common understanding between the heads of the statistical branches of the States, but there is no guarantee that a common method is followed in detail. We have seen the importance of this subject only recently in connexion with another matter, to which I may not refer just now. There has been great diversity of opinion even in this Chamber, as well as in the States, in consequence of statistics being collected upon different bases. I think we should go to the very root of these differences and sources of friction if we handed over the whole subject to the common control of the Federal Government. I therefore offer these remarks in the hope that, before this Bill gets through Committee, the Minister will see his way to make it very much more far-reaching than it is, and that he will set up the authority of the Commonwealth, and desire to exercise it, without all these continuous and gingerly references to the States.

Mr. CULPIN (Brisbane). — I wish to say a word about the Bill before the motion for the second reading is carried. It seems to me that the measure proposes to confer rather important powers upon

officials. We read about a schedule that has to be filled up. There is a penalty of £10 which may be imposed upon any one who fails to fill up the schedule in a proper manner. But, although this is rather an important power to intrust to an official, it appears to me that there is a conflict between the clauses as to what is meant. For instance, clause 15 provides—

Every person shall to the best of his knowledge and belief answer all questions asked him by a Collector touching any information required to be filled up and supplied in the householder's schedule. Penalty, £10.

In clause 21, however, I find that a contradiction of the compulsory clause exists. It says—

No person shall be liable to any penalty for omitting to state the religious denomination to which he belongs or adheres.

If we desire to have statistics of the religion of our people, we should take power to enforce the obtaining of particulars. At present, it appears to me that we give power on the one hand, and take it away on the other. I trust that before the Bill is passed a schedule will be added to it that will show what is really required, and will reconcile the clauses to which I have directed attention.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—To a certain extent, there has been, in the criticism of this Bill, a conflict of opinion. The honorable member for Wentworth asked us to proceed in the most cautious manner.

Mr. KELLY.—In a "circumspect manner."

Mr. GROOM.—In a "circumspect manner," to be accurate. The honorable member seems to think that the Bill is an indication of an intention to override and disregard the States.

Mr. KELLY.—It gives power to do so.

Mr. GROOM.—I took it that the honorable member said that it was an illustration of a tendency to override the powers of the States. But the honorable member for Parramatta takes a different view. His idea is that we are treating the subject in too gingerly a fashion.

Mr. JOSEPH COOK.—There is no difference between my view and that of the honorable member for Wentworth.

Mr. GROOM.—I should say that there is a good deal of difference between the two views. The idea of the honorable member for Parramatta is that we should deal with this subject, and should exercise our powers in a firm and decided manner.

Mr. JOSEPH COOK.—I agree with the honorable member for Wentworth that either clause 8 or 16 should be very much modified.

Mr. GROOM.—However, I am glad to learn that there is harmony between the views of the honorable members. The view which I take of what is intended is this: That there are certain matters within the jurisdiction of the Commonwealth, and that for the exercise of those powers it is absolutely essential that we should have statistics dealing with trade, exports and imports, navigation, and population. The intention in passing the Bill is that the Commonwealth will exercise these powers, and will take over those matters which are essential to the exercise of its jurisdiction. But it is recognised that the States have concurrent powers in dealing with matters of statistics. It is recognised that they have concurrent powers of legislation—that at least they have individual powers of legislation on State matters—and that they may for their own purposes require to have their own information prepared in their own way. Several of the States desire, and state that they intend, to retain their own statistical branches. The Bill provides that the Commonwealth shall appoint a Statistician. It is to be hoped that we shall get the very best Statistician possible for the position. That Commonwealth Statistician is to proceed to take such steps as are essential for the exercise of the national powers of the Commonwealth. But it is recognised that the States have certain powers of legislation of their own, as to which they may desire to have their own local statistics; and our desire is that if the States will not give up those powers, instead of double-banking, the Commonwealth shall try to work with them, and see if we cannot act at least uniformly in connexion with statistics that are required by the Commonwealth concerning State matters.

Mr. KELLY.—There is no guarantee of that in the Bill.

Mr. GROOM.—The Bill gives the powers that are necessary, and the provision can only be framed in that way. We cannot dictate to the States, and say that they shall do certain things in respect of their own particular powers of legislation. Let me put the matter in this way: since the jurisdiction of the States deals with matters of land, the States may collect for their own purposes what information

they choose; but with a view to dealing with the question of Australian settlement as a whole, it is exceedingly desirable that information in regard to land should be collected and presented in a Commonwealth form. If the States desire to gather such information for themselves, we cannot prevent them from doing so; but we ought to give ourselves power to go to the States and say—"We desire to negotiate with you, and ask you to collect this information throughout Australia on a uniform basis, so that it may be available in dealing with the question of land settlement as a whole." Of course, we have power to do all this, independently of the States, but, at the same time, our desire, as has been suggested, is not to take a high hand, but to work harmoniously with the States and in a fair spirit. Commonwealth matters must always be pre-eminent; and we must reserve to ourselves the right to collect information in the manner we deem best for our own purposes. Some criticism has been levelled at the principle of the measure, while other observations have been directed to details, which would, perhaps, be better considered in Committee. There are one or two points in regard to which I should like to give some indication of my attitude, because they are in regard to matters of a general nature. In the first place, it has been suggested that there should be fixed periods at which the census shall be taken. When introducing the Bill, I announced that it was my desire that there should, and hope that there would, be fixed periods, my words being—

It is intended that the Commonwealth census shall be decennial.

I used the same words in regard to another measure. My sole reason for putting the matter in that way was that we might negotiate with some of the States in which Acts have been passed dealing with the taking of the census; but, so far as I am concerned, I see no objection to providing in the Bill that the census shall be decennial. The other point mentioned by the honorable member for Kooyong had already been receiving my attention with a view to the inclusion of a provision of the kind suggested in the Bill. That is, a provision providing what details shall be included in the householder's schedule. I find that there is a similar provision in the States Acts, and also in the English Act; and, undoubtedly, when the schedule had been prepared under the Bill, it would have

contained all these details. A conference of Statisticians was against the idea of having a householder's schedule, such as that mentioned by the honorable member for Brisbane, included in the Bill, and favoured simply the inclusion of the heads of the inquiries. I am prepared, however, to have drafted a clause providing for the inclusion of these details, with others which may be prescribed; and that is in accordance with the view expressed by the right honorable and learned member for East Sydney a while ago. The honorable member for Wilmot was very anxious lest the States should, in this matter, be overlooked altogether—lest the States were going to be "double-banked." As I have already pointed out, the desire is, while leaving the States to exercise the functions which lie within their power, to at the same time so exercise Commonwealth functions as to obtain that uniformity which is essential for Commonwealth purposes.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3 (Definitions).

MR. KELLY (Wentworth).—This clause, in my opinion, is hardly comprehensive enough. For instance, by clause 7 it is proposed to appoint enumerators, collectors of census, and collectors of statistics; and I suggest that we ought to have some definition of these terms. "Collector" has a technical meaning under the Customs Act, and there might be a danger of the collector in each State being thought the officer in charge in each State.

MR. GROOM.—There would be no danger in that.

MR. KELLY.—If the Minister is satisfied on the point, I shall say no more.

MR. REID (East Sydney).—It would be well, I think, to include definitions of a number of other expressions used in the Bill; and in this connexion the definitions in the New South Wales Act are worthy of attention. I am convinced that a great many difficulties will be evaded if definitions are given to such terms as "factory," "occupier," "owner," "plant," "proprietor," "station," and so forth, all of which are defined in the New South Wales Act. I do not think that the Minister would have power by regulation to define the terms used in the Bill.

MR. GROOM.—Why should "plant" be defined?

Mr. REID.—A question might be raised in regard to factories, which there is power to inspect.

Mr. GROOM.—The regulations will deal expressly with that matter.

Mr. REID.—I question very seriously whether any power of regulation would enable the Minister or the Governor-General to extend the ordinary meaning of the word "owner," for instance. The Bill provides that an owner shall render certain returns, and no regulation could be passed to provide that the word "owner" should, as in the New South Wales Act, mean "co-owner, superintendent, agent, or person in possession or in charge of any farm, station, factory," and so forth. An "agent or person" would not and could not be the owner, who might, perhaps, not be in the country.

Mr. GROOM.—That can always be defined in the regulations.

Mr. REID.—But where a term is used in an Act, its meaning cannot be extended by regulations under the Act. Take the word "proprietor" or the word "plant." The meaning of those words could not be extended by regulations.

Mr. GROOM.—These points have all been carefully considered, but if I find it is necessary I shall be prepared to recommit the clause.

Mr. CROUCH (Corio).—There is some force in the objection which has been raised to this clause. I think that it is not possible by regulation to extend the ordinary meaning of the word "factory," for instance. Most of the difficulty which has arisen from the varying definitions of somewhat similar terms in the legislation of the different States, referred to by the honorable member for Parramatta, has been experienced in connexion with the definition of the word "factory." If we are to have complete and consistent Commonwealth statistics, we should adopt consistent definitions of terms that we may know where we are. In Victoria, under the State legislation, a factory is any place in which two men are employed, and any place in which one Chinaman is employed is also a factory.

Mr. GROOM.—That is only for the purpose of a special Act.

Mr. CROUCH.—Quite so; but a Victorian officer, in making a return of the number of factories in the State, would include buildings and places which would not be included by a New South Wales

officer making a similar return for his State. I understand that under some New South Wales legislation a small creamery is regarded as a factory, and the two returns would include altogether different classes of establishments as factories. When there are different definitions of factories recognised in the different States, it seems to me that no regulation which the Minister can frame under this Bill would overcome the difficulty.

Mr. GROOM.—I refer the honorable and learned member to clause 19, in which he will find a reference to "any factory, mine, workshop, or place where persons are employed."

Mr. JOSEPH COOK.—What is a factory? That is the point.

Mr. CROUCH.—The Minister will admit how very necessary it is that we should adopt a common standard for purposes of comparison, when it is remembered that different standards have been adopted in the different States in the pursuit of varying policies. There are, for instance, arbitration laws in force in some States, and not in others, and it is necessary that we should know the effect of the legislation in different States. That is chiefly the reason why I am pleased that this measure has been introduced—that we might establish a uniform method of compiling statistics which would enable us to make accurate comparisons. In order that we may do that, we must provide for accurate and consistent definitions of terms. I think that the leader of the Opposition, in drawing attention to the absence of complete definitions in this Bill, is doing the Committee a service, and is pointing out a defect which I hope the Minister will remedy.

Mr. BAMFORD (Herbert).—I do not think that the definition of dwelling in this clause is sufficiently clear or comprehensive. It is defined to be—

a building, erection, or tenement, whether permanent or temporary, which is wholly or partly used for the purpose of human habitation.

It is very questionable whether a tent could be brought within that definition. Even if it could, we know that there are a number of people who, in the ordinary sense of the term, have no habitation at all. I refer to people who camp out.

Mr. GROOM.—I have given notice of a new clause to deal with that difficulty.

Mr. WILKINSON (Moreton).—I agree with the remarks which have fallen from

the honorable members for East Sydney and Corio with regard to the necessity for more complete definitions in this clause. Every one who has had occasion to consult the statistics of the various States, must know how difficult it is to arrive at a proper conclusion with regard especially to the conditions of industrial life in those States. The definition attached to the word "factory" is a notable cause of this difficulty, as it means one thing in New South Wales, another in Queensland, and yet another in Victoria. We require some assurance that the Commonwealth Statistician, in making his calculations, has had a common basis on which to work. When the Statistician tells us that there are so many factories in Queensland, New South Wales, and Victoria, we shall require to know that he does not refer to one thing in connexion with one State, and to quite another in dealing with some other State. Honorable members will remember how difficult it was during the very long discussions which we had on the Tariff in the first session of this Parliament, to reconcile the figures produced by honorable members representing particular States in support of the fiscal policy they advocated. The arguments adduced in support of free-trade in New South Wales, and of protection in Victoria, supported as they were by statistics which were not compiled on a common basis, were rather misleading than convincing. If, as I understand it, the object of this measure is to secure uniformity in the collection of the statistics of the Commonwealth, it is obviously necessary that the definitions used should have a uniform meaning, as applied to all the States.

Mr. CROUCH (Corio).—The Minister has consented to include the definition of factory set out in the New South Wales Act. I, therefore, move—

That the following words be added, "Factory means any works, mill, or establishment used for the purpose of manufacturing, treating, or preparing any article."

Amendment agreed to.

Mr. KELLY (Wentworth).—In clause 16, paragraph *a*, I find a reference to "industrial statistics," and I should like the Minister to tell the Committee whether the meaning of "industrial statistics" varies in each State, and, if so, whether he is prepared to accept some definition of the term as an amendment to this clause.

Mr. GROOM.—If it is found necessary to recommit the clause for that purpose, I shall have no objection.

Mr. JOSEPH COOK (Parramatta).—I think it is necessary that in a Bill of this sort, we should, at least, have some definition of the word "census," because in another measure which we have passed, we have provided for enumerators, and for enumeration.

Mr. GROOM.—Not for enumerators, but for enumerations, and only within the meaning of that Bill.

Mr. JOSEPH COOK.—I think that Bill has a reference to the taking of a census, and the two measures are distinctly related. The two Bills are very closely related in some of their functions, and that makes it the more necessary that there should be a definition of the word "census" in this clause. In the New South Wales Act the census provided for is defined as "an account of the population of New South Wales," and I think that the census covered by the provisions of Part III. should be defined in similar language. I therefore move—

That the following words be added :—" 'Census' means an account of the population of the Commonwealth of Australia."

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I do not think that there is any need for the definition. There is no such definition in the English Act, the word "census" having an accepted meaning throughout the Empire, and being already used in our own legislation. Any definition such as is proposed may take away from the generally accepted meaning which the word now possesses, and that I do not think desirable.

Mr. JOSEPH COOK (Parramatta).—I desire that there shall be no confusion between the words "enumeration" and "census." In the Representation Bill we provide for an "enumeration," which is a method of obtaining information relating to the number of our population without actually counting heads.

Mr. G. B. EDWARDS.—Then what the honorable member should do is to define the word "enumeration."

Mr. JOSEPH COOK.—"Census," in the broad acceptation of the term, has other meanings than an account of the population, and the Bill differentiates between a census, the taking of which is provided for in Part III., and "statistics," the collection of which is provided for in Part IV., while Part V. contains a number of miscellaneous provisions. Therefore the Bill itself limits

the meaning of the word "census." According to the dictionary, "census" may mean either "a registered statement of the particulars of a person's property for taxation purposes," "an enumeration of the inhabitants of a State or country taken by order of the Legislature," or "any official enumeration of the population." These definitions cover the collection of statistics relating to property, as well as to the number of the population, although the Bill makes a distinction between the two meanings. I think that we might with advantage adopt the New South Wales definition.

Mr. KELLY (Wentworth).—Will the adoption of this definition affect the right of the Department to collect the ordinary information collected at census time in addition to making an enumeration of the population?

Mr. GROOM.—The word "census" is used in the Constitution.

Mr. KELLY.—Is it defined there?

Mr. GROOM.—No.

Mr. KELLY.—The dictionary definition is so wide that we think that, as Part III. of the Bill deals specially with the taking of "a census" the word should be defined in this clause.

Mr. REID.—Any words of definition will limit the meaning of the word; they will not extend it.

Mr. G. B. EDWARDS (South Sydney).—Any attempt to define the word "census" will lead to a result which honorable members wish to avoid, by limiting its meaning. If we define "census," we must go further, and define "statistics."

Mr. REID.—I think that we might take a census of the Committee now. [*Quorum formed.*]

Mr. G. B. EDWARDS.—The meaning attached to the word "census" is a much wider one than that suggested by the honorable member for Parramatta. It is commonly accepted as including an enumeration of the people, together with the collection of information relating to the occupations they follow, their wealth, and everything connected with their social and other conditions in life. I think we might very well accept the word in its ordinary meaning. If we attempted to define it, we should have to follow a similar course with a number of other words employed in the Bill. I see no difficulties in connexion with the Bill, and I think we might proceed with it a little more rapidly if the Minister will

consent to adopt the very reasonable suggestion that he should fix a date for the taking of the census.

Mr. GROOM.—I have already agreed to the decennial periods.

Mr. G. B. EDWARDS.—I think there should be some uniformity between our census arrangements and those in other parts of the Empire.

Mr. McCAY (Corinella). — I cannot agree with the suggestion of the honorable member for Parramatta that we should define the word "census." We should derive no benefit from adopting such a course, but, on the other hand, might expose ourselves to unnecessary risks. The word "census" is used in the Constitution without any definition, and consequently the meaning attached to the word in that connexion would apply also to the word as used in the Bill. Any definition that we might adopt would not enlarge the meaning of the word, but might limit it. The definition clause, however, is not sufficiently comprehensive. It is necessary that the meaning of the word "occupier" should be set out.

Mr. GROOM.—I am prepared to accept the Victorian definition.

Mr. McCAY.—It will be necessary also to adopt a definition of the word "factory," which occurs in clause 16.

Mr. GROOM.—We have already accepted a definition of that word.

Mr. McCAY.—I do not know that it will be necessary to define "mining," but the phrase "productive industries generally" is a very vague one. When we are discussing clause 16 we shall require to get down to much closer grips, and it may be necessary to recommit the definition clause. I understand that the Minister has agreed to that course.

Mr. GROOM.—If it appears necessary.

Mr. McCAY. — Necessary to whom? Do I understand that the clause will be recommitted if it appears to be necessary to honorable members on this side of the House?

Mr. GROOM.—No.

Mr. ISAACS.—That must be left to the Minister, so far as his promise to recommit is concerned.

Mr. McCAY.—I am not so sure about that. Several other definitions will be found to be necessary as we proceed with the Bill.

Mr. JOSEPH COOK (Parramatta). — Honorable members have not criticised my

amendment so much as the drafting of the Bill. The limitation which I seek to put upon the word "census" is intended to fit the Bill. In clause 11 it is explained what the enumeration of the census will consist of, and a great distinction is made between the taking of a census and the collection of statistics. If the word "census" used in the Constitution is intended to have the wide application suggested—which I do not deny—why are any limitations adopted in the Bill? Part III. sets forth exactly what the taking of the census means, and in Part IV. it is provided that the Statistician shall collect annual statistics. In Part III. the taking of the census is called "the taking and collection of the census," and in Part IV. it is provided that statistics shall be collected annually. Those are widely different terms. The Bill seeks to limit the taking of the census to the counting of the population of the Commonwealth, and therefore I do not see why the definition clause should not contain a clear limitation of the meaning of the word.

Mr. KNOX (Kooyong).—It would be unfortunate if we limited the meaning of the word "census." The Minister might have cleared the way if he had explained that he would in some later clause provide that the census should include particulars as to the age, profession, occupation, religion, and education, of the people and regarding the number of rooms in each dwelling, and the number and description of the live stock. It would be a pity to limit the meaning of the word "census."

Mr. GROOM.—I quite agree with the honorable member. That term is large enough to cover all the information which he desires.

Mr. KNOX.—Where does the Minister propose to make provision for the collection of that information?

Mr. GROOM.—Probably in clause 13A. I am getting a clause drafted to meet the case.

Amendment, by leave, withdrawn.

Amendment (by Mr. GROOM) agreed to—

That the following words be added:—"Occupier" includes every governor, superintendent, officer-in-charge, or keeper of any gaol, prison, hospital, lunatic asylum, or public or charitable institution."

Mr. KELLY (Wentworth).—I should like to ascertain from the Minister what is the difference between a "collector" and an "enumerator"?

Mr. GROOM (Darling Downs—Minister of Home Affairs).—A "collector" is a person who is sent round to leave the schedules with which he is provided, at every household, and who subsequently calls and collects them; whereas an "enumerator" is a person who assists the Statistician at his office to add up the returns. The term "enumerator" is well-known, although it is not defined in any statute.

Clause, as amended, agreed to.

Clause 4—

The Governor-General may appoint a Commonwealth Statistician, who shall have such powers and perform such duties as are conferred or imposed on him by this Act or the regulations.

Mr. REID (East Sydney).—At first sight, this clause seems to me to limit the powers of the Governor-General.

Mr. GROOM.—The Bill will give him certain powers, and the regulations may extend them.

Mr. REID.—It seems to me that, under the clause in its present form, if the Minister gave the Governor-General some perfectly legitimate form of power, the objection might be raised that he can only be vested with such powers as are conferred upon him by the Bill and the regulations.

Clause agreed to.

Clause 5 —

(1) The Statistician, in relation to any particular matters or class of matters, or to any particular State or part of the Commonwealth, with the approval of the Minister, may, by instrument under his hand, delegate any of his powers under this Act (except this power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters, or the State or part of the Commonwealth specified in the instrument of delegation.

(2) Every delegation shall be revocable in writing, at will, and no delegation shall affect the exercise or performance by the Statistician of any power or duty.

Mr. KELLY (Wentworth).—I presume that there are two ways by which power may be delegated to the State authorities; the Governor-General, under clause 6, and the Minister, under clause 7, have power to appoint permanent and temporary officers respectively. In the first stages of Commonwealth control, almost every question which will arise will be one of policy, because it will be the constant endeavour of the Minister to, without friction, bring all the statistical bureaux of the States under the control of the Commonwealth. The delegation of power, provided for in this clause, will, I contend, practically allow the Commonwealth Statistician to decide matters

which must in their relative importance be questions more or less of policy. It seems to me that the Bill would be fairly complete without the inclusion of this clause, and I should like to ask the Minister if he can assign any special reason for providing for this delegation of power from the Commonwealth Statistician to the State authorities.

Mr. CULPIN (Brisbane).—I wish to ask the Minister in charge of the Bill if an enumerator will not really be a delegate of the Statistician?

Mr. GROOM (Darling Downs—Minister of Home Affairs).—An enumerator will not be a delegate. This clause is dealing with Commonwealth affairs. The Commonwealth embraces a very large area, and the Government may require an important function to be discharged or inquiry to be made locally by a responsible person. It is desired that an important inquiry should be entrusted to only a competent person, with the approval of the Minister. The honorable member for Wentworth referred to the importance of having a person of some responsibility to deal with these matters. This work can be done only with the express approval of the Minister, and a delegation of necessity implies a specified and limited power to be exercised by the delegate.

Mr. KELLY.—It is easier to authorize a delegation than to appoint a man within the meaning of the Act.

Mr. GROOM.—The person to whom the delegation may be granted may be a public officer. Suppose that the Government wished certain inquiries to be made. A State officer might have a special delegation of a limited nature granted to him, but if no such person were available, a Federal officer might be selected for the purpose. When dealing with the affairs of the nation in a country covering such a large area, it may be desirable that a particular inquiry should be made under a special delegation, and that is the reason for the clause.

Mr. KELLY.—I see the point now.

Clause agreed to.

Clause 6.—

The Governor-General may, subject to the Commonwealth Public Service Act 1902, appoint such permanent officers as he deems necessary for carrying out this Act.

Mr. McCAY (Corinella).—I do not exactly know the necessity for this clause, because the power to appoint permanent officers is already given in the Public Service Act. I should like to know what is the necessity for the clause?

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I do not think that the clause is necessary. It was only put in to contrast the permanent officers with the other officers. I am prepared to omit it.

Mr. McCAY (Corinella).—It is a pity that the Minister drew attention to the contrast between clauses 6 and 7, because the appointment of temporary officers who may be temporarily employed for years without a break, as collectors of statistics, is to be made by the Minister, not even on the recommendation of the Commonwealth Statistician. The contrast has indicated that clause 6 is unnecessary, and that clause 7, in its present form, is highly undesirable.

Clause negatived.

Clause 7.—

The Minister may appoint, or may authorize the Statistician to appoint or employ, temporary officers as Enumerators, Collectors of the Census, or Collectors of Statistics.

Mr. McCAY (Corinella).—I should like the Minister to alter this clause. Under the Public Service Act temporary employment may be given for a limited time, I think, on the recommendation of the Commissioner.

Mr. GROOM.—No; under section 40 the power of appointment is in the hands of the Minister.

Mr. McCAY.—Section 40 reads—

Whenever in the opinion of the Minister of a Department the prompt despatch of the business of a Department renders temporary assistance necessary, and the Commissioner is unable to provide such assistance from other Departments in the State in which such assistance is required, the Permanent Head or the Chief Officer shall select in such manner as may be prescribed from the persons whose names are upon the prescribed register in the State in which such assistance is required, such person or persons—

Temporary employment can only be given for nine months continuously under exceptional circumstances, and for six months continuously under ordinary circumstances. But under clause 7 of this Bill, no certificate is required from anybody. It does not even say that the Statistician shall recommend an appointment. I foresee fine times for everybody concerned when the taking of a census is coming along.

Mr. CROUCH.—Are not these appointments to be made subject to the Public Service Act?

Mr. McCAY.—No. Clause 6 was not necessary, because provision was already made in the Public Service Act, and this clause is dangerous, because it will open

the door to making all sorts of appointments, not only at census time but year by year.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I find that the appointment of these temporary officers is also covered by sub-section 6 of section 40 of the Public Service Act, and, therefore, I am prepared to allow the clause to be negatived. That sub-section reads as follows:—

Notwithstanding the provisions hereinbefore contained, the Governor-General, if it appears in the public interest to be desirable so to do, may in the case of temporary work in the carrying out of any public work or scheme, order that the temporary employment of all or any persons employed upon such work or scheme may be continued until the completion of the same; and unless otherwise ordered by the Commissioner or the Permanent Head, any person may be temporarily employed by the Chief Officer in the Government Printing Office, or in the preparation of the census, for such time as may be necessary.

Mr. ROBINSON (Wannon).—Am I to understand that it will not be necessary for the name of any one desiring temporary employment under the clause to be on the Public Service Register?

Mr. GROOM.—No.

Mr. ROBINSON.—I can foresee very great difficulties, indeed, in carrying out a census if we were to insist that the names of the persons to be employed as sub-collectors in remote parts of the State must be on the Public Service Register.

Mr. MAHON (Coolgardie).—I hope that the Minister will not give too much away without fully considering his course.

Mr. ISAACS.—It is all right.

Mr. MAHON.—I do not know that it is all right. I cannot understand why the Minister gave way in reference to these clauses. It may happen that if the appointments are made under the Public Service Act it will considerably hamper the Department in collecting the census. It may be necessary for some of these officers to be continuously employed, but if they are appointed under the Public Service Act they cannot be appointed for more than nine months consecutively under any circumstances.

Mr. GROOM.—Section 40 of the Public Service Act makes special provision in sub-section 6 for the appointment of the men who may be engaged in the preparation of the census.

Mr. MAHON.—I was not aware that it did, but in that case the Minister ought to provide that these appointments shall be

made in accordance with the Public Service Act.

Mr. McCAY.—It cannot be done in any other way.

Mr. MAHON.—It ought to be set down here in black and white.

Mr. GROOM.—It is set down in black and white in section 40, and the census is specially referred to in sub-section 6 of section 40 of the Public Service Act.

Mr. MAHON.—If that is so, why was clause 6 put in this Bill? What was the draftsman doing that he did not look up the Public Service Act, instead of wasting parliamentary time by putting in a clause which was absolutely unnecessary? When the Minister speaks in that way he is simply passing a vote of censure on one of his own officers.

Mr. GROOM.—Oh, no! He inserted this clause for greater precaution.

Mr. MAHON.—It is very desirable to remove appointments from political influence. It is desirable also, if it could be done, to abolish other influences which affect appointments. The present system is not working too well. Cases have arisen in which even Ministers could not, owing to the red-tape methods of the Public Service Act, obtain officers for special duties. It is strange that neither of the two different arrangements for making appointments provided in these clauses suit the Opposition. Surely, if they disagree with the appointments being made under the Public Service Act, they ought to be satisfied with the proposal to confer that power on the Minister.

Mr. JOSEPH COOK (Parramatta).—I take a different view from that which has just been expressed by the honorable member for Coolgardie. If ever there was a matter which should be placed outside the control of Ministerial action, it is that of the collection of the statistics of the Commonwealth. I cannot conceive of any work more vital to the interests of Australia and to the purity of our public life than the proper collection of these statistics. Does the honorable member think that the Minister ought to choose the officers to make an enumeration for the electoral purposes of the Commonwealth? In view of our experience, I should not be prepared to place such a tremendous power in the hands of any Minister.

Mr. MAHON.—Has not the Parliament power to hold a Minister responsible for his actions?

Mr. JOSEPH COOK.—Certainly. We have a vivid recollection of the way in which Parliament did not censure the honorable member for Hume, then Minister of Home Affairs, in connexion with what has been termed "the great gerrymander." The honorable gentleman brought down set after set of figures, to which we could not pin him down. He presented night after night different sets of statistics, bearing the initials of some unknown officer, and when we challenged him to authenticate them by having them initialled by the Chief Electoral Officer, he declined to do so. On the basis of those figures, which, as events proved, were fallaciously furnished to him, the great scheme for the redistribution of the electoral power of the Commonwealth—a work which should have been carried out years ago—was postponed, and it has not yet been dealt with. We were told that a drought was devastating the larger portion of the Commonwealth, and that in normal times those who were then forsaking the country electorates would drift back, with the result that the electorates would be naturally redistributed upon their old basis. But subsequent events have proved every statement then made by the Opposition, and have shown that every assertion made by the Minister on the basis of the figures which he submitted to us—figures which could never be authenticated—was incorrect. The collection of Commonwealth statistics—a matter affecting profoundly the position of Australia in the eyes of the world, affecting, it may be, our character for social legislation, and all those considerations which should prove attractive to the surplus populations of other countries—ought to be in the hands of an independent authority. The man who selects the labour necessary for the performance of this work should be one to whom no reproach could attach—a man who has no interest to serve except that of telling the truth, and telling it in the most open way. Our experience has been of such an unfortunate character that we ought to take the most complete steps to change the method of compiling these statistics. That can best be done by deputing the work to an independent authority. We shall know, at any rate, that there is no danger of political influence in connexion with these appointments, and that the details in connexion with our electoral matters and in all matters affecting the welfare of the State are managed in a way that is pure and above-board.

Mr. ROBINSON (Wannon).—Notwithstanding the eloquent speech of my honorable friend, the member for Parramatta, I think there is a great deal in the contention of the honorable member for Coolgardie. Honorable members must recollect that the collecting of the census is temporary work. In most of the States, the practice has been to appoint some individual collector for each constituency. He appoints a number of sub-collectors. These sub-collectors work for a few days in distributing and collecting the papers, and they only get a few pounds out of it. To put the work under the control of the Public Service Commissioner would be to make it ridiculous. It would be absolutely impossible to collect the census in a remote and scattered constituency like that of the honorable member for Coolgardie, upon the plan recommended by the honorable member for Parramatta. In a district, which is comparatively scattered, like my own electorate, the only reasonable practice is to allow the head of the Department to have practically a free hand to select whom he likes, and for the persons selected to appoint sub-collectors.

Mr. JOSEPH COOK (Parramatta).—I submit that the honorable and learned member for Wannon has furnished no reason against the suggestion which I put forward. Is not the honorable member aware of the extent to which the Public Service Commissioner controls employment at present? There are thousands of temporary hands under his direction. In respect to the outlying portions of the country, I should say that there will be enough public officers to do the work without temporary hands being employed. Additional labour will be needed only in the centres of population.

Mr. ROBINSON.—The collectors will have to travel hundreds of miles in my electorate.

Mr. JOSEPH COOK.—The men who will have to do that will be public officers, whose duty now is to travel round in connexion with other matters.

Mr. ROBINSON.—The honorable member's proposal cannot be worked.

Mr. JOSEPH COOK.—It can be, because it has been done. The honorable member is quite wrong in thinking that the temporary labour will be employed in the sparsely-populated districts. If that is all that can be said against this proposal to shift an enormous responsibility off the

shoulders of the Minister there cannot be much objection to it.

Mr. KNOX (Kooyong).—I understand the position to be that the Minister has agreed to allow clause 7 to be omitted from the Bill, because the taking of the census and the means of securing the enumeration in connexion with it, are provided for in the Public Service Act. Let us abide by the law. We want to have the enumeration free from all party bias, religious bias, and bias of every kind. I earnestly hope that the Minister will stick to his proposal. Let us have a responsible officer, whose duty it will be to see that proper men are secured for the work throughout the Commonwealth.

Mr. REID (East Sydney).—I think that the Minister must see the happy effect of giving attention to the suggestions of honorable members opposite. My honorable friend is converting several members of the Opposition into admirers by accepting amendments from them. I want him to accept one from me, which will probably be followed by the same result. Clause 6 has gone out of the Bill; and properly gone out. It is not wanted. But it has rendered us a very good service. It has, by contrast, directed our attention to clause 7. I suppose that there is no one who does not agree to the proposition laid down by the honorable member for Parramatta, that in all these questions connected with the census statistics, upon which our political representation depends, upon which a large number of questions depend in the Government of the Commonwealth and of the States, we should have at least the ordinary safeguard of the Public Service Act. I wish to refer to section 40 of that Act, and to point out that by the use of loose words a very extraordinary state of things arises. Special reference is made in the section to the Government Printing Office and the preparation of the census. We have the safeguard that the chief officer in the Government Printing Office has the power of appointing these temporary persons. Unfortunately, the words with reference to the census leave the appointment in the hands of the Minister.

Mr. GROOM.—No; will the right honorable gentleman look at sub-section 1? The words in the earlier part of the clause govern the last sub-section.

Mr. REID.—If it be the case that we can read the section in that way, I am quite willing to do so.

Mr. GROOM.—The employment of temporary hands can be continued by the chief officer until they have prepared the census.

Mr. REID.—I am glad that reading can be placed on the clause, because, otherwise, the appointments would have been in the hands of the Minister, and no Minister would desire any sort of patronage in connexion with the Public Service. It is gratifying to know that the power lies with the Chief Officer, who is the Commonwealth Statistician, and, under these circumstances, there is a safeguard under section 40. The effect of clause 7 appears to be to give the Minister absolute patronage in the appointment of temporary officers; and surely that is a position which no Minister would desire.

Mr. GROOM.—I have agreed to this clause being struck out.

Clause negatived.

Clause 8 (Arrangements with State Governments as to execution of Acts).

Mr. McCAY (Corinella).—I draw attention to a source of information which does not appear to be covered by this clause. In Victoria, and, I believe, in other States, a considerable proportion of the statistics is collected by the municipal councils under the provisions of the State Local Government Act, which requires that the information shall be furnished in this way. Under this method, the municipalities act as the collectors of the statistics, which practically cover the whole of the agricultural and pastoral interests. This is a very valuable service, conveniently rendered at comparatively small cost; and in States which are completely covered by municipalities, the collection is quite thorough, though in other States, where municipalities are scattered, the whole ground cannot, of course, be covered. I do not think that the clause quite covers the right of the Commonwealth to these statistics, except they be obtained by the indirect method set out in sub-clause c. I should like to see the States municipalities continue this work under arrangement with the Commonwealth.

Mr. GROOM.—Under the Bill, we can make arrangements with the States Departments for the supply of this information.

Mr. McCAY.—I doubt whether the clause is sufficient to entitle the Commonwealth to the results of the collections made by the municipalities under the States Local Government Acts; and I should like to see the Bill amended in this particular. Why should sub-clause b

not include the information collected by the municipalities? This valuable source of information is utilized to great purpose in the States; and I think it ought to be taken advantage of by the Commonwealth. I do not know that a municipality could be included amongst the "prescribed persons," who, under clause 17, may be called upon to supply information. If they are, the Commonwealth will have to give such persons pay in addition to any pay they may receive from the States.

Mr. CROUCH.—The great complaint is that the municipalities do not get any pay from the States.

Mr. McCAY.—No doubt they would ask for pay from the Commonwealth, and, personally, I do not think that the complaints referred to are well founded, seeing that the municipalities get many benefits from the States. I call the Minister's attention to the source of information, because he may not be aware of the method adopted in the States.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The point mentioned by the honorable and learned member for Corinella is worthy of consideration. At present the returns required by the States are submitted to some central State authority. For instance, Railway Commissioners or a Harbor Trust may be constituted one of the bodies from which information is required, and all the returns thus furnished are sent to a Department of the State Government. In the same way, I presume, the information obtained from municipalities is centralized, and I think it could be obtained by the Commonwealth from the States Departments. Of course, it would be necessary to look at the States Acts, in order to see the class of information that is supplied.

Mr. McCAY.—As I said before, the information supplied by the municipalities in Victoria practically covers the whole of the agricultural and pastoral interests.

Mr. GROOM.—Are country shires in Victoria called upon to send in that information?

Mr. McCAY.—Yes.

Mr. GROOM.—Then the information is doubtless sent to a centralized State authority, from which it could be obtained by the Commonwealth under sub-clause 2. I presume, however, that the honorable and learned member for Corinella thinks that it might be necessary for the Commonwealth to obtain this information direct, and that

we should, therefore, consider whether we have power to do so. I promise to look into the matter; but I think that under clauses 16 and 17 the Commonwealth may obtain the information.

Clause agreed to.

Clause 9—

Every officer appointed or employed, whether permanently or temporarily, under this Act, or executing any power or duty conferred or imposed on any officer under this Act, or the regulations, shall, before entering upon his duties, or exercising any power under this Act, make before a justice of the peace or commissioner for affidavits, a declaration in accordance with the prescribed form.

Amendment (by Mr. GROOM) agreed to—

That after the word "officer," line 1, the following words be left out:—"appointed or employed, whether permanently or temporarily, under this Act, or."

Mr. CROUCH (Corio).—I direct the attention of the Minister to the fact that, according to the clause, a declaration is to be made before a justice of the peace, or commissioner for affidavits, whilst, according to the definition clause, a justice of the peace is included in the term "commissioner for affidavits." If a justice of the peace can take this declaration, he is already included, and if he cannot do so, the words "a justice of the peace" in this clause are surplusage.

Mr. GROOM.—It means a person authorized under a law of a State to take affidavits or declarations.

Mr. CROUCH.—If a justice of the peace is authorized at the present time under the law of a State to take declarations, he is already included, according to the definition clause, and if he is not, he cannot take a declaration under clause 9.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—He could take a declaration for the purposes of this clause. The intention of the clause is to enable the declaration "in accordance with the prescribed form," that is a declaration under this Bill, to be taken by a justice of the peace, or commissioner for affidavits.

Mr. McCAY.—Why "prescribed form," when in other Acts the form of the declaration is given?

Mr. GROOM.—The honorable and learned member for Corinella is raising another point. A justice of the peace under the High Court could take an affidavit, but his power to take a declaration under this Bill would need to be conferred especially by this Bill. If we were to refer in this clause only to a commissioner

of affidavits, we should not confer the power upon a justice of the peace to take this declaration, because, in some of the States "justice of the peace" is not synonymous with the term "commissioner for affidavits."

Mr. CROUCH.—The honorable and learned gentleman thinks that the use of the words in this clause is necessary?

Mr. GROOM.—It is necessary.

Mr. KNOX.—Do I understand the Minister to say that a justice of the peace or commissioner for affidavits in New South Wales could not take an affidavit under this Bill?

Mr. GROOM.—No.

Mr. McCAY (Corinella).—I think that in this Bill there is a leaving of matters to prescribed form which is quite unnecessary. I do not know whether the English Act includes the form of declaration in a schedule, but I should like to know why the prescribed form of declaration could not be set out in a schedule?

Mr. GROOM.—It is not in the English Act.

Mr. McCAY.—This measure is the delegation of power run to seed. It is mere drafting laziness not to include the form of declaration. The New South Wales and Victorian Acts set out the declaration in a schedule. It is merely a declaration to perform a certain duty, and to maintain secrecy. I would ask the Minister to agree to the amendment of the clause to provide that the declaration shall be in accordance with the form "in the first schedule." Fancy having a Bill like this passed without the dignity of a single schedule. I think declarations as to duty should always be prescribed in the Act, and not by regulation. All that is necessary is to make the amendment I suggest now, and the form of the declaration required could be prepared in time to have it inserted in the schedule to the Bill. Will the Minister agree to the amendment?

Mr. GROOM.—No, I think there is no necessity for it.

Mr. McCAY.—If the honorable and learned gentleman will look at the Commonwealth Electoral Act, he will find that declarations of duty are included in that measure. In the New South Wales and Victorian Acts these declarations of persons doing duty are set out in schedules. The proper place for this declaration is in the Bill, and not in regulations made under the Bill. We do not know what

officers may be called upon to swear. I cannot understand the Minister objecting to such an amendment as I suggest. I move—

That the word "prescribed," line 8, be left out.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I do not think there is any necessity whatever for the proposed amendment. The objection to it is, that whilst matters which are essential, should be in the Bill, other matters which require to be varied from time to time, should be dealt with by regulation. The essential matter in this case is that there should be a declaration to secure secrecy.

Mr. JOSEPH COOK.—The Minister would not vary that.

Mr. GROOM.—I do not propose to do so; that is provided for in the Bill. But when we come to deal with the form of the declaration, and the absolute words to be used, the clause is drafted in the way in which honorable members find it, in order that the form might be adapted to more than one case, in accordance with the duties which officers have to perform. We cannot lay down a stock form that would be applicable to all cases.

Mr. McCAY.—It is done in the States Acts.

Mr. GROOM.—I think it would be better to leave it in the form provided in the Bill. A declaration may be required, not merely from an enumerator, but from any person exercising powers under this Bill. I see no necessity whatever for the amendment, and I cannot accept it.

Mr. JOSEPH COOK.—The honorable and learned gentleman cannot accept it, but he appears to have no reasons to offer against it.

Mr. GROOM.—I have offered reasons against it. The form of the declaration is not an essential matter.

Mr. KELLY (Wentworth).—I did not quite follow the Minister's explanation. He told us that whereas it would not be necessary to alter the terms of the oath for general administration, it might be necessary to vary them in individual cases, although the stringency or efficacy of the oath would not be impaired.

Mr. GROOM.—I said that different oaths would be administered to persons doing different duties under the Bill.

Mr. KELLY.—Is the Minister's position this: that whereas the persons performing some duties under the Bill may be required

to make an ordinary declaration of good faith and secrecy, others may be required to make a more stringent declaration?

Mr. GROOM.—I did not say “more stringent.”

Mr. KELLY.—Then the Minister has given us no reason why the amendment should not be made.

Mr. GROOM.—Honorable members should give reasons why it should be made.

Mr. KELLY.—If the Minister is not prepared to put these words into the schedule, he should say why they should not be put there. The first schedule of the New South Wales Census Act, No. 65 of 1900, provides the following form of oath:—

I, _____ do hereby accept the office of enumerator [or collector] under the Census Act 1901, for the [district or sub-district] to which I have been appointed. And I do solemnly declare that I will faithfully perform the duties of the said office to the best of my knowledge and ability, and that I will not divulge the contents of any Schedule collected under the said Act.

(Signature.)

[Enumerator or Collector, as the case may be.]

Made and subscribed before me, at
this day of 1901,—

[Justice of the Peace or Commissioner for Affidavits.]

Surely there can be no objection to putting a similar schedule into this Bill. Such a form of declaration would cover all public servants acting under the measure. By accepting the amendment, the Minister would bring the Bill into line with all other Australian legislation on the subject.

Mr. REID (East Sydney).—I hope that the honorable member for Wentworth will not allow his natural feelings of indignation to disturb the harmony which should prevail in a Committee of the whole House during the consideration of a non-contentious measure like this.

Mr. JOSEPH COCK.—A Committee of the whole House?

Mr. REID.—It would be inhuman under present circumstances to make reference to a fact of which notice might be taken on another occasion. I shall, therefore, not pay attention to it now. So far as I am concerned, the presence of two Ministers in the Chamber is sufficient in connexion with this measure. The Bill is in charge of the Government, and so, too, are their supporters, so that I shall not notice the discouraging circumstances under which I am addressing the Committee. I wish to point out that we are falling into a most

objectionable method of legislating. Honorable members opposite have, during the present session, swallowed proposals which make them capable of digesting anything in the way of legislation. But I think that they might assist us in amending a perfectly harmless measure, not affecting high Tariff duties or anything of that kind. I have a pretty good knowledge of the Acts providing for the taking of oaths by public officers on entering upon the performance of their duties, and, so far as I am aware, the form of such oaths is always provided for in the schedules to the Acts requiring them. It is inconceivable that two kinds of oaths should be needed to secure secrecy in the performance of his duties by a public officer acting under this measure. Who ever heard of a form of oath providing for secrecy in the performance of a public duty which would not fit every person charged with that duty? Surely the Government would not have one form of oath for the head of a Department, another for the chief clerk, and another for the ordinary officer! As the honorable and learned member for Corinella has pointed out, those who draft Bills for this Committee have found that nothing is too slipshod for the people they have to deal with. Two absolutely unnecessary clauses were inserted in the Bill, although the provisions they contain are in other statutes; but there has been neglect to provide a necessary form of oath. The Opposition are compelled under the circumstances to constitute themselves an advisory committee to the Government. A more stupid set of men I never addressed. I cannot impress my views upon members.

Mr. GROOM.—Is that fair, after the way in which members of the Opposition have been treated this afternoon.

Mr. REID.—I withdraw the word “stupid,” and substitute the word “stolid.” The Attorney-General comes here absolutely exhausted. He drags himself here after a series of brilliant achievements in the Courts, of which he is one of the chief intellectual adornments.

Mr. ISAACS.—I have not had six weeks' vacation.

Mr. REID.—The Attorney-General is working double time. He is drawing two “screws.” He is in receipt of his salary as Attorney-General, and also of his income from his practice in the Courts. No Minister ought to do as the Attorney-General has done. When I am occupying the

position of Minister there is no staying away on my part. I give up everything in the world, and devote myself to the duties of my office; and that is what every Minister ought to do, whether he live in Sydney or in Melbourne. We come here from Sydney, exhausted by a long railway journey, and yet we cannot even get a form of oath inserted in a Bill. That is enough to irritate any one. Ministers must admit that in every Australian statute which requires the administration of oaths, the form of oath is set out, and that we are merely asking them to follow a universal practice.

Mr. ISAACS.—How many times does the right honorable gentleman want the Minister to explain his position? He has already done so very fully.

Mr. REID.—I was not aware that the Minister had made any explanation. I was absent from the Chamber for a time. I should like to know how the Minister can possibly explain his opposition to a proposal which, if it had been accepted, would have greatly facilitated the progress of the measure. We are not seeking to have an objectionable provision embodied in the measure, but merely ask that provision shall be made for the form of oath to be administered. I think that the stubbornness in this case comes from the Government. We are not able to get a word into the Bill.

Mr. MAHON.—The right honorable member has succeeded in knocking out two clauses.

Mr. REID.—I think that the honorable member will admit that we are entitled to some credit for that.

Mr. HENRY WILLIS (Robertson).—I do not understand why there should be any objection to embody in the Bill provision as to the form of oath to be administered.

Mr. REID.—The Minister wants to bury the form of oath in the regulations.

Mr. HENRY WILLIS.—The Minister would save time if he agreed to adopt a form of oath similar to that provided for in some of the States Acts. Will the Minister state his objection to doing as has been suggested?

Mr. GROOM.—I have already spoken on the subject. The honorable member was absent when I addressed the Committee.

Mr. HENRY WILLIS.—The Minister might be civil. It is evident that he intends to treat the Committee with contempt. He declines to make any explanation. Will the Attorney-General say what the objection is?

Mr. ISAACS.—The Minister of Home Affairs has already spoken at length upon the subject.

Mr. HENRY WILLIS.—Ministers are declining to proceed with the business of the country, and are treating honorable members with contempt.

Mr. McCAY (Corinella).—If I understood the Minister aright, his reason for wishing the clause to be passed in its present form is that it may be necessary to adopt different declarations for different classes of persons.

Mr. GROOM.—I said that we should require different declarations for different purposes for different persons, and relating to different duties.

Mr. McCAY.—The clause provides that every officer executing any power or duty under the Act shall make a declaration in accordance with "the prescribed form." That is, one prescribed form, and one declaration. All persons appointed to collect or distribute schedules or calculate figures will be required to take an oath of secrecy and fidelity in the discharge of their duties. If the Bill be passed as it stands, I venture to say without any hesitation that when the regulations are drafted, there will be but one form of declaration. The Minister did not indicate the conditions which would render two forms of declaration necessary, and his mere allegation that different forms may be required is answered by only a moment's consideration. With every respect to the Minister, I venture to submit that he is now taking up an attitude of firmness for the mere love of doing so. Having said "No," he apparently intends to adhere to his negative, despite any argument that may be advanced in the contrary direction. I claim that Acts of Parliament should not be mere machinery measures to enable regulations to be framed under them. They should be a full exposition of the law, and the regulations made under them should be merely ancillary.

Mr. JOSEPH COOK (Parramatta).—I would point out that the Government are now making a departure from a time-honoured custom in regard to similar Acts in all the States, so far as work coming within the same category is concerned. In the Electoral Act and in other statutes we have prescribed the form of oath which shall be administered.

Mr. GROOM.—There is no form prescribed in the Electoral Act.

Mr. JOSEPH COOK.—There are ten or twelve schedules at the end of that Act, in which every step that has to be taken is prescribed. In every Census Act the form of oath to be administered is set out. The conduct of the Minister upon the present occasion is all of a piece with that adopted by his colleagues in connexion with other Bills, which we have been called upon to consider. Perhaps it is a new inspiration on the part of the Attorney-General to make the measure merely a skeleton one, containing loose vague powers, and an abundance of references to “prescriptions,” and to set up the Minister as the person in authority who is to impart life and movement to the whole concern. I do not think that Bills ought to be drafted as loosely as this measure appears to have been. We ought not to vest such immense powers in the Minister. Take the Commerce Bill as an example. It has been so framed as to make the Minister of Customs practically a Czar, who may “hold up” the commerce of the country at any time that he thinks fit. Similarly in this Bill, we are asked to leave it to the Minister to determine what form of oath shall be administered to persons performing work under its provisions. I do not think that he should be allowed a free hand in such matters. At any rate, Parliaments all over the world have prescribed how these things shall be done, and I do not think we ought to leave them, for the first time, in the hands of the Minister. The honorable and learned gentleman merely affirms that it may be necessary to vary this form of declaration. Why? If it is merely to be a declaration that an officer will do his work dutifully and secretly why should there be any occasion for constantly varving it? These powers are very definitely laid down in the schedule of the Bill, and particularly in Part IV., and consequently, I see no reason why the proposed departure should be made.

Mr. KNOX (Kooyong).—I cannot help regarding this Bill as a very important one. The information which it is proposed to collect under the powers conferred by it affects the very basis of our existence as a people. The reason which the Minister advanced against the amendment seems to me to constitute the very reason why we should insist upon the form of the oath being fully set out in the Bill. Surely it is not desirable to leave it to the Minister to say that he believes it

to be unnecessary to require an oath to be taken, and that, consequently, an affirmation will suffice, or to introduce other qualifications. At the same time, I think that it might be sufficient to provide that it shall be an ordinary oath. I trust that the Attorney-General will see his way to accede to the reasonable request which has been made, in order to insure that this measure shall be a workable one. I am most unwilling to assume that the Minister, from sheer obstinacy, opposes this proposal. He has already conceded one or two propositions that must have appealed to his common sense, and it seems to me that it is not only reasonable but absolutely necessary that the form of oath to be taken by those appointed by the Commissioner to carry out this work should be provided in a schedule to the Bill. It is almost incredible that the Minister should continue to oppose this amendment. The very reason that he has offered for desiring that the form of oath shall be as prescribed is an argument in favour of our insisting that it shall be made a schedule to the Bill. I trust that the proposal will be accepted.

Mr. ROBINSON (Wannon).—The matter under discussion is not a very important one, but I feel very strongly that it is unwise to leave too much to be prescribed by regulations. Any one who takes even the most cursory glance at the Commonwealth Statutes must be convinced that we place more power in the hands of Ministers to frame regulations than does any other Parliament in the Empire. Time and again matters of legislation vitally affecting the liberties of the citizens are handed over to Ministers to be dealt with by regulations. Many of the most eminent jurists have pointed out the danger of the growing tendency on the part of democratic Governments to take from Parliament the power to legislate, and, practically, by means of regulations, to vest it in the hands of an individual or a body of Ministers. Regulations which seriously infringed the liberties and civil rights of individuals might be made while Parliament was in recess, and they would continue to have the force of law until it re-assembled and dealt with them. I have felt for some time that a great mistake is being made in leaving so much to be dealt with by regulations, and I intend, wherever I think it necessary, to object to this power being vested in a Minister. No principle

is involved in the matter now under discussion, and it should not be left to be dealt with by regulations. Only such matters as cannot properly form part of a Bill or of a schedule to a Bill should be left to regulations. The form of oath to be taken by officers under this Bill should certainly be placed in a schedule to it. I agree with the honorable member for Kooyong that the taking of a census is a most important work. As a Scriptural scholar, he will doubtless recollect the very serious consequences that attended the taking of a census mentioned in the Old Testament. I do not know that the same result is likely to follow the taking of a census in Australia, but the less we leave to regulations the better. I lay down the general principle that legislation by regulation—whether it be a regulation made by a Minister, a shire council, or a Justice of the Supreme Court or of the High Court—is undoubtedly bad. Parliament, to my mind, is the only authority to frame legislation. We are gradually giving away our privileges and placing them one by one in the hands of individuals, whose regulations are as difficult to override in many cases as is an Act of Parliament. Regulations made by Ministers are drawn up without first being subjected to the criticism of Parliament, and I therefore think that we should give with a very sparing hand the right to Ministers to prescribe various matters in this way.

Mr. SYDNEY SMITH (Macquarie).—I hope that the Minister will concede the request made by the Opposition. It has been stated that no form of oath is contained in any Act passed by this Parliament. I find, however, that a schedule to the Conciliation and Arbitration Bill passed last session gives the form of oath to be taken by the President or Deputy-President of the Court—

I, A.B., do swear that I will well and truly serve our Sovereign Lord the King. . . and that I will not, contrary to my duty, disclose to any person any evidence or other matter brought before the Court. . . .

This is a case in point. If it is necessary that the President of the Conciliation and Arbitration Court should take an oath not to divulge evidence given before him, surely it is equally necessary that officers appointed under this Bill should not divulge information collected by them, the publication of which might be attended with very serious results to the persons concerned. It is very essential that a form of oath

should be prescribed, so that there can be no doubt as to the way in which the duties of the officers should be carried out, at all events so far as secrecy is concerned.

Mr. ISAACS (Indi—Attorney-General).—The Minister in charge of the Bill has given his reasons for not agreeing with the proposed amendment, and at the risk of delaying public business more than it has already been delayed by some of my honorable friends on the other side, I wish to draw attention to a precedent. The leader of the Opposition, the honorable member for Paramatta, and the honorable member for Macquarie, were members of a Government in New South Wales which secured the passing of a Land and Income Tax Act. It contains sections upon which these very clauses have been based. There is nothing more inquisitorial—and it is justly and necessarily so—than a Land and Income Tax Act. In the Act of New South Wales we find a precedent for the clause which is now complained of.

Mr. SYDNEY SMITH.—If we can show a means of improving the Act, surely we are not going to adhere to it? The honorable and learned member has changed his opinion every day on matters of administration.

Mr. ISAACS.—I wish to point out how hollow are some of my honorable friends' objections. We are told that there is no precedent for this clause in any State Act; but I propose to quote a precedent which they themselves set. Section 8 of the Act, to which I refer, reads as follows:—

The Commissioners shall, before acting in the execution of their office, take and subscribe, before a Police Magistrate or Justice of the Peace, such oath of fidelity and secrecy as may be prescribed, and such oath shall also be taken and subscribed by every other person appointed or employed under this Act before so acting, which may be administered to him by a Commissioner or any Justice of the Peace.

There are other provisions not affecting that at all, but some of them are analogous to clause 24 of this Bill, which provides that—

No officer shall, except as allowed by this Act or the regulations, divulge the contents of any form filled up in pursuance of this Act, or any information furnished in pursuance of this Act. Penalty, £50.

With this precedent before us, with the prohibition under penalty against divulging information, and with the power of the Minister to prescribe an oath or declaration as stringent as he pleases, we may, I am sure, trust him to act. There cannot be any

basis for the objections which have been taken here to-night, and I hold, with all respect to honorable members, that it is, I shall not say an undue waste of time, but an unfortunate taking up of public time, to raise all this fuss and bother about a matter which has already received the approbation of the leader of the Opposition in a great measure which he assisted to pass in New South Wales, and which has been followed in the other States.

Mr. REID (East Sydney).—It is perfectly refreshing to hear the Attorney-General getting up with that confident judicial air of his, which is supposed to efface all differences of opinion as if by magic, and giving as the only basis of his opinion an Act for which I was responsible. This is the first time during the whole course of my parliamentary experience that he has bowed down and worshipped before my shrine. It has all the charm of novelty, but I feel so touched by the involuntary mark of approbation and confidence which he has shown, that I feel compelled to add a few observations. He does not courageously say that there has been a waste of time, but there is a sort of suggestion on his part that there is a waste of public time involved in this discussion? When the honorable and learned gentleman, who should be the guide and counsellor of the Chamber, is absent from his post, afternoon after afternoon, it is worse than a waste of time.

Mr. ISAACS.—The right honorable and learned gentleman ought to be the last person to say that, if it is true.

Mr. REID.—I should like the honorable and learned gentleman to remember that there is something worse than a waste of public time. It may arise from an imperfect knowledge of the law, or the way in which Bills are framed, but there can be no excuse for that avoidance of public duty of which he is guilty time after time.

The CHAIRMAN.—Order! I do not think that the right honorable and learned gentleman can discuss that matter on this clause.

Mr. REID.—That was the precise point at which I was passing away from the subject. I hope that what is left of the mental energy of the Attorney-General will be preserved for better purposes than that of

interrupting an honorable member, who has travelled 600 miles to be here to-day. He has only a mile and a half to travel from the Supreme Court to do his duty here, but he cannot get here. In spite of my advancing years, and ever-increasing weight, I have travelled hundreds of miles to do my duty to the public, but my honorable and learned friend cannot crawl up Bourke-street when there is the least smell of a brief in the atmosphere.

Mr. ISAACS.—Magnificent!

Mr. REID.—I feel compelled to resent the superior manner in which the Attorney-General addresses the Chamber.

Mr. BRUCE SMITH.—He is emulating me.

Mr. REID.—My honorable and learned friend, whom I used to look upon as a sort of demigod, as regards manners and accomplishments, is nothing compared with the Attorney-General.

The CHAIRMAN. Order! I would draw the attention of the right honorable member to the fact that the question before the Committee is the retention of the word "prescribed."

Mr. REID.—I am very much obliged to you, sir; but may I point out that whereas the Attorney-General, who has only to come across from the Grand Hotel, cannot get here, I have come hundreds of miles in order to endeavour to assist the Government in the improvement of their measures, which time after time are full of inaccuracies. The Land and Income Tax Act, to which the honorable and learned gentleman referred, is most inquisitorial, as all these Acts are. It was in that instance a matter of the greatest consequence that we should get an oath drawn up in well-considered phrases in order that the secrecy of that most inquisitorial department which deals with the incomes or overdrafts of the community should be absolutely preserved. At one time I thought of appointing a Royal Commission in order to settle the terms of the oath, but I was able to light upon one which, fortunately, met all the circumstances of the case. However, in spite of the trouble that we took in New South Wales in order to get an oath that would be binding upon the consciences of those to whom it was administered, I regret to say that it was insufficient. There has been a number of cases in which I am afraid that oath has not been respected. But we might have expected a Government

which has, in its ranks, about the most "squaring" element we know of in Australia, to produce something like a parliamentary oath. We only ask them for one form of oath, but we find that they are not capable of producing it, and want to take time to consider it. What do we wish to secure in this Bill? We wish to secure an oath simply to preserve secrecy about a lot of more or less harmless details. But my want of confidence in this Government is so complete that I wish to give the strongest possible reason for putting the form of oath in the Bill. I believe that if we do not put it in the Bill we shall not get an oath that will be binding administered at all. There are so many influences at work in connexion with the ravenous appetite for high protective duties on the part of the two Ministers in front of me that I am not at all satisfied that we shall ever have an oath applied to these officers, such as Parliament itself would have framed. I think that it is very important that we should have high-minded men appointed to perform these most important duties. How can we trust this Government to frame an oath which will be acceptable to the religious tendencies and judgments of all the estimable people we wish to see employed in connexion with this measure? I do not trust this Government to the length of an oath. I should like to see the terms of the oath put in black and white, and considered by Parliament. But I wish to say this: That this Committee was proceeding with the utmost expedition with this Bill while it was in the hands of the Minister of Home Affairs. Suggestion after suggestion was made, which was received by the Minister with the utmost courtesy; and I never saw a more happy family than we were until the Attorney-General made his appearance. He comes from scenes of argument, quarrelling, and contention, and he brings the very atmosphere of a legal pugilist into this Chamber. With what result? My honorable friend the Minister of Home Affairs, who about an hour before was prepared to receive any reasonable suggestion, fell under the influence of the Attorney-General. We address the most cogent arguments to the Committee, and the Minister, who an hour ago received every suggestion we made with the utmost courtesy, and accepted I do not know how many amendments, especially from my honorable friend the member for Kooyong,

now changes his attitude. I wish here to bear my testimony to the intelligent interest which the honorable member for Kooyong has taken in this Bill. My honorable friend submitted a most important amendment. With what result? The Minister accepted it, and we shall have by-and-by a clause which will stipulate, as ought to be done, for certain particulars in connexion with the householder's schedules. As the Bill was introduced, there was not a single requirement as to anything which was to be put into any of these census schedules. But I have made up my mind that the Ministry are inexorable on this point; and I do appeal to my honorable friends—I desire to exercise any influence that I possess with them—to recognise the fact that we have exhausted every possible legitimate means of persuasion. I wish to signalize my appearance in this Committee by endeavouring to promote as much useful legislative work as I can, but unfortunately the measures which are produced by this Government are so imperfect, so objectionable, seek to go so completely away from recognised lines of legislation, seek to put so much power into the hands of the Ministry behind the back of Parliament, that if we were to allow them to pass we might as well stay away from the House altogether. Honorable members might just as well get copies of the Bills by post, and be asked to return a form to the effect that they are willing that they should be passed. There is the honorable member for Bass, who has exercised a most useful influence upon this Bill, and who has pursued a most impartial path. I will guarantee that he, in his heart, sees the absolute necessity for this vote. I am sure that my honorable friend, in two minutes, would give us an oath that would meet any emergency. If the Ministers at the table cannot choose between one oath and another, there are two or three of my honorable friends opposite who would be prepared to give them any number of oaths to choose from. A simple test, just half-a-dozen words binding all these officers, high or low, to preserve an honorable secrecy, is all that is wanted. And I do hope that the Minister if he comes after a period of reflection to see that our views are correct, and that our protests are well founded, will agree to recommit the oath provision at any rate.

Mr. JOHNSON (Lang). — I sincerely hope that the Minister will not persevere

in his determination not to yield to the reasonable suggestion which has been made. I cannot conceive any reasonable objection to the course which is now proposed. I think it is the ordinary practice to put the form of oath in the schedule to a Bill of this character. The form of oath is very important. One form might perhaps be acceptable to a certain section and displeasing to another section of the officers employed for the purpose of carrying out the provisions of the Bill. I cannot conceive why the Minister will not accede to the reasonable request to prescribe the form of oath in a schedule, so that Parliament may express an opinion regarding it. There is too much leaving of legislation in the hands of Ministers and officers, and giving them powers which properly belong to Parliament. Without desiring to delay business, I make one more appeal to the Minister to yield to the suggestion of the Opposition.

Mr. SYDNEY SMITH (Macquarie).—The Attorney-General has been very careful to read up a certain Act of Parliament passed in 1894, and I dare say we shall find him coming down and contending that, because the right honorable member for East Sydney, in 1894, was instrumental in passing a free-trade Tariff in New South Wales, a similar Tariff should now be adopted by the Commonwealth. I find that, in the Australasian Federation Enabling Act, which the Attorney-General, as Attorney-General in the Victorian Government, assisted in passing, prescribes the form of oath. But the Opposition have exhausted their powers of persuasion, and it only remains for them to vote for the amendment.

Question—That the word “prescribed” proposed to be left out stand part of the clause—put. The Committee divided.

Aves	...	...	19
Noes	...	...	17
Majority	...	...	2

AYES.

Bamford, F. W.
Carpenter, W. H.
Chapman, A.
Crouch, R. A.
Deakin, A.
Ewing, T. T.
Groom, L. E.
Isaacs, I. A.
Kennedy, T.
Maloney, W. R. N.

Page, J.
Poynton, A.
Ronald, J. B.
Storrer, D.
Thomson, D. A.
Tudor, F. G.
Wilkinson, J.
Tellers:
Cook, Hume
Frazer, C. E.

Culpin, M.
Edwards, R.
Fysh, Sir P. O.
Gibb, J.
Johnson, W. E.
Knox, W.
Lee, H. W.
Liddell, F.
McCay, J. W.

NOES.

McWilliams, W. J.
Reid, G. H.
Smith, B.
Smith, S.
Willis, H.
Wilson, J. G.
Tellers:
Kelly, W. H.
Robinson, A.

PAIRS.

Lyne, Sir W. J.
Higgins, H. B.
Forrest, Sir J.
Batchelor, E. L.
Watson, J. C.
Spence, W. G.
Hutchinson, J.

Turner, Sir G.
Fuller, G. W.
Cook, J.
Skene, T.
Thomson, D.
Glynn, P. McM.
Lonsdale, E.

Question so resolved in the affirmative.
Amendment negatived.

Mr. REID (East Sydney).—I do not wish to occupy another moment, but I must express the hope that, in view of the very marked intimation which the Committee has just given, the Ministry will, when considering the amendment of the contract section of the Immigration Restriction Act, see whether some form of oath cannot be adopted for the purposes of this Bill which will meet with general approval. This is not a party matter, or otherwise the Opposition would have had a larger number of honorable members on their side.

Clause, as amended, agreed to.

Clause 10—

(1) The Census shall be taken whenever directed by the Governor-General.

(2) The Census day shall be a day appointed for that purpose by the proclamation.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—In accordance with the intimation which I gave in my reply on the second-reading debate, I move—

That after the word “taken” the words “in the year one thousand nine hundred and eleven, and in every tenth year thereafter” be inserted.

I intend to follow this by moving the omission of the words “Whenever directed by the Governor-General,” and of the word “the,” in the last line. It is not advisable to fix the exact month or date, but the general desire is that the census shall be taken simultaneously throughout the Empire. I think that the clause as thus amended will meet what is desired.

Mr. REID (East Sydney).—I am extremely glad that the Minister of Home Affairs has accepted the amendment which I suggested in my remarks on the second reading. I am sure that it will be carried

without any dissent, but I would point out for his consideration in connexion with measures that come here, that this was clearly a case where the new method of leaving everything to the Governor-General in Council should not have been adopted, because it would be impossible to have the census at any other time than the year mentioned. If there could be any special case in which it would not apply there would always be power in any such emergency to pass a special Act. I am glad that the Minister is prepared to remove a blemish from the Bill, and I heartily support his amendment.

Amendment agreed to.

Amendments (by Mr. GROOM) agreed to—

That the words "whenever directed by the Governor-General," lines 1 and 2, be left out.

That the word "the," line 4, be left out.

Clause, as amended, agreed to.

Clause 11 agreed to.

Clause 12—

(1) For the purpose of taking the census, a form called the householder's schedule shall be prepared, and left, in accordance with the regulations, at every dwelling throughout the Commonwealth.

(2) Where a dwelling is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held, shall be deemed a dwelling-house.

Mr. ROBINSON (Wannon).—Is it intended that in the case of a place like a hotel, a separate householder's schedule shall be left for each room which is occupied by a lodger?

Mr. GROOM.—It is a question of letting, sub-letting, or holding.

Mr. ROBINSON.—That is the difficulty. We have to deal with the case of residential flats, and there are many places in Collins-street in which a man will have a lease for a week, a month, or a year, of a furnished apartment, without board. I should like to know whether, under this sub-clause 2, a person holding a room under such conditions is to be deemed a householder, and to have a householder's schedule left for him. The clause as drafted is not in accordance with the practice under the Victorian Act, and I should like some explanation of it.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The clause is intended to deal only with places which are occupied as dwellings. The expression "held in different apartments" means held under some agreement which would make the place

for the time being a dwelling. In the case to which the honorable and learned member referred, of a house let in flats to a series of sub-tenants, there is no doubt that the different flats will be dwellings within the meaning of this clause. Its wording is very similar to that of sections which have been found to work satisfactorily in other Census Acts.

Mr. PAGE.—What about rooms in a hotel?

Mr. GROOM.—Under this clause, the proprietor would be required to furnish a list of the persons in his hotel on the evening of the day on which the census was taken.

Mr. PAGE.—There will have to be a schedule left for every room that is occupied.

Mr. GROOM.—That will not be necessary in the case of a person temporarily lodging in a hotel. The wording of the corresponding section of the English Act is as follows:—

In this section the expression "dwelling-house" shall include every building and tenement of which the whole or any part is used for the purpose of human habitation, and where a dwelling-house is let or sublet in different tenements or apartments, and occupied distinctly by different persons or families, a separate schedule shall be left with, or for, and shall be filled up by, the occupier of each such distinct tenement or apartment.

Before a separate householder's schedule is required, a person must be dwelling in a building in such a way as to render him independent of the occupier or proprietor.

Mr. PAGE.—There are numerous hotels in which suites of rooms are let.

Mr. GROOM.—Where persons are actually dwelling in a hotel, under a letting or sub-letting, a separate householder's schedule will have to be left for them.

Mr. PAGE.—That will involve unnecessary expense.

Mr. JOHNSON (Lang).—The Minister's explanation of this clause is hardly satisfactory. A portion of a building might be held under no contract or form of agreement, such as the Minister has suggested, but might be in the occupation of guests who would be paying nothing, and might leave whenever they pleased. I think that some amendment of sub-clause 2 is necessary.

Mr. ISAACS.—To what words does the honorable member refer?

Mr. JOHNSON.—To the words "sub-let or held." It seems to me that the clause

is so loosely drafted that all sorts of interpretations may be given to it.

Mr. ISAACS.—What does the honorable member consider loose about it?

Mr. JOHNSON.—As I read the clause, a form will have to be left with every person occupying a room in a house, which is altogether unnecessary, because the person in charge of the premises would know how many persons lived there, and could fill in the form with their names. Besides, it would lead to confusion and error from the fact of various persons supplying the same set of particulars.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The object of the clause is perfectly clear, and its wording, which is practically the same as that of the various Census Acts of the States, will carry that object into effect.

Mr. PAGE.—What is meant by the word "held."

Mr. GROOM.—Held under a legal agreement.

Mr. PAGE.—Is not a room which is taken for a week, held under a legal agreement?

Mr. GROOM.—The words are intended to cover cases in which persons are living in apartments, but are not residing in a building which is under the general charge or management of some individual, as a boarding-house or hotel is.

Mr. McCAY.—Why are the words "dwelling house" used in this sub-clause, while the word "dwelling" is used elsewhere?

Mr. GROOM.—There is no difference in the meaning. The intention is that a householder's schedule shall be left at every place where there are people residing on a certain evening. I ask honorable members to allow the word "held" to stand, because it covers occupation, not strictly under a lease or sub-lease.

Mr. CROUCH.—Could not the Minister adopt the wording of the English Act, and say "distinctly occupied"?

Mr. JOHNSON (Lang).—Although the Minister may interpret the word "held" to mean held under an agreement, that interpretation may not be accepted by others. The measure will not be always administered by him, and his successors may not accept his definition of the word "held."

Mr. GROOM.—I will reconsider the clause, because I have no desire that we should pass into law a provision the meaning of which is uncertain.

Mr. McCAY (Corinella).—I am afraid that, as the clause stands, a householder's

schedule will have to be left at every office in a building in which there is a resident caretaker. It provides that a householder's schedule shall be left "at every dwelling," and "dwelling" is defined as a building "permanent or temporary"—which would include, I suppose, a tent erected for the accommodation of a member of Parliament—"wholly or partly used for the purpose of human habitation." Therefore, if any room, or set of rooms, in a building is used for the purpose of human habitation, the whole building becomes a "dwelling" within the meaning of the Bill, and under sub-clause 2 of clause 12, where a dwelling is sub-let to or held by various occupants, each part is to be deemed a "dwelling house," so that a householder's schedule will have to be left at each office in it.

Mr. GROOM.—The schedule will have to be left only in that part of the building which is occupied for human habitation.

Mr. ISAACS.—Similar words are used in the Census Acts of the States, and no difficulty has occurred.

Mr. McCAY.—The clause, as framed, seems to me to require the leaving of householder's schedules where they are not wanted. An occupier does not necessarily mean the man who is living on the premises. The man who is rated as an occupier may use the premises merely during the day time for business purposes.

Mr. GROOM. — I shall look into the matter.

Mr. CROUCH (Corio).—Even according to the strict reading adopted by the honorable and learned member for Corinella, I do not think that any difficulty need arise. I think that census forms should be left at buildings that are occupied as offices, because, in the first place, caretakers may reside on the premises, and, in the second place, certain occupiers of offices may be sleeping there at the time appointed for the taking of the census. It might be of some advantage to adopt the wording of the English Act to the extent of inserting the word "distinctly" before the word "occupied."

Mr. REID (East Sydney). — A much more important matter than we have been discussing is dealt with in sub-clause 1. It is provided that—

For the purpose of taking the Census, a form called the householder's schedule shall be prepared and left, in accordance with the regulations—

Mr. GROOM.—A new clause will be prepared relating to that matter.

Mr. REID. — I presume that the new clause will set forth the bulk of the matters to be dealt with.

Mr. GROOM.—Yes; we shall follow the practice that has been suggested by the Conference of Statisticians.

Mr. REID.—Ministers do not seem to have appreciated the arguments used by honorable members. The interpretation clause attaches a certain definite meaning to the word "dwelling," under which a dwelling is incapable of being divided in any way. Dwelling means "a building, erection, or tenement, any part of which is used for the purpose of human habitation," and a building containing hundreds of offices, and occupied by only one resident, in the form of a caretaker, would be a dwelling. According to clause 12, a householder's schedule has to be left at every dwelling, and, referring back to the interpretation clause, we find that the definition of dwelling is not limited to separate families occupying the same building. In sub-clause 2 of clause 12 it is provided that where a dwelling is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held shall be deemed a dwelling-house. That covers every conceivable form of occupancy, but it is not intended to.

Mr. ISAACS.—There is a difference between holding and occupying.

Mr. GROOM.—A guest in a private house would not be an occupier.

Mr. REID.—A guest would naturally be included in the list of the family with whom he was staying. But putting aside that class of case, about which there is no difficulty, we have to consider the position of persons who hold rooms in hotels. Hundreds of men lease rooms in hotels, and are free to have their meals in the hotel, or outside of it. Surely such persons hold their rooms.

Mr. GROOM.—We have adopted the wording of the English and Australian Acts.

Mr. REID.—Yes, but the Minister knows that we copy the wording of English Acts because we think that they are bound to be pretty right. I would point out, however, that an entirely new state of things in regard to residences has grown up in modern times. The expressions used in the present English Act were employed fifty years ago, but the occupancy of

houses has been revolutionized during the last ten years. Fifty different tenants may be found in one hotel, and we know that flats in city buildings are let out to large numbers of persons. Let us take the case of that magnificent edifice in Collins-street, which is to be let out as residential chambers. A hundred different persons might occupy the flats in that building, and we should be told in the leading pages of an influential organ down the street that the exodus of families from Victoria had ceased, and that the leading thoroughfare in the capital of Victoria was assuming an aspect of prosperity unequalled in the recollection of the oldest inhabitant. I see something sinister beneath the clause. I detect an attempt to arrest the current of events with which I sympathize, but to which I can be no party. I hope that no malign influence has been at work in connexion with the framing of the provision.

Mr. GROOM.—How would the right honorable gentleman deal with the question?

Mr. REID.—I admit that there is a difficulty, and that Ministers are acting rightly in not attempting to deal with the matter now. I presume that the Minister will give us his assurance that the clause will be recommitted.

Mr. GROOM.—I will promise to reconsider the matter.

Mr. REID.—I do not regard the offer of the Minister as a reasonable one. The object of this provision is to ascertain the number of families that there are in the country. How can we apply such a term to a hundred men who may be dwelling in a terrace? The expression would be perfectly ridiculous. Then I wish to put another point to the Committee. Under this clause the number of dwellings will be given quite independently of the number of families, and if we exaggerate the number of families we shall have the enemies of our country exclaiming, "See how many people have to be crowded together in one house. There are so many thousands of families in Australia, and there are only so many thousands of tenements." Thus the effect would be to make it appear that Australia was imitating a recognised evil in the old world by crowding a large number of families into one dwelling. I think that this matter is of importance, though it is not so important as was the form of the oath. I do not

think that we need have a prolonged discussion on it if the Ministry will only promise to allow us an opportunity to reconsider it. I do not expect Ministers, whilst sitting at the table, to draft amendments to meet every possible case that may arise, but I do ask them to allow us an opportunity to consider any proposal which they may have to submit at a later stage.

Mr. GROOM.—I will promise to look into the matter, and, if necessary, I will recommit the clause.

Mr. REID.—I respect the Minister's promise, but I would point out that we are entitled to consider the clause as well as the honorable and learned gentleman. The only question at issue is whether he will compel us to consider it now or whether he will save the public time by affording us an opportunity of considering it at a later stage. Either the Government are prepared to accept my proposal—

Mr. ISAACS.—What is the proposal of the right honorable member?

Mr. REID.—In view of the admitted difficulty of the situation, I ask that the consideration of the clause should be postponed.

Mr. ISAACS.—We are prepared to meet the right honorable member.

Clause postponed.

Clause 13—

Every occupier or person in charge of a dwelling, with or for whom a householder's schedule has been left, shall, to the best of his knowledge and belief, fill up and supply therein, in accordance with the instructions contained in or accompanying the schedule, all the particulars specified therein, and shall sign his name thereto, and shall deliver the schedule so filled up and signed to the collector authorized to receive it.

Penalty: Ten pounds.

Mr. JOHNSON (Lang).—I think that it is necessary to read this clause in conjunction with the preceding provision in order to understand what effect it will exercise upon the census returns. Under clause 12 a householder will be required to supply in the schedule all particulars as to the occupants of a building; and similar information will have to be furnished by every occupier of any portion of the premises. Thus the same particulars will be supplied time after time. The result will be that we shall not secure a correct census, but a census which will be absolutely misleading and erroneous. The Minister should consider whether some improvement cannot be effected in the provision with a view to securing greater accuracy.

Mr. McCAY (Corinella).—The Bill as introduced contained no definition of occupier, but as we have inserted a definition in the interpretation clause, I would ask the Minister whether he considers that the words "or person in charge" in this clause are necessary?

Mr. ISAACS.—Their omission is a consequential amendment.

Amendment (by Mr. GROOM) agreed to—

That the words "or person in charge," line 1, be left out.

Clause, as amended, agreed to.

Clause 14—

It shall be the duty of each Collector to assist occupiers of dwelling houses in filling up the householder's schedule, and to satisfy himself by inquiries from occupiers or persons in charge of dwellings or other persons that the householder's schedule has been correctly filled up.

Mr. ROBINSON (Wannon).—This clause goes a great deal further than does any similar provision in the States Acts, and if we insist on making it the duty of collectors to assist occupiers to fill up the schedules, the work and expense of taking the census will be doubled or trebled. Under the New South Wales Act it is the duty of the collector to assist occupiers to fill up the schedules only when requested to do so, and I think that is the utmost to which any State Act dealing with this subject goes.

Mr. GROOM.—The New South Wales Act goes further than that.

Mr. ROBINSON.—I think I had some practical experience of the way in which the census was taken in a country district that I once represented in the State Parliament. The district is a scattered one, and if the various collectors had had to go to each farm-house, and assist in filling up the schedules, the cost of collecting the census would have been trebled. The position is doubtless the same in all country electorates. The practice usually adopted is to leave the schedule with the householders, and to collect them as soon as possible after the enumeration day. In that way, a minimum of time is occupied, and the expense to the community is correspondingly reduced. I make the suggestion that the words "if requested" should be inserted after the word "collector," my desire being that the cost of collecting the census shall not be unduly increased.

Mr. JOSEPH COOK (Parramatta).—Strange to say, I had marked this clause

for amendment in the way suggested by the honorable and learned member. I think it would be advisable to make it compulsory for the collector to assist in preparing schedules only when requested to do so. The collection of the census would be a most expensive work, unless some such qualification were inserted, because, as the clause reads, each collector would feel himself compelled to see every return filled up.

Mr. GROOM.—I am prepared to accept the amendment.

Amendment (by Mr. ROBINSON) proposed—

That after the word "Collector," line 1, the words "if requested" be inserted.

Mr. KNOX (Kooyong).—I think that it ought to be the duty of the collectors to see that the schedules are properly filled up.

Mr. GROOM.—The latter part of the clause, as well as clause 15, will require them to do so.

Mr. KNOX.—There ought to be an obligation on the part of the collector to see that accurate information is given in the schedules. They will form the basis of the whole of the statistics we are striving to secure by means of this measure, and too much importance should not be attached to the fact that the time and expense involved in making the collection may be increased by our requiring the collectors to assist occupiers to fill in the returns. If the amendment be made the responsibility of the collectors in this regard will certainly be reduced.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The point mentioned by the honorable member for Kooyong is an important one, but I think his objection is fully covered by the latter part of the clause. All that the honorable and learned member for Wannon desires is that the collector should not set out on his work with the idea that it is his duty to assist occupiers to fill in the schedules, whether requested to do so or not, practically forcing himself upon the occupier in the filling up of his form. If the amendment is agreed to, when the collector goes round, the occupier, if he is in a difficulty about filling up the schedule, can ask him for information as to how it should be done, and then it will be the duty of the collector to assist him. Further than that, it will be the duty of the collector, before he leaves the building, to

see that the schedule is complete, and that he has obtained all the information that is required. I think that the amendment meets the requirements of the honorable and learned member for Wannon, and does not interfere with the desire of the honorable member for Kooyong to get the information accurately collected.

Mr. HENRY WILLIS (Robertson).—The census forms are required to be filled up on a certain day, and at a certain time. Suppose it was intimated to the collector when he delivered forms at certain places that his assistance would be required in filling them up, because the occupiers were marksmen, how would it be possible for the collector to be at all of those places at the same time, if requested?

Mr. GROOM.—That is not required. It would only be when the collector went round to collect the forms previously delivered, and found that the information was not complete, that he could render assistance.

Mr. HENRY WILLIS.—The Minister should make an interjection and not a speech. How would it be possible for the clause to work satisfactorily if the occupier had to wait until the collector went round to collect the forms which were required to be filled up on a previous day at a certain time? Would it be an excuse for an occupier not having filled up his form on that date, that there was no collector present to give him the information that he required?

Mr. GROOM.—I was asked not to interrupt.

Mr. HENRY WILLIS.—I was addressing the question to the Attorney-General, because, earlier in the evening, the Minister of Home Affairs gave me an uncivil answer to a question.

Mr. ISAACS.—That is not justified.

HONORABLE MEMBERS.—Withdraw.

Mr. HENRY WILLIS.—Well, the Minister of Home Affairs did not answer my question courteously.

The CHAIRMAN.—That is not the question before the Chair, which is that the words "if requested" be inserted in the clause.

Mr. HENRY WILLIS.—The question before the Chair—and if you, sir, do not know your business, I will tell you—is—

The CHAIRMAN.—Order! I cannot permit any honorable member to make such a remark as that to the Chair. I ask the honorable member to withdraw it.

Mr. HENRY WILLIS.—I certainly withdraw the remark, if it is offensive to the honorable member occupying the Chair. The question before the Committee is that certain words be inserted.

The CHAIRMAN.—And not the manners of the Attorney-General or the Minister of Home Affairs.

Mr. HENRY WILLIS.—Well, it is not the business of the Chairman to lecture me; if I am out of order, he should call me to order.

The CHAIRMAN.—I must ask the honorable member to resume his seat. If he desires to address himself to the amendment, he may do so; but if not, I shall go on with the business.

Mr. HENRY WILLIS.—It is my intention to address myself to the measure, but I do not require a lecture from the Chair.

The CHAIRMAN.—Order!

Mr. HENRY WILLIS.—The business of the Chairman is not to lecture me.

The CHAIRMAN. — The honorable member has defied the Chair. I shall now put the amendment.

Mr. HENRY WILLIS.—But I am in possession of the Chair.

The CHAIRMAN. — The honorable member is not in possession of the Chair. I call on the honorable member for Wentworth.

Mr. KELLY (Wentworth).—I only rise to ask the Minister in charge of the Bill if there is any special significance in the sudden acceptance of the amendment, in view of the fact that the honorable and learned member for Wannon has lately addressed the Committee from the Government side? I ask the question because it may have a bearing upon the opinions of honorable members upon this side.

Mr. HENRY WILLIS (Robertson).—I was remarking, when I was interrupted, that the words proposed to be inserted were "if requested." If a person had not filled up his form at the prescribed time, would it be any excuse for his failure that the collector was not present on the prescribed date to give him the information he required. I am of opinion that the amendment does not cover such a case. Is it the opinion of the Minister that it does?

Mr. GROOM.—The form has to be filled up for a certain day.

Mr. JOHNSON (Lang).—I take it that, although the Bill provides that the form shall be filled up as applying to a certain date, still if it is not so filled up by reason

of the householder not understanding clearly what has to be done, if he gives correct particulars as to the occupants of his house to the collector when he calls and offers his assistance, that will meet all the requirements of the law, even although the persons who resided in the house on the census day may have left in the interval.

Mr. GROOM.—That is so.

Amendment agreed to.

Mr. KELLY (Wentworth).—I wish to draw the attention of the Minister to what may be the result of this clause if it be passed in its present form. It would be the duty of the collector, in any case, to satisfy himself by inquiries from the occupier of a house that the form had been correctly filled up. In view of the safeguards which have been inserted in other clauses against incorrectly filling up the schedule, I should think it would hardly be necessary to waste the time of the collectors by requiring them to see if it had been correctly filled up in every particular.

Mr. PAGE.—Suppose that the persons were illiterate?

Mr. KELLY.—We should provide for a case of that sort; but this clause does not provide only for it.

Mr. KENNEDY.—Practically it does.

Mr. KELLY.—No. The collector has to satisfy himself in all cases that the schedule has been properly filled up. This is not merely to restore omissions, but also to test the value of the information given.

Mr. CROUCH.—That is occasionally very necessary.

Mr. KELLY.—It may be necessary at times, but this is mandatory on all occasions.

Mr. GROOM.—The same provision is in other Acts.

Mr. KELLY.—I think the Commonwealth Act should, if possible, be better than the States Acts. The collectors will have enough to do if they have to satisfy themselves of the value of the evidence given—which, on the face of it, is not necessary.

Mr. PAGE.—If the honorable member were collecting he would find it to be necessary.

Mr. KELLY.—I have never collected for a census, I am thankful to say. I am afraid that my native modesty would not permit me to put some of the inquisitorial questions necessary. Can the Minister see his way to amend the clause in the direction I have suggested? It might be done

by leaving out the word "correctly," so as to make the clause read—

To satisfy himself by inquiring from occupiers or persons in charge of dwellings that the householder's schedule has been filled up, as far as practicable, within the provisions of this Act;

or words to that effect. I would prefer the Minister to devise the drafting of the amendment, because I have found on occasions—as I am sure the honorable gentleman will permit me to say without offence—that when an amendment is moved from this side of the Chamber we are often met with technical objections to one word.

Mr. JOHNSON (Lang).—I must confess I do not find myself in agreement with the honorable member for Wentworth in the objection which he has raised. It is very necessary that the collectors, if they have cause to think that there is any error, intentional or otherwise, in the filling up of the form, shall, as far as they are able, make the return accurate before taking possession of it on behalf of the Commonwealth. The latter part of the clause is really necessary. Even the simplest forms, so long as they bear the appearance of being issued by the Government, strike terror into the hearts of some unsophisticated rustics. They lose possession of their ordinary faculties, and refuse to have anything to do with it without some official assistance. Probably it is the recognition of that fact which has led to this provision being inserted. But it might be advisable to leave out the words "or person in charge," with a view to bring the clause into harmony with the preceding one. I move—

That the words "or persons in charge," line 4, be left out.

Amendment agreed to.

Mr. KNOX (Kooyong).—I trust that the Minister does not intend to accede to the request of the honorable member for Wentworth.

Mr. GROOM.—No.

Mr. KNOX.—We must maintain the obligation upon the collectors. If we reduce their responsibility to see that accurate returns are obtained, we shall defeat the whole object of the Bill.

Mr. KELLY (Wentworth).—I only made a suggestion to the Minister, and I regret that my honorable friend the member for Kooyong should have seen fit to make this impassioned attack upon me. It is so contrary to his usual custom that I feel that it is due to myself to say that my object

was to strengthen the Bill, and that I did not intend to press the suggestion.

Clause, as amended, agreed to.

Clause 15—

Every person shall, to the best of his knowledge and belief, answer all questions asked him by a collector touching any information required to be filled up and supplied in the householder's schedule.

Penalty: Ten pounds.

Mr. CROUCH (Corio).—I presume that this clause follows State legislation in making it penal to refuse to reply to the questions. But I remember that when the Census Act was first introduced in England numbers of people raised religious objections to it.

Mr. GROOM.—That is provided for.

Mr. CROUCH.—I do not refer to the refusal to answer questions about religious belief. Numbers of people refuse to answer the census questions at all. It will be remembered that there was a time in Old Testament history when the numbering of the people brought a plague upon the children of Israel. Numbers of people in England who read the Scriptures literally therefore regarded a census as an offence. They thought that England was going to immediate destruction in consequence of the passing of the Census Act, and sermons were preached against it. It was held that punishment would be brought upon the United Kingdom for the national sin that was being committed. The people I refer to have a right to have their conscientious objections considered; and I should like to know whether under any of the States Acts persons are compelled to answer such questions under penalty.

Mr. GROOM.—That is so under the New South Wales Act.

Mr. ISAACS.—And also under the Victorian Act.

Mr. McCAY (Corinella).—The word "touching" in this clause is rather wide. A collector might investigate one's family history to a considerable extent under the word; and the Attorney-General has suggested to me that the words "necessary to obtain" might be substituted. I move—

That the word "touching" be left out, with a view to insert in lieu thereof the words "necessary to obtain."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 16—

The Statistician shall, subject to the regulations and the directions of the Minister, collect, annually, statistics in relation to all or any of the following matters :—

- (a) Vital, social, and industrial statistics;
- (b) Imports and exports;
- (c) Inter-State trade;
- (d) Factories, mines, and productive industries generally;
- (e) Agricultural, horticultural, viticultural, dairying, and pastoral industries;
- (f) Banking, insurance, and finance;
- (g) Railways, tramways, shipping, and transport;
- (h) Any other prescribed matters.

Mr. McCAY (Corinella).—I remind the Minister, as I did on the second reading, that the paragraphs of this clause are very wide. After providing for statistics in relation to seven different matters, there is an eighth paragraph which speaks of “any other prescribed matters.” It is difficult to say what are “vital, social, and industrial statistics”; and, moreover, there ought to be some definition of “factories,” and so forth.

Mr. GROOM.—“Factories” have been defined.

Mr. McCAY.—Are these matters to be more closely defined by regulation?

Mr. GROOM.—They will be subject to regulations.

Mr. McCAY.—A little while ago we were told to “trust the Court,” and now we are told to trust the regulations. Is the Minister satisfied to trust his successor in office, even if that successor may come from this side?

Mr. ISAACS.—Regulations are under the control of the House by virtue of the Acts Interpretation Act.

Mr. McCAY.—That is so in theory, but it is a fine drawn theory, which, as no one knows better than the Attorney-General, has no foundation in fact. Of all the regulations we have passed, and these have been numerous enough, the only ones discussed were those made under the Public Service Act. No doubt we ought to read all the regulations, but life is too short for such a task. However, as this is a clause giving power to the Minister to make regulations, I suppose there is no chance of successfully proposing to make the provision more definite.

Clause agreed to.

Clause 17 agreed to.

Clause 18—

Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician or an officer authorized in writing by

the Statistician, touching any information required for the purposes of any statistics authorized by this Act to be collected.

Penalty : Ten pounds.

Amendment (by Mr. GROOM) agreed to—

That the word “touching” be left out, with a view to insert in lieu thereof “necessary to obtain.”

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The honorable member for North Sydney raised some objection to this clause, and I told him that I was prepared to provide that no prosecution should be instituted without the consent of the Minister. The honorable member was afraid of inquisitorial investigations, and on that ground I made the promise. I move—

That after the word “collected,” line 6, the following words be inserted “Provided that no prosecution for contravention of this section shall be instituted without the consent of the Minister.”

Amendment agreed to.

Clause, as amended, agreed to.

Clause 19—

(1) The Statistician or any officer authorized in writing by him may, at any time during working hours, enter any factory, mine, work-shop, or place where persons are employed, and may inspect any part of it, and all plant and machinery used in connexion with it, and may make such inquiries as are prescribed or allowed by the regulations.

(2) No person shall hinder or obstruct the Statistician or any officer authorized in writing by him in the execution of any power conferred by this section.

Penalty : Ten pounds.

Mr. WILSON (Corangamite).—This clause appears to me to be so wide as to contain an element of danger if administered by an officer who was at all indiscreet.

Mr. ISAACS.—The first lines of the clause are copied *verbatim* from the New South Wales Act.

Mr. WILSON.—That does not make the clause necessarily a proper one.

Mr. ISAACS.—It is some guarantee that nothing dreadful will happen under it.

Mr. WILSON.—But we can conceive circumstances under which the clause might be made very objectionable. It provides also that the officer may inspect any part of a factory, mine, workshop, or place where persons are employed, and all plant and machinery used in connexion with it. What object could a Statistician have in the inspection of plant and machinery? Honorable members will see that this is a serious matter, as, under sub-clause 2, it is provided that no person shall hinder or

obstruct the Statistician, or any officer authorized by him, in the performance of this duty. Before the clause is passed we should have some explanation as to the extent to which this power will operate.

Clause agreed to.

Clause 20—

1. The Statistician shall compile and tabulate the statistics collected pursuant to this Act, and shall publish such statistics or abstracts thereof as the Minister directs, with observations thereon.

2. All statistics or abstracts prepared for publication, and the Statistician's observations thereon (if any), shall be laid before both Houses of the Parliament.

Mr. CROUCH (Corio).—Is there any necessity for sub-clause 2? It seems to me there is a very great deal of useless printing in the documents laid on the table of this House. If these statistics will have been published already, why make this provision that they shall be laid before both Houses of Parliament?

Mr. GROOM (Darling Downs—Minister of Home Affairs).—Sub-clause 2 will not involve any additional expenditure for printing. It will only insure that Parliament shall have an opportunity of seeing these documents. When they are published, it is right that they should be laid before both Houses of Parliament that the information which they contain may be circulated amongst those who are entitled to be supplied with it.

Mr. KNOX (Kooyong).—I think that sub-clause 2 is essential, particularly in view of the fact that, under sub-clause 1, the Minister is given a very wide discretion as to the information which is to be presented to Parliament. It is, I think, worthy of consideration by the Committee whether the Minister should have such absolute discretion as to what statistics or abstracts thereof should be published. It is surely the duty of Parliament to see that important and useful statistics are made available for public information. That, I think, must have been in the mind of the draftsman when proposing sub-clause 2.

Mr. ISAACS.—There is a good deal of information in statistics collected that it would not be desirable to publish.

Mr. KNOX.—I have no doubt that that is so, but, in my opinion, sub-clause 2 is a very necessary safeguard. It would, no doubt, be in the power of either House of Parliament to require any statistical information to be laid on the table at any time, but I direct attention to the fact that under this clause the Minister is given a

very arbitrary power in being allowed to determine what statistics or abstracts thereof shall be published. He apparently is to control the information which is to be made public. That is a power which might be used by an unscrupulous Minister to the detriment of certain sections of the community. I hope the Minister will give the matter his attention.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The nature of the statistics required must always be fixed by the Act or by regulations under the Act. The Statistician will obtain information with respect to these statistics, and this clause 20 provides a controlling power under which the Minister will be able to prevent the publication of information which it might be unnecessary or inadvisable to publish. It is not intended to give the Minister power to defeat the legitimate purposes of a Census and Statistics Act. I shall look into the matter to which the honorable member has directed attention.

Clause agreed to.

Clause 21—

No person shall be liable to any penalty for omitting or refusing to state the religious denomination or sect to which he belongs or adheres.

Mr. JOHNSON (Lang).—At the request of the honorable and learned member for Wannon, I move—

That after the word "penalty," the following words be inserted:—"who from conscientious scruples omits to state the religious denomination or sect to which he may adhere or belong; and the proof of such conscientious scruples shall be the filling up of the column set apart for that purpose with the words 'conscientiously object.'"

This is a provision which is contained in the New South Wales Act, except that the word "conscientiously" is omitted in that Act. I think that perhaps it would be better to omit the word, as I can quite see that there might be some orthographical difficulties in connexion with its use. However, I submit the amendment in the form suggested by the honorable and learned member for Wannon.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I cannot accept the amendment. I prefer the clause as it stands. As it is framed, the clause gives each person the right to object to give this information if he so desires. It is not necessary, in my opinion, that we should ask any person to make a declaration that he conscientiously objects to give this information.

Mr. CULPIN (Brisbane).—I am very well satisfied with the clause as it stands, but I should like to know what are the questions which people will be excused from answering.

Mr. GROOM.—I intend to move the insertion of a clause which will specify religion as one of the matters about which questions shall be asked in the householder's schedule.

Amendment negatived.

Amendment (by Mr. McCAY) agreed to—

That after the word "omitting," the words "or refusing" be inserted.

Mr. KNOX (Kooyong).—It seems to me extraordinary that there should be no penalty for refusing to give information respecting one's religion. I see no reason why any person in the Commonwealth should object to state whether he has or has not a religion, and, if he has a religion, what it is.

Mr. CROUCH (Corio). — If I had thought it would have the sympathy of the Committee, I should have moved an amendment providing that no person should be asked to state his religion, or the denomination to which he belongs, because I believe that ten years hence it will be considered that the religious opinions of the people are utterly irrelevant to a non-religious body such as is the Commonwealth.

Clause, as amended, agreed to.

Clause 22—

No officer . . . shall desert from his duty, or shall refuse or wilfully neglect, without just excuse, to perform the duties of his office.

Penalty: Twenty pounds.

Mr. JOHNSON (Lang).—I am aware that the penalties in this Bill are maximum penalties; but I consider that in this case £20 is too high, and that £10 would be more proportionate to the offence. I therefore move—

That the word "Twenty" be left out, with a view to insert in lieu thereof the word "Ten."

Amendment negatived.

Clause agreed to.

Clauses 23 to 27 agreed to.

Postponed clause 12—

(2) Where a dwelling is let, sublet, or held in different apartments . . . each part so let, sublet, or held, shall be deemed a dwelling house.

Mr. GROOM (Darling Downs—Minister of Home Affairs). — The honorable and learned member for Corinella has suggested an amendment in this clause which will

better carry out the intentions of the measure, and which the Government are prepared to accept. That amendment, which I now move, is as follows:—

That after the word "held," line 1, the words "and used for the purpose of human habitation," be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I promised the honorable member for Kooyong to insert a clause specifying the particulars in regard to which information will be required to be stated on the householder's schedule. The new clause which I am about to move also carries into effect the suggestion of the right honorable member for East Sydney, that the Government of the day shall have power to prescribe such other subjects in regard to which information may be required as it may think fit. It may be necessary when taking the census to obtain statistics on the same schedule in regard to matters other than the population. Perhaps the States Governments might wish us to obtain some information for them, and there is no reason why the census returns should not be utilized for that purpose. The States Statisticians some time ago held a conference, at which they agreed that the following matters should be included in the householder's schedule:—Sex, age, profession or occupation, birthplace, religion, education, sickness, or infirmity, and the materials and number of rooms in dwelling. These particulars were afterwards included in the New South Wales and Victorian Acts, and to some extent they are also in the English Act, and were practically made the basis of the uniform census taken in Australia in 1901. I move—

That the following new clause be inserted:—

"13A. The particulars to be specified in the householder's schedule shall include the particulars following:—

- (a) the name, sex, age, condition as to and duration of marriage, relation to head of the household, profession or occupation, sickness or infirmity, religion, education, and birthplace, and where the person was born abroad length of residence in Australia, and nationality of every person;
- (b) the material of the dwelling, and the number of rooms contained therein;
- (c) any other prescribed matters."

The Statisticians requested that there should be some flexibility in the form of the schedule, and that, in addition to the mat-

ters specifically mentioned, others might be prescribed with the approval of the Minister. We are providing that other matters shall be prescribed by regulation.

Mr. PAGE.—That schedule is too inquisitorial altogether.

Mr. GROOM.—There is nothing inquisitorial about it. We require to know the names of individuals, also their sex and religion, whether they are married or single, whether they are the members of one family, and the profession or occupation they follow.

Mr. PAGE.—We should not inquire as to the family to which a person belongs.

Mr. GROOM.—We are collecting statistics relating to the condition of the country which should be available for purposes of comparison, and in order to show its growth and development. We want to know the number of persons who are engaged in factories, or occupied as farmers and miners, and so on. All such information is necessary for the purposes of legislation. When we are dealing with industrial matters, surely we should have at our command information as to the number of wage-earners. The particulars cover at least the minimum of what we should know.

Proposed new clause read a second time.

Mr. CROUCH (Corio).—I move—

That the word "religion," line 7, be left out.

It is unnecessary to ask any questions as to the religious beliefs of the people, because we have nothing to do with that subject in our legislation. At no time have the English census returns contained any particulars with regard to the religious beliefs of the people, and, moreover, I believe that any attempt on our part to obtain such information would be contrary to the Constitution. Of what use would it be to us to ascertain that we have 500,000 persons holding one religious belief, and 300,000 persons belonging to another persuasion? Persons who belong to no denomination frequently describe themselves as belonging to one or other of the sects, and it seems to me that the returns would be absolutely unreliable.

Mr. JOSEPH COOK (Parramatta).—I hope that the Minister will not agree to the amendment. The honorable and learned member for Corio seems to be very much afraid of anything relating to the religious beliefs of the people. It is quite true that we have no official churches in Australia,

but that fact should not deter us from making inquiry as to the religious beliefs of the people.

Mr. CROUCH.—What good will it do?

Mr. JOSEPH COOK.—A man's religion may indicate his racial origin. For instance, if we found that there was a great increase in the members of our population professing the Mohammedan faith, we should at once make further inquiry into the matter, and I can well understand that the particulars relating to religious beliefs might be of great assistance to us in ascertaining the racial origin of the people.

Mr. HENRY WILLIS (Robertson).—I do not think that the honorable and learned member for Corio has made out a good case. We cannot have too much information, and as the honorable member for Parramatta has pointed out, there is at least one excellent reason why we should obtain particulars with regard to the religious beliefs of the people. It seems to me that there is less reason why we should inquire as to the sickness or infirmity with which persons are afflicted.

Mr. CULPIN (Brisbane).—I am sorry that we have not the schedule before us, so that we might consider the questions which are to be asked. The Victorian schedule provides that a man may declare himself as being of no religion, as belonging to no denomination, or that he may object to answer. Thus there are three forms of declaration. The proposal to allow a man liberty to refrain from disclosing his religion goes a long way in the direction of giving effect to the desire expressed by the honorable and learned member for Corio. At the same time, I am of opinion that the clause as it now stands makes ample provision in that respect.

Amendment negatived.

Mr. PAGE (Maranoa).—I should like to know what the Minister hopes to gain by requiring persons to be asked how long they have been resident in Australia.

Mr. JOSEPH COOK.—In connexion with old-age pensions, a man has to prove that he has been a resident for twenty-five years.

Mr. PAGE. That information is not gained from census statistics. I know many men in Western Queensland who could not say how long they have been in Australia. Under the provisions of the Bill, these individuals will be liable to a penalty, if they make an inaccurate statement.

Mr. GROOM.—Not if they answered the question to the best of their ability.

Mr. PAGE.—A similar provision does not obtain in any of the State Acts.

Mr. GROOM.—It is to be found in the Victorian Act.

Mr. PAGE.—At any rate, it is entirely superfluous. I move—

That the words "length of residence in Australia," lines 9 and 10, be left out.

Amendment negatived.

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I move—

That the following new clause be inserted :—

"15A (1) The Statistician shall obtain such returns and particulars as are prescribed with respect to persons who, during the night of the Census Day, were not abiding on that night in any dwelling.

"(2) Every person shall, on being required by the Statistician so to do, furnish to the best of his knowledge and belief any prescribed particulars relating to persons who were not abiding on the night of the census day in any dwelling.

"Penalty: Ten pounds."

The object of the clause is to meet the cases of persons who may not be residing in any dwelling during the night of the census day. They may be in a railway train, or in a coach, or in any place other than a dwelling. The principle of the provision is taken from the New South Wales Act.

Proposed new clause agreed to.

Amendment (by Mr. GROOM) proposed—

That the following new clause be inserted :—

"26A. Subject to the postal regulations, all letters, packets, and telegrams for the purpose of carrying out this Act, sent to or by the Statistician or any enumerator or collector, shall be transmitted by post or electric telegraph, and delivered free of postage or charges if properly addressed and marked as prescribed by the postal regulations."

Mr. PAGE (Maranoa).—I object very strongly to this clause. It seems to me that the Department of Home Affairs is endeavouring to take advantage of the services rendered by the Postal Department for its own benefit.

Mr. JOHNSON.—It is merely a matter of bookkeeping.

Mr. PAGE.—That does not affect the question. When the Post and Telegraph Bill was under consideration in this House, the present Prime Minister—who was then Attorney-General in the Barton Administration—declared that the Postal Department would render no services *gratis*, except in connexion with electoral matters. Now,

however, the Department of Home Affairs wishes to be granted free postage in connexion with this Bill.

Proposed new clause agreed to.

Motion (by Mr. GROOM) proposed—

That the Chairman do now leave the chair, and report the Bill, with amendments, to the House.

Mr. KNOX (Kooyong). — I think that many honorable members were under the impression that the division taken on the proposed new clause 15A related only to the matter which had been brought forward by the honorable member for Maranoa, and that we were not voting on the clause as a whole. There were one or two suggestions which I was very anxious to make before the clause was passed. It is proposed to elicit information as to the number of rooms in a dwelling, and yet no information is to be obtained as to the area of land, and so forth.

Mr. GROOM.—That may be prescribed by regulation under the new clause.

Question resolved in the affirmative.

Bill reported, with amendments.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I ask leave to move that the report be now adopted.

Mr. WILSON.—I object.

SUPPLY BILL (No. 3).

Assent reported.

House adjourned at 10.44 p.m.

Senate.

Wednesday, 4 October, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

SUPPLY BILL (No. 3).

Assent reported.

COMMERCE BILL (No. 2).

Bill received from the House of Representatives, and (on motion by Senator PLAYFORD) read a first time.

HANSARD.

The PRESIDENT.—I have to lay upon the table a report from the Principal Parliamentary Reporter, which I promised to obtain in consequence of a request made

by Senator Pulsford, and which I ask the Clerk to read.

Report read by the CLERK, as follows:—

Parliamentary Reporting Staff,
Melbourne, 29th September, 1905.

In attention to the request of the Honorable the President for information as to the practicability of complying with the requests of Senators for an earlier supply of the reports of Friday's Debates in the Senate, I have the honour to state that similar requests by Members of the House of Representatives have been met by the issue early on Wednesday morning of corrected "proofs" upon galley slips. Many Members of both Houses strongly object to any circulation, however limited, of proofs unrevised either by themselves or by the Reporting Staff. It would therefore be impracticable to arrange for their issue before Wednesday. Galley slips could then be regularly supplied to any Senator requiring them.

Arrangements for a bi-weekly issue of *Hansard* were considered during the first session of the first Parliament, but were abandoned as involving too large an addition to the cost of distribution.

B. HARRY FRIEND,

Principal Parliamentary Reporter.

The Honorable the President.

The PRESIDENT.—The Government Printer wishes me to state that if many proofs are required by honorable senators, it would be better that sheets as they are bound up in *Hansard*, and not galley-slips, should be supplied; but that, if that were done, it would involve some hours' delay in the supply of the corrected report.

PACIFIC CABLE: PRESS SERVICE: TERMINAL RATES.

Senator HIGGS asked the Minister representing the Postmaster-General, *upon notice*—

1. Is the Government aware that the Canadian Government passed an Order in Council on 7th March, 1903, pointing out that a news cable service was much needed; that such a service would tend to promote trade and extend commercial intercourse between the British countries at both ends of the Pacific cable, and that other advantages would result?

2. Is it true that Australia and New Zealand were invited to unite with Canada in taking steps to establish a press service across the Pacific which would be free of charge to all newspapers?

3. Is it true that Canada proposed to limit the proposed press service to 500 words from each end of the cable?

4. Is it true that the Government of New Zealand were favorable to the proposal, but the Government of the Commonwealth raised objections to it?

5. Is the present Government of the Commonwealth favorable to a free press service, such as Canada has suggested?

Senator KEATING.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. Yes.

3. Yes.

4. Yes.

5. Pending the removal of the difficulties as stated in reply to Senator Higgs' question of the 20th April, 1904, as follows:—

"The present Commonwealth Government is compelled to abstain from joining in any action for the transmission of such free press messages, because in accordance with the International Telegraph Convention, to which it is a party, a notification has been sent to the International Bureau, at Berne, that an uniform terminal and transit rate of Twopence per word will be charged on all press messages sent by cable to or from the Commonwealth, irrespective of route, and the Service Regulations under that Convention provide that any alteration of tariffs must have for object and effect not the creation of competitive charges between existing routes, but the opening of as many routes as possible to the public at equal charges."

the consideration of the representations made last year must be deferred.

Senator STANFORTH SMITH asked the Minister representing the Postmaster-General, *upon notice*—

1. What would be the estimated financial gain to the States of Victoria and New South Wales respectively in terminal rates if the whole of the cable traffic of those States were sent *via* the Pacific Cable?

2. Will the Government favorably consider the representations made last year that a limited number of press messages on matters of public interest should be carried free over the Pacific Cable in order to popularize the line, and increase the knowledge and community of interests between the various portions of the Empire linked together by the cable?

3. Is it not a fact that, owing to traffic not being sufficient to keep the present staff fully employed, this could be done without additional expense?

Senator KEATING.—The answers to the honorable senator's questions are as follow:—

1. The financial gain to the State of Victoria would be £2,000 per annum; and to the State of New South Wales, £9,000 per annum.

2. Pending the removal of the difficulties, as stated in reply to Senator Higgs' question of the 20th April, 1904, as follows:—

"The present Commonwealth Government is compelled to abstain from joining in any action for the transmission of such free press messages, because, in accordance with the International Telegraph Convention, to which it is a party, a notification has been sent to the International Bureau, at Berne, that an uniform terminal and transit rate of Twopence per word will be

charged on all press messages sent by cable to or from the Commonwealth, irrespective of route, and the Service Regulations under that Convention provide that any alterations of tariffs must have for object and effect, not the creation of competitive charges between existing routes, but the opening of as many routes as possible to the public at equal charges."

the consideration of the representations made last year must be deferred.

3. The present staff could handle a few free press messages without additional cost if they were despatched when the cable is clear of all other traffic.

SURVEY: NORTH-WEST COAST OF AUSTRALIA.

Senator STORY (for Senator DE LARGIE) asked the Minister representing the Minister of External Affairs, *upon notice*—

1. What has been done by the Commonwealth Government to bring under the notice of the Admiralty the necessity of a complete survey of the North-West Coast of Australia?

2. What does the present Government propose doing regarding this matter?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Communications have been forwarded to the Admiralty on several occasions, but the only surveying ship detailed for work in Australian waters is the *Penguin*, which is believed to be now engaged in completing the survey of the north-east coast. The Admiralty regret that there is no vessel available for surveying work on the west coast of Australia.

2. When the work on which the *Penguin* is now occupied is complete, the Government will ask the Admiralty to allow her to proceed to the north-west coast.

LAND SETTLEMENT: NEW SOUTH WALES.

Senator GIVENS asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Whether he has noticed a paragraph in the *Age* of the 28th September, in the form of a telegraphed message from Newcastle, New South Wales, under date 27th September, as follows:—

"The steamer *Fitzclarence*, which left Newcastle to-night for Chili, South America, has on board a number of northern river farmers, who say they are disgusted with the land administration of New South Wales. One of the emigrants, John Stagg, stated that a number of the settlers on the northern rivers were dissatisfied with their lot, and would clear out if they only knew where to go. He was brought up on the land. He had seven sons and two married daughters. 'Some of my sons,' he said, 'have arrived at man's estate, and I have tried to get land for them to select and start in life on; but I have found many obstacles in the way of a man anxious to

get a decent piece of land, and have decided now to go to South America, in the hope of getting there what is denied me in my own country. I have no fault to find with this country as a country. There is abundance of splendid land in the State; but it is not get-at-able by men who could turn it to account. Ever since I can remember, I have heard the cry of Land Reform, but it has never been more than a politician's cry. The majority of people in the part of the country I came from are dissatisfied with the conditions under which they toil. Living conditions in South America can hardly be any worse than here, and may be decidedly better'?"

2. In view of the great importance of retaining the population we already have within the Commonwealth, will the Government, as representatives of the National Parliament, make representations to the Government of New South Wales urging the desirableness and necessity of proper provision being made in that State to afford the people resident therein an opportunity to settle on and utilize the lands of the State?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. The Premier of New South Wales has already disputed the correctness of the statements quoted, and has replied that there is a long stretch of good country now available for settlement.

It is not considered necessary to make representations in respect to a matter entirely within the control of the State.

IMMIGRATION: WESTERN AUSTRALIA.

Senator HIGGS asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Has the Minister's attention been drawn to the following paragraph, appearing in the press on or about the 17th December, 1903:—

"PERTH, Thursday.

"The Minister for Lands has arranged with the Salvation Army regarding immigration on the following lines:—The Army authorities in England to nominate immigrants at the office of the Agent-General, the immigrants to pay half the boat passage, and the Government the other half: if the immigrant remains in the State, or resides for six months on the land selected for him by the Crown, the passage money to be refunded by the Government; the commission to be paid to the Army or persons nominating such immigrants at any time, after the passage money is refunded, will be: Single men, £2 per head; married men, £3 per head, with three children, £5. The Minister is willing to negotiate similarly with other religious bodies?"

2. Will the Minister make inquiries—

(a) Whether this arrangement was ever carried out by the Western Australian Government?

(b) How many immigrants arrived in Western Australia in accordance with the terms of the arrangement?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.
2. Inquiries are being made.

CUSTOMS DECISIONS.

Senator WALKER (for Senator PULSFORD) asked the Minister representing the Minister of Trade and Customs, *upon notice*—

What is the aggregate number of the whole of the Customs decisions issued under the Tariff Act since its imposition in 1901?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Tariff Guide and Supplements contain about 10,000 rulings as to duty. The greater number of these, however, are not decisions in the ordinary sense, being merely anticipatory statements made, for the information of importers, of the view taken by the Department as to the duty payable under the 16 divisions and 139 headings and 427 sub-headings of the Tariff.

UNEMPLOYED.

Senator PEARCE (for Senator CROFT) asked the Minister representing the Minister of External Affairs, *upon notice*—

In view of a statement made by a Mr. E. T. Jellicoe, of New Zealand, and published in the *Morning Herald* (Western Australia), 19th September, 1905, bearing on the industrial conditions of the Commonwealth, as follows:—

"There are," he said, "17,000 unemployed registered at the Government Labour Bureaus of five cities, and there is no sign of improvement. There has been serious loss of population for the last twelve months, and in Victoria, South Australia, and Tasmania the exodus continues,"

will the Government procure and lay upon the table information showing the number of persons registered as unemployed on the books of the Government Labour Bureaus of the States of the Commonwealth?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

Inquiries are being made from the States.

TRUST FUNDS.

Senator WALKER (for Senator PULSFORD) asked the Minister representing the Treasurer, *upon notice*—

Referring to the Minister's reply, given on 28th September, to Senator Pulsford's question on the subject of the Trust Funds:—

1. What amount of interest was received during the last financial year on the fixed deposit?
2. What was the rate or rates of interest obtained?

3. What became of the interest so received; how was it distributed?

4. Was any interest received, and if so how much, on the trust moneys held by the banks on current account, and which aggregated £119,816 on 30th June last?

5. What amount of interest is expected to be received during the current year?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. £320.
2. 4 per cent.
3. Credited to New South Wales revenue, the amount on deposit at that time (£8,000) forming portion of the balance of New South Wales Trust Funds only.
4. No interest received.
5. £1,445, viz., 4 per cent. on £8,000, and 4½ per cent. on £25,000: To be distributed amongst the States on the basis of the average monthly balances.

COPYRIGHT BILL.

In Committee (Consideration resumed from 29th September, *vide* page 3025):

Clause 62—

Nothing in this Act shall take away from or lessen the protection enjoyed in Australia in relation to copyrights and performing rights, by virtue of any Act of the Parliament of the United Kingdom in force, at any time, in the Commonwealth or any State or part of the Commonwealth.

Senator GIVENS (Queensland).—In my view this is one of the most important clauses in the Bill, because it proposes to make our law entirely subsidiary to the Imperial Act dealing with copyright. In fact, if the clause is to remain as it stands the time which we have bestowed upon the Bill will have been so much time wasted, because the Imperial Act would apply without it. And if the Imperial law is to run concurrently with our law, and the latter is to be merely subsidiary to the former, I do not see the necessity for its enactment. I believe it to be exceedingly desirable that we should assert our full power of self-government, as granted in section 51 of the Constitution Act, and I entirely dissent from the view that our legislation must be either subsidiary to, or merely concurrent with, Imperial legislation. Further, if we do not take steps to protect our right of self-government in every matter, the probable result will be that it will be either filched from us or pared away until there will be practically very little left. I take it that it is the business of the Parliament of Australia to jealously safeguard this right and to be in no

respect subsidiary to any other Parliament. I ask honorable senators to recollect that the Constitution, which gives us power to legislate with regard to copyright, is an Imperial Act, and that the Imperial Parliament has given us full power to deal with copyright in common with other matters. I shall be extremely delighted to find the Ministry—who for the time being are the guardians of the Constitution, and who, subject to Parliament, are also the guardians of the rights of the people of Australia, whom they are called upon to govern—adopting the attitude which was taken up by the Government of Canada in reference to the Canadian Copyright Bill of 1889. I should like Ministers to approach the consideration of this matter from the Australian, and not from the English point of view. The Government of Canada fought the Imperial Government on this matter, and the rights of the Canadian Parliament were fully conceded to them.

Senator KEATING.—No.

Senator GIVENS.—If honorable senators will turn to the discussion which took place between the Canadian Government and the Imperial Parliament, at the time the Canadian Act of 1889 was in dispute, they will find it to be most interesting reading. A statement put before the Imperial authorities by the Canadian Minister of Justice will well repay perusal. I do not intend to quote largely from it, but there are one or two passages which I would like to cite for the information of the Committee. The document from which I quote will be found amongst the parliamentary papers of the House of Commons for the year 1895, vol. 70. It is a despatch sent to the Colonial Office by Sir John S. D. Thompson, who, as I have said, was the Canadian Minister of Justice, and who in this document has asserted the Canadian right to legislate upon this subject. After referring to an adverse opinion expressed by the law advisers of the British Government, he says in paragraph 29 of his despatch:—

In face of such eminent authorities he would hardly venture to press upon the attention of Her Majesty's Government the view of the Canadian Government which he has above presented if it were not, to his mind, perfectly plain that the people of Canada would hold him culpable if he failed to assert what was the only interpretation under which they received the Constitution, and under which they were willing to be content with that Constitution.

He there points out that the only interpretation of their Constitution which the Canadian people would be willing to accept, was that they had a full right to legislate upon the subject of copyright. He then proceeds to cite judicial decisions in support of his view that the Constitution Act gave full power to the Canadian Parliament to legislate exclusively upon all matters referred to in section 91 of that Act, which is similar to section 51 of our Constitution. He points out that the section is part of an Imperial Act, and that the Canadian people insisted that it gave them full plenary powers to legislate upon every matter which was thus brought under the authority of the Dominion Government. I should like very much indeed to see the Australian Government and the Australian Parliament take up a similar attitude. Sir John Thompson goes on to say in paragraph 43 of his despatch:—

If the view which His Lordship takes is correct, it will be impossible for the Parliament of Canada to make laws in regard to any one of the twenty-one subjects which constitute the "area" of the Canadian Parliament when such legislation is repugnant to any legislation which existed previously, applicable to these subjects in the colonies.

In that passage he emphasizes the view that if the Canadian Government gave away any one of its powers, it might be demanded that it should give away them all. Exactly the same remark applies to us. If we give away one iota of the full and plenary powers conferred upon us by the Constitution, we are likely to have them filched from us, and our right of self-government so pared down and refined that practically it will not exist at all. Sir John Thompson points out frequently in this despatch, that the Canadian Parliament, in respect of every one of the matters referred to it by section 91 of the Constitution, has full plenary powers to legislate, that the Act conferring the powers was passed by the Imperial Parliament, and, further, that the Canadian Parliament, or any other Parliament, constituted by Imperial Act, could not, in any respect, be said to have delegated powers, but powers that were full and complete. Sir John Thompson goes on, in clause 45 of the despatch, to say:—

It is respectfully submitted that, in respect to all these subjects, the Parliament of Canada must be considered to have the plenary powers of the Imperial Government (to quote the words of the Judicial Committee), subject only to such control as the Imperial Parliament exercise

from time to time, and subject also to Her Majesty's right of disallowance, which the British North American Act reserves to her, and which no one doubts, will always be exercised with full regard to constitutional principles and in the best interests of the Empire when exercised at all.

Honorable senators will notice the language used in that passage. Sir John Thompson points out that the Imperial Parliament can only exercise its controlling powers by a specific Act of Parliament, and, further, that the only right of veto or disallowance is that which is possessed by the Crown—a right that can be exercised in reference to Imperial Acts, in common with all other Acts passed by a Parliament within the Empire. That is a power which no one intends to dispute, and which we must all recognise. His Majesty, for the time being, has power to disallow an English Act, or an Act of ours, or an Act of any other Parliament constituted under the Crown. But notwithstanding that power of disallowance, our right to legislate upon the subject of copyright in common with all the other subjects enumerated in section 51 of the Constitution, is in no degree impaired nor is our legislation rendered subservient to any Act passed by the Imperial Parliament. In paragraph 34 of his despatch, Sir John Thompson says—

It is respectfully submitted that the Canadian Parliament, except as to the control which may be exercised by the Imperial Parliament by a statute subsequent to the British North America Act, and except as to the powers of disallowance, possesses unlimited power over all the subjects mentioned in the first section, and that it is necessary that it should do so for the well-being of Canada, and for the enjoyment of self-government by its people.

Sir John Thompson, in that paragraph, points out that any power which the Imperial Parliament may possess, must be enjoyed under an Act passed subsequent to the passing of the British North America Act, which is the Constitution Act of Canada; and that therefore the Canadian Parliament possesses full and absolute rights to legislate on all the matters referred to it under section 91 of that Act, which, as I have indicated, is similar to section 51 of our Constitution. That is the attitude which I should like to see the Commonwealth Government take up in this matter. I should like to see them assert our full right of self-government just as the Canadian Government did. I am exceedingly jealous of our right of self-government. If we are going to permit it

to be limited in such a way as is proposed—making an Act of ours which is within the area of our jurisdiction merely subservient to an Imperial Act—we may have it practically taken from us. I have framed an amendment which meets my views, and if it is passed, it will be necessary to make an amendment in clause 60, which I understand the Minister will be willing to recommit for the purpose. My amendment will not injuriously affect any rights which are possessed under the Imperial Act. It will leave them as they are. It will not impair or injure the property of any holder of a copyright, or performing right. But it will assert our right to say that our authority to legislate on the subject of copyright which is intrusted to us by section 51 of our Constitution is supreme. Further than that, it sets out in the first line that the Imperial Act within this Commonwealth is subject to our Act. That is the position which I wish to emphasize. I have no desire to labour the point. I think that the reasons which I have enumerated are sufficient. I have shown that the Canadian people, at the time they were dealing with a similar subject, maintained their right in conflict with the Imperial Parliament after a very long discussion. I hold that the same reasons are applicable to our situation; and I trust that honorable senators will agree with me that we ought not to legislate upon this subject at all, without asserting our full and complete right to legislate altogether independently of legislation which has been passed, or which may be passed, relevant to this subject, by the Imperial Parliament. I beg to move—

That the words "Nothing in" be left out, with a view to insert in lieu thereof the words "Subject to this Act, and any other Acts of the Parliament, the protection enjoyed in Australia in relation to copyright and performing right by virtue of any Act of the Parliament of the United Kingdom shall not be lessened or taken away."

Senator KEATING (Tasmania—Honorary Minister).—The amendment which has been proposed by Senator Givens is most important, and would, if carried, be very far-reaching in its effects. I hope that whatever attitude the Committee may exhibit towards the principle contained in it they certainly will not give it their support. I take it from what the honorable senator has said that he is motivated by a desire to jealously guard the self-governing rights which we enjoy. I, for one—and I think

every other honorable senator—will not yield place to Senator Givens in that jealous regard. I believe that in passing our legislation we shall always exercise a jealous care to maintain the rights of self-government, which we enjoy.

Senator GIVENS.—Then why propose to make our Act subject to the Imperial Act?

Senator KEATING.—We are not making our Act subject to the Imperial Act at all. We are doing nothing of the kind. But we must face the position exactly as it is; and in the enactments which we put upon the statute-book we must have regard to the position we occupy in relation to Great Britain. The honorable senator has made special reference to the case of Canada. He has cited the Canadian Constitution in connexion with Canadian copyright legislation, and urged that the Australian Government should follow Canada's example. But I would point out that the position of Canada is totally different in this regard from the position of Australia. In this and in many other matters Canada's peculiar situation calls for special consideration. She is situated immediately north of the great rival of Great Britain—the United States; and those who know anything about the history of copyright legislation in Canada are aware that the whole of the agitation originated in the peculiar set of circumstances that arose from this proximity.

Senator MULCAHY.—Is there not another principle involved?

Senator KEATING.—I shall deal in detail with that matter directly. The circumstances are as I have indicated; and the people mainly responsible for the agitation in Canada were not the general public, but those interested in the printing and publishing of books. I go even further, and say that if it were competent for us to legislate as Senator Givens proposes by his amendment, and we were to do so, we should be doing something distinctly disadvantageous. Copyright legislation occupies a peculiar position. It is one of the subjects of legislation provided for in what may be called the thirty-nine articles of section 51 of our Constitution, in regard to which we should, as a matter of policy, as far as possible, work with the United Kingdom, even if we were not compelled to do so by force of circumstances. The whole trend of legislation on the subject of copyright has, of late years, been towards international-

ism. I contend that the interests of authors, and of all concerned in the community, are better regarded by viewing this subject from the international, rather than from the local stand-point. I only say this in connexion with the possible position—which, I contend, does not exist—that we have power to legislate in this way. It is not for Senator Givens, or any other honorable senator in supporting this motion, to bring into the discussion such terms as "subserviency" and so forth; we are compelled to accept the position as it is. Although Senator Givens would have the Committee believe that Canada asserted the principle, and that the principle has been maintained, I venture to say that the honorable senator is the only authority in the Commonwealth, or outside, who would be bold enough to make that unqualified assertion.

Senator GIVENS.—I have quoted the Canadian Minister of Justice.

Senator KEATING.—We know what Sir John Thompson said in his despatch; but his contentions were never held to be sound. The very arguments which Senator Givens read out, in some instances, carry on their face their own refutation. In writing on this subject, a learned writer in our own community, Professor Harrison Moore, deals explicitly with our powers in relation to copyright, and speaks of Canada's attitude in this connexion in the past. At page 147 of his work, *The Commonwealth of Australia*, Professor Harrison Moore says—

The power of Colonial Legislatures over Imperial copyright is apparently limited to supplementing the Imperial law to "Enactments for registration and for the imposition of penalties for the more effectual prevention of piracy."

Senator GIVENS.—Only "apparently."

Senator KEATING.—On page 169 Professor Harrison Moore goes on to say—

The second question is, how far does the express grant of power by the Constitution to the Commonwealth Parliament over the various specified subjects affect the past legislation of the Imperial Parliament thereon? Merchant Shipping Acts, Copyright Acts, Bankruptcy Acts—is the power to repeal or alter these Acts extending to the Commonwealth included in the power to make laws for the peace, order, and good government of the Commonwealth, in respect to "navigation and shipping," "copyrights," "bankruptcy and insolvency"? A similar question has been raised in Canada, and Sir John Thompson has strenuously contended that in respect to all the subjects committed to the Parliament of Canada that Parliament must be considered to have the plenary power of the Imperial Parlia-

ment, including the power to repeal Imperial laws thereon, operating in Canada at the establishment of the Dominion. The Provincial Courts of Canada, which have considered the question in relation to the specific powers conferred on the Provincial Legislatures by the British North America Act 1867, have taken divergent views of it.

Then, as illustrating what Senator Givens has quoted, I may read the following from Professor Moore's work:—

The Canadian Government has pressed the view of "plenary power." The Colonial Office, on the advice of successive law officers of the Crown, has uniformly determined against the view of Sir John Thompson—

Senator GIVENS. — Of course, they wanted to maintain their authority.

Senator KEATING.—That may be the reason; but I think honorable senators will be disposed to give credit to those men for giving expression to what they, in the light of their learning and knowledge, held as an honest opinion. Professor Moore proceeds—

and has on that ground disallowed Canadian Acts inconsistent with Imperial Acts passed prior to the Act of 1867.

Professor Moore then goes on to discuss the situation calmly and judicially, as a writer dealing with the subject before it came up as a concrete question in Australia. The learned professor, on page 171 of his book, concludes his consideration of the matter with this pertinent sentence—

Acts which are not merely part of English law, but are at the time of their enactment made applicable throughout the British Dominions, cannot be repealed by a Colonial Legislature. And it is to this class that the legislation now in question belongs.

In other words, Imperial Acts from 1842 have been made expressly applicable, not to the United Kingdom of Great Britain and Ireland only, but to the whole of the British dominions. Some of the Copyright Acts of Great Britain have not been made so, such as, for instance, the Fine Arts Copyright Act of 1862, which is confined to the United Kingdom. This was decided by the Privy Council as recently as 1903, on an appeal case from Canada, *Graves v. Gorrie*. Other Acts, however, from 1842, including that of 1886, are made expressly applicable to the whole of the British Empire. It is not competent for a Colonial Legislature, even though it be expressly vested with the power to legislate on the subject of copyright, to repeal the operation of those British Acts. What was the position taken by the Imperial Legislature in passing the

Copyright Act of 1886? Section 8, paragraph 1 of that Act provides—

The Copyright Acts shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British Possession, in like manner as they apply to a work first produced in the United Kingdom.

Then paragraph 4 of the same section sets forth—

Nothing in the Copyright Acts or this Act shall prevent the passing in a British Possession of any Act or ordinance respecting the copyright, within the limits of such Possession, of works first produced in that Possession.

There is no doubt as to our plenary power to legislate within our own limits with regard to the copyright of works first produced in Australia. But with regard to the effect and operation of the Imperial Acts, and of the Conventions that Great Britain has made with other countries—the Berne Convention, the Austria-Hungary Convention, and the Paris Convention—we have not one tittle of power to take away from any British subject, or any subject of the countries in treaty with Great Britain in this connexion, any rights in Australia conferred either by Imperial legislation or by the joint operation of Imperial legislation and any one of those Conventions. We find that principle recognised in the particular Acts to which I have referred. According to the authority of Mr. Hinkson, the authority whose handbook upon copyright has already been referred to by me, it appears that, notwithstanding the construction which Senator Givens has endeavoured to place on the arguments of Sir John Thompson—arguments which were not conclusive and never have been accepted—

Senator GIVENS.—They were acceded to.

Senator KEATING.—I shall show that Senator Givens is grossly misinformed when he makes such a statement. Mr. Hinkson on page 96 of his handbook, Sir John Thompson's arguments having been published some considerable time before, says—

In the case of *Black v. The Imperial Book Company and James Hales*, heard at Toronto (1903), in which the plaintiff sought to restrain the defendants from importing into Canada a cheap American reprint of the *Encyclopædia Britannica*, its duly authorized agents for Canada being the Clark Company, of Toronto-street. The Court, in giving the relief sought for, expressed the opinion that Canada possessed no copyright legislation which ousted the statute of 1842.

That refers to the main Imperial statute on which literary copyright throughout the

British possessions rests. Then we find a reference to an Order in Council of the 28th November, 1887, which was made in consequence of the power given by the Imperial Act of 1886, in contemplation of the Convention of Berne being adopted by the representatives who there met. In paragraph 3 of that Order in Council we read—

The author of a literary or artistic work which, on or after the commencement of this Order, is first produced in one of the foreign countries of the Copyright Union, shall, subject as in this Order, and in the International Copyright Acts 1844 to 1886, mentioned, have as respects that work—

Where?—

throughout Her Majesty's dominions, the same right of copyright, including any right capable of being conferred by an Order in Council under section 2 or section 5 of the International Copyright Act 1844, or under any other enactment, as if the work had been first produced in the United Kingdom, and shall have such right during the same period.

Honorable senators will see that the representatives of the countries which are parties to the Berne Convention, met at Berne in 1886 or 1887, and that the Imperial Parliament passed an Act in 1886 in anticipation of an agreement being arrived at, in order to enable the agreement to be ratified, so far as Great Britain was concerned, not on behalf of the United Kingdom, but on behalf of the British Dominions. That agreement has been ratified, and the Order in Council has been adopted, and Great Britain, as one of the parties to that Convention, has provided that the natives of any of those countries, parties to the Convention, who bring out works in any of those countries, shall enjoy, not in the United Kingdom, but throughout the whole of the British Dominions, reciprocal rights. It is not competent for this Parliament, unless it has been expressly endowed, to take away, not merely from His Majesty's subjects, but from the people of those other countries, rights which they enjoy under Imperial legislation, the Convention, and the Order in Council.

Senator O'KEEFE.—Is it not rather a pity that the Imperial Parliament did not omit this article from section 51 of the Constitution?

Senator KEATING.—Certainly not. The position is that, prior to the passing of the Constitution, as an Imperial enactment—Senator Givens refers to the Constitution in these terms, and I shall do the same—each one of the Australian States enjoyed—

Senator GIVENS.—Does the Minister dispute that it is an Imperial enactment?

Senator KEATING.—No; I refer to it as such. The States enjoyed a certain measure of legislative authority with regard to this subject, each having power to regulate copyright of local works within its own border.

Senator GIVENS.—That is what I am seeking.

Senator KEATING.—But the honorable senator goes further, and deals with copyright which, though enjoyed here, has been acquired outside the Commonwealth by virtue of Imperial legislation. According to section 51 of the Constitution, we have power to make laws regarding copyright. The effect of this is not to confer on the Commonwealth any power not enjoyed in Australia before, but simply to apportion the existing legislative power which was before vested in the several States. That is how the Constitution has to be read. This article of that measure is not to be regarded as a grant to us by the Imperial Parliament of the powers which the Imperial Parliament previously held in reserve for itself, but simply as an apportionment of the powers separately and severally enjoyed previously by the States—as giving to the Commonwealth the sum total, or aggregate, of those powers. Nothing more is intended than to combine and make Federal the powers previously held by the States. Before Federation, an excellent hand-book on the subject of Imperial law as applicable in Victoria, was published by Mr. Thomas Prout Webb, who deals with this matter, not in the heat of controversy, but calmly and judicially. That hand-book was published in 1892, and shows the position with regard to copyright in Victoria. As I have argued, the Constitution confers no extended legislative powers, but simply allocates the pre-existing powers of the States in a different way. At page 127, in his edition of 1892, Webb says, in Note V.—

The law of copyright occupies a peculiar position in our system of jurisprudence, inasmuch as it is regulated both by Imperial law and local enactment. The Imperial Statutes regulating this matter extend to the colony—

That is speaking of Victoria—

and their effect is recognised or maintained by the Copyright Act 1890, No. 1,076, section 57. They have a concurrent effect with our local Act No. 1076.

He shows there how the law of copyright stands on a peculiar plane, and that the local Legislature cannot have exclusive jurisdiction. I have already urged in my opening remarks that even if we had exclusive jurisdiction it would probably be unwise for us to take advantage of it, or to set up a separate system, because we would be denying to our own authors and our own reading public the benefits to be derived from the international treatment of the whole subject. I made a reference to a Canadian case which came before an Ontario Court only two years ago, and honorable senators have heard the opinion expressed by the Court on that occasion. To come a little closer to Canada and to the curious position which she occupies, and which Senator Givens would have us try and get ourselves into, I would point out that in a very recent book which I have had the opportunity and advantage of quoting previously in this Committee, and an edition of which was brought out only last year—I refer to *Copinger's Law of Copyright*—the author deals somewhat extensively with the position. He says, at page 515—

Unusual interest attaches to the question of copyright in Canada, and this interest seems likely to increase rather than diminish. Her proximity to the United States and the extent of her frontier have peculiarly exposed her to the importation of unauthorized reprints, and the enterprise of United States publishing firms has threatened to strangle the native book-producing industry. For over half a century the copyright laws have been a constant source of friction between Canada and the mother country, and the trouble does not appear even yet to have been finally removed.

That is the opinion of one of the greatest living authorities on this subject. He says that, although the trouble has been in existence for over half-a-century, it does not appear even yet to have been finally removed. Then he deals with the Canadian Acts of 1885 and 1886, and, at page 518, he makes these comments—

It must be remembered that the Imperial Copyright Act of 1842 confers upon any person first publishing in the United Kingdom copyright, not only in the United Kingdom, but in the colonies and the dominions of the Crown. It seems to have been considered in Canada that the Act of 1875 virtually repealed the Act of 1842 so far as it concerned that colony, and that, consequently, Canadian publishers were free to republish English copyright books in Canada without any consideration whatever, but this idea was dissipated by the decision in *Smiles v. Belford*.

This case is referred to in the Ontario Reports for 1877, page 436, and a later case

is reported in the Ontario Reports for 1900, vol. 32, page 393. *Copinger* goes on to say—

This Imperial Act is therefore in force in Canada—

bearing out exactly what the Court in Ontario said in the case of *Black v. The Imperial Book Company*—

and by section 17 of that Act it is forbidden to import into Canada or any other part of the British Dominions a work copyrighted in the United Kingdom. Canada, however, having taken advantage of the Foreign Reprints Act, this prohibition was suspended.

It was expressly suspended because advantage was taken of the Foreign Reprints Act, by which the importation of reprints was allowed on condition that a certain percentage or charge in the nature of an import duty was made the proceeds from which were to go to the authors. Even that proved to be a source of trouble between Canada and the mother country, because it was urged that the Canadian authorities did not always collect the duty, and in consequence authors did not always get what they were entitled to. On the next page the author says—

The state of the law as to copyright gave great dissatisfaction to Canadian printers and publishers. They complained that they were damaged, on the one hand, by authors belonging to the United States publishing in Great Britain, and thus securing copyright in Canada, and, on the other hand, by British authors making arrangements with United States publishers whereby the latter secured the Canadian as well as the United States market, the consequence being Canada was flooded with cheap American reprints which Canada had no power to exclude, to the great detriment of their trade.

And I ask honorable senators to mark this—

The Berne Convention only added to these grievances; as it enlarged the class of persons who could obtain copyright in Canada without republishing there.

Canada actually wished Great Britain to allow her to be excluded from the operation of the Berne Convention. Then after dealing with the Act of 1889—the Act of which Senator Givens has spoken so highly—and giving the substance of it, the writer of this work goes on to say—

The passing of this Act—conceived in the interests rather of Canadian printers and publishers than of either authors or the reading public—led to a long and bitter controversy between Canada and the mother country, which was not terminated till the year 1900. It does not fall within the province of this work to enter into the merits of this controversy, but the home Government resolutely refused to give

its necessary assent to the Act, and the Act never became effective law.

It was passed by the Canadian Parliament, but was never assented to. *Copinger* further says—

When, in the year 1891, after the passing of the United States Act, known as the Chace Act, British authors were enabled to obtain copyright in the United States on condition that they printed and published there, the discontent of the Canadian publishers was greatly increased.

There is the old sore again, Canada's trouble, proximity to the United States—

Canada has always refused to recognise the arrangement between Great Britain and the United States as an "international copyright treaty," and does not permit the United States authors to obtain Canadian copyright under her Copyright Act of 1886. Finally, in the year 1885, directions were issued by the Customs authorities in Canada to cease to collect the duties required by the Foreign Reprints Act 1847.

That is the Imperial Foreign Reprints Act, which Canada took advantage of in order to secure the suspension of section 17 of the Act of 1842.

At length, in the year 1900, a compromise was effected, and the assent of the Crown was given to a Dominion Act amending the Copyright Act 1886.

Then at page 521, and this is the last extract I shall quote from *Copinger* on the subject, dealing with the Copyright Act of 1900, he concludes by saying—

This Act applies to books only, and, further, only to books that are copyright in Canada, for the "Copyright Act" mentioned in section 1 means the Canadian Copyright Act of 1886. The objectionable feature of the 1889 Act, whereby an author practically would have lost his copyright in Canada, unless he acquired local copyright also, is removed. The Act does not touch Imperial copyright, and whether a British author takes advantage of the Act or not rests entirely with himself.

This is the Act by which, according to Senator Givens, Canada practically asserted a plenary power in the Canadian Parliament to deal with copyright, *Copinger* says—

If he desires to do so, he must make arrangement with a local publisher, and a special Canadian edition must be printed in Canada, though the type need not be set there. Thereupon the Canadian publisher will acquire local copyright for the Canadian edition, and the author, or anybody else, will be prohibited from importing copies of the work into Canada, but, otherwise, the authors of Imperial copyright will not be affected. If, on the other hand, the author does not desire to take advantage of the Act of 1900, that Act has no effect upon his rights whatsoever.

Senator Keating.

The Act has, it is believed, worked satisfactorily in practice, but, unfortunately, a section of the Canadian printing and publishing houses do not appear to be yet satisfied, and there are indications of another agitation in favour of the more stringent provisions of the Act of 1889.

Canada is not a party to the British Copyright Treaty with Austria.

Incidentally I might mention that none of the Australian States is a party to that treaty either. The whole of these references go to show that the Dominion Parliament has not successfully asserted the right to plenary power equal to that of the Imperial Parliament in dealing with this subject. They show that there has been a great deal of trouble between the Canadian and Imperial Parliaments, and that the great cause of the trouble has been the proximity of the United States and the action from time to time of United States printers and publishers. They show, also, that the people most interested in fomenting the agitation and keeping alive the trouble have been the printers and publishers of Canada, and, as *Copinger* says, the Canadian Acts have been framed with a greater regard for their interests than for the interests of either authors or reading public. Recent negotiations between Great Britain and Canada go to show that the Act of 1889 derived no force or effect until the compromise effected between the two countries, as the result of which the more stringent and objectionable provisions of the Canadian Act were deleted. The present position under the Act of 1900 is that Canada does not in any way attempt to assert her right to control or affect Imperial copyrights. In 1902 an edition of MacGillivray's work, *The Law of Copyright*, was published. In this work the author deals briefly with Canada, and I quote two extracts bearing on the question. He says, at page 188—

The Canadian Legislature has recently passed a Copyright Act purporting to affect the importation into Canada of books published under an Imperial copyright.

Purporting to do so—

The Act provides that if a book has acquired Imperial copyright by first publication in the British dominions outside Canada, and a licence has been granted for its reproduction in Canada, the Canadian Minister of Agriculture may prohibit the importation into Canada of any copies of such book printed out of Canada, and imported without the licensee's consent.

He then makes reference to the case already referred to of *Smiles v. Belford*, reported in the 1877 reports. With refer-

ence to that case, and dealing with the argument of the effect of the British North America Act—the Canadian Constitution, he says—

As regards the Imperial Act confirming the Canada Copyright Act 1875, the Court held that it was passed merely to resolve doubts which would otherwise have arisen as to whether the Canada Copyright Act was not repugnant to the provisions of the Foreign Reprints Act 1847, and the Order in Council thereunder, applicable to Canada.

Honorable senators will remember that on the second reading of this Bill I indicated that, in consequence of legislation passed by Canada, which gave rise to some doubt as to whether it was within the competency of the Canadian Parliament, the Imperial Parliament had to pass a special Act providing that Her Majesty's Assent might be given to it. As mentioned here, that was necessary "to resolve doubts which would otherwise have arisen as to whether the Canadian Copyright Act was not repugnant to the provisions of the Foreign Reprints Act 1847, and the order in council thereunder applicable to Canada. The writer of this work quotes from Burton, J.A.—I presume a Justice of one of the Appeal Courts of Canada—and he says—

I am of opinion, therefore, that they have stated the only reason which rendered it expedient to seek a confirmation of the Provisional Act, and that it was intended to preserve intact so much of the Imperial Act as prohibits the printing of a British copyright work in Canada, but giving to the author a further right on certain conditions of securing a Canadian copyright, and thus preventing the importation into Canada of foreign reprints.

That is all we propose to do in connexion with this Bill. In the main this measure affirms in a legislative form certain provisions which are in many instances taken from Imperial Acts, and in other instances from decisions which have been given by the Courts. There will be no necessity for persons working under the Act to have any recourse to Imperial statutes. But if the Imperial statutes which at the inception of the Commonwealth had force and effect throughout His Majesty's dominions, should in any particular be in conflict with, or should not be touched by, our legislation, then they will have force and effect.

Senator PEARCE.—But if they come in conflict, what then?

Senator KEATING.—They cannot come in conflict, because we have only carved out part of the Imperial statutes, and instead of having to go through a number

of statutes, the law is set out seriatim in this Bill. In addition, we have expressed in legislative form the decisions upon most important principles which have been given, and followed repeatedly until they are well-established law. So far as other matters are concerned, these are the cases for which the Bill provides. There are certain Acts of the Imperial Parliament, notably the Act of 1842, which provide that upon the fulfilment of certain conditions copyright shall be obtained throughout the British Empire; we cannot derogate from that right. The Act of 1842 made it necessary for a man to publish in Great Britain, in order to get copyright throughout the British dominions. But the Act of 1886 affirmed this principle: That if a man published his book in any part of Her Majesty's dominions, he should get copyright throughout them. In this clause we are simply saying that those rights shall not be in any way lessened. We are not attempting to assert a right which we do not possess.

Senator GIVENS.—Which we shall not possess if the Minister has his way.

Senator O'KEEFE.—If this clause were not in the Bill, our rights would not be lessened, the Minister maintains?

Senator KEATING.—I am certain that these rights cannot be lessened. If we were to insert this amendment, and affirm that hereafter it would not be competent for the Imperial Parliament to pass a Copyright Bill which should have force throughout the British dominions, we should be taking up a position which we could not sustain. Canada was forced—by a combination of circumstances, perhaps—to take up the attitude she did. So far from Senator Givens being right in connexion with the result of her action, the authorities I have quoted go to show that he has not been fully informed of all the circumstances, and that the difficulty, so far as Canada is concerned, has not yet been overcome, that her law is not in the satisfactory state which my honorable friend thinks it is, and that the assertion of plenary power in this matter has been met by continued and successful opposition on the part of the Home authorities. If we had the power to establish a separate system of copyright for Australia, given the circumstances in which we are placed, we should be very unwise indeed if we were to exercise that

power. We should take advantage of the relations which exist between the principal countries of the world, except, perhaps, the United States, which, be it said, has had to climb out of her isolated position. By the Chace Act of 1891, the United States has empowered the President to declare that certain countries are, so to speak, most favoured countries, and that the residents thereof shall be able to obtain copyright in the United States on the same terms as individuals, or residents of the latter. In pursuance of that power, the President has declared Great Britain to be one of those countries. Under our present circumstances an author who brings out his work in Australia is entitled to copyright, not simply in Australia, but throughout His Majesty's dominions, Germany, France, and every other country which is a party to the Berne Convention. We, on the other hand, have to reciprocate. Great Britain on behalf of the British dominions reciprocated, and since then she has been a party to the Convention of Paris, by which, too, I think we are bound. She also made a separate Convention with Austria-Hungary, and expressly excluded from its operation the whole of the then six Australian Colonies, the Colonies of the Cape and Canada. Then there is the Act of 1886, in which the Imperial Parliament expressly declared the power of Colonial Legislatures to deal with the subject of copyright, but only in a limited way. We can best deal with the subject if it is regarded entirely from the international, and not purely from the local stand-point.

Senator CLEMONS (Tasmania).—The position in which we find ourselves in regard to the clause is in a sense interesting, but from another point of view it is almost ludicrous. If we inserted this amendment, it would be worth nothing, and even if inserted it would be a disadvantage to Australia if it could have effect. No provision in the Bill could take away from or lessen the protection which is enjoyed under any Act of the Imperial Parliament in force in the Commonwealth. Therefore the clause is absolutely redundant and unnecessary, because, if omitted, the rights which it seeks to protect would still be safeguarded. I am prepared to vote with Senator Givens to strike out the clause, but I cannot assist him to insert any provision in place of it.

Senator GIVENS (Queensland). — We have had from Senator Keating a very long and interesting disquisition, which did not strike me as being of particular point in regard to the amendment. He seems to be so desirous of protecting his little bantling that he immediately kicks up a terrific dust when any one approaches it, even with friendly intentions. His speech would be all right if delivered by a member of the Imperial Parliament who was jealous of the Imperial power, but it is not all right when it is delivered in the Australian Parliament by one who apparently is willing to give away, or allow to be filched, a power which has been conferred upon us by an Imperial Act. When the Minister was trying to refute my statement that we should adopt the same attitude as Canada, in order to assert our plenary power to deal with this subject, his only argument was that the two positions were entirely different, that Canada was forced into that position by reason of her proximity to the United States, and her liability to be constantly flooded with cheap literary productions from that source.

Senator KEATING.—Together with the agitation on the part of the printers and publishers.

Senator GIVENS.—What is the essential difference between Australia and Canada in that regard? In these days of leviathan steam-ships and rapid communication, distance is practically annihilated, and Australia, although almost at the other end of the globe, is just as liable as Canada to be flooded with cheap literary productions, as Senator Keating knows. He says that nothing will alter the position we occupy in regard to Great Britain in this respect. I maintain that when the Imperial Parliament agreed to the Commonwealth Constitution it gave us plenary power to deal with every one of the subjects named in section 51. Senator Keating says that our legislation must be subject to Imperial law.

Senator KEATING.—In the three cases that I mentioned.

Senator GIVENS.—New Zealand passed a Navigation Bill which was repugnant to the provisions of the Imperial Merchant Shipping Act, and yet Senator Keating says that we have not the power to pass a Navigation Bill if it is in any way repugnant to that Act.

Senator KEATING.—I did not say that New Zealand passed legislation which conflicted with Imperial legislation.

Senator GIVENS.—It is well known that the Navigation Act of New Zealand has full force and effect. If we take up the position which he desires us to assume in this case, that fact will be used against us when we attempt to legislate on other subjects. The honorable and learned senator said that where an Imperial Act applied to the British dominions, before our Constitution Act was passed, we have no power to enact any provisions which would conflict therewith. Take the position of any State before the Commonwealth was established. The criminal law of England applied to every Colony in Australia before it was presented with a Constitution. Does the criminal law of the Imperial law apply now to the States? No.

Senator KEATING.—The honorable senator's premises regarding the applicability of the criminal law are wrong.

Senator GIVENS.—The criminal law of England applies to every part of the British dominions, whether it has powers of self-government or not, until it is superseded by local law. It will be just the same with our copyright law if we only have the pluck to assert our position. The Imperial Act will apply in just the same way where it is not in conflict with our Act, but the latter will be supreme on the particular matters with which it deals. I maintain that, subject to our Act, the Imperial law should apply with full force, as it does to-day. But it must be subject to our Act, and wherever our Act is in conflict with the Imperial law ours must apply. Senator Keating also urged that we should work in with the Imperial Government. I have no objection to do so, and my amendment does not assert the contrary. If it is carried, there will be nothing to prevent us working in with the Imperial Government. But we should be in a position to work in with it as a Commonwealth possessing independent powers, not as a mere fag end of the British Empire, having no rights except of a subsidiary nature. Senator Keating quoted a great authority in opposition to my argument—Professor Harrison Moore. But what that "great authority" said was that our power was "apparently" limited. He did not assert that our power was actually limited. If this great authority, who is evidently in favour of limiting our

power by making the Imperial Act always supreme, can say no more than that our power is "apparently" limited, I do not think that the argument amounts to much. Senator Keating also quoted the case of our power to legislate in regard to bankruptcy. But, as a matter of fact, the English bankruptcy law does not apply even in the States. Until the States' laws were passed, the British Bankruptcy Act did apply; but after they were passed the States' laws were supreme and the Imperial law was superseded. What position would the Commonwealth be in if Senator Keating were right? If, in relation to the fifty-one subjects which have been relegated to us, we had merely a subsidiary power, I maintain that our right of self-government is a myth, and that this Parliament would be nothing better than a farce. The time that we have spent on this Copyright Bill would be wasted, because the Imperial Act would remain in operation even if it did not become law. Senator Keating says that the Imperial authorities were all against the opinion expressed by the Canadian Minister of Justice. Of course they were, because they were jealous of their own powers and privileges. But after the Canadian Minister had argued the matter with them for some time, and after representations had been made to the Imperial authorities—which are on record—the Imperial Parliament passed a special Act enabling the Royal Assent to be given to the Canadian Copyright Act of 1889. That was not done because it was absolutely necessary; but, as was admitted by Senator Keating himself, the special Act was passed to remove any doubts that might arise. So that it is admitted that there was a doubt as to whether it was necessary to pass the special Act. Towards the close of his argument, Senator Keating said that it would be competent for the Imperial Parliament hereafter to pass an Act dealing with copyright, and that, therefore, if my amendment were carried we should be asserting something which was not correct. So that it appears that, notwithstanding that we are attempting to legislate with regard to copyright, the Imperial Parliament can pass an Act which will largely nullify ours. If that be so, our authority to deal with the subject is a farce.

Senator KEATING.—They can pass an Act to take away our Constitution if they like.

Senator GIVENS.—Of course; they could pass an Act taking away our right of self-government. But will Senator Keating assert that they are likely to do so.

Senator KEATING.—No.

Senator GIVENS.—If it were attempted—although I must scout the possibility of it—I venture to say that it would require the assent of the Australian people before it became effective, just as an Act of the Australian Parliament requires the assent of the Crown; and I am perfectly certain that the people of Australia would not assent to it. Therefore, an Act of that sort would have to be backed up by force, and that is a position which I do not think any one desires to see. I unhesitatingly say that full powers of self-government have been granted to us by an Imperial Act, and embodied in our Constitution, which enables us to legislate upon all the matters mentioned in section 51, and upon all other matters which are referred to as being within the area of our jurisdiction. We shall be false to the trust imposed in us by the people of this country if we do not assert to the full the powers that we possess, or if we allow it to be supposed that our powers are merely subservient to those of the Imperial Parliament in respect of the legislative functions intrusted to us.

Senator Lt.-Col. GOULD (New South Wales).—I am afraid that Senator Givens, who is so anxious to have the principle of his amendment embodied in the Bill, is running his head against a stone wall. While it is perfectly true that we have certain rights conferred upon us by our Constitution, we have to recognise that those rights were given by an Act passed by a Parliament which stands supreme in all matters connected with the British dominions. Whatever legislation we may pass can be disallowed by the Crown within a certain limited period. This Commonwealth has no power to enter into treaties or conventions with foreign nations. That power is reserved for the Imperial authority alone; and while we remain a portion of the British Empire any treaty or convention that Great Britain may enter into is binding upon us, whether we like it or not. What is the position in respect of copyright? In the convention that has been quoted, and to which the Imperial authorities were a party, it is set forth in the first schedule that—

This order shall have full effect throughout Her Majesty's dominions, and all persons are enjoined to observe the same.

So that in this case the only authority that has power to deal with copyright in this way has agreed to a convention which is binding on every British subject and every Parliament that is subordinate to the Imperial Parliament.

Senator GIVENS.—Has not the British Parliament a right to make commercial treaties?

Senator Lt.-Col. GOULD.—The British Government can do so if it thinks fit. The honorable senator misconstrued what Senator Keating said when he attempted to make it appear that he had stated that it was impossible for us to pass any legislation in opposition to legislation passed in Great Britain. He has quoted the criminal law and the navigation laws, and has pointed out that, with regard to those matters, this Parliament can alter the law as it stands in Great Britain. That is perfectly true. But there is no treaty between Great Britain and foreign powers, binding the whole of the British Empire, in respect of those matters, nor did the Imperial Parliament when passing legislation in reference to them declare that the Imperial law was to be binding upon the whole of His Majesty's dominions. But in reference to copyright and performing right the Imperial Government has, under a convention, entered into obligations with foreign nations, and it would be utterly impossible for us to go behind the convention. To do so would be for a subordinate Parliament to destroy an engagement entered into by the Imperial Government itself. That can only be done by the Imperial Parliament. We must remember that whatever powers we enjoy have been conferred upon us, and that those powers cannot be exercised in derogation of treaties entered into by the Imperial authorities with foreign powers. Were it otherwise, the whole Empire would be thrown into a state of ferment, in the event of any treaty being made by the British Government with a foreign Government. A part of the Empire might say, "We are not going to be bound by this; this little portion of the Empire is going to be lopped off." Under such circumstances a foreign nation would feel that it was no use to enter into a treaty with a power which could not control its own subjects.

Senator GIVENS.—Does that not apply to commercial treaties?

Senator Lt.-Col. GOULD.—Yes, if those treaties are made expressly to extend to the whole of the British Dominions.

Senator GIVENS.—Except to self-governing portions.

Senator Lt.-Col. GOULD.—Then those self-governing portions are expressly excepted. In the convention entered into with Austria-Hungary, it is expressly provided that the provisions shall not be applicable to self-governing States; and we could clearly do anything we liked in regard to that country. But I am quite clear, and I feel sure that Senator Givens must, in his own mind, be convinced, that we cannot interfere with a treaty that has been entered into by the Imperial authorities and other nations—a treaty which the Imperial authorities declare is binding on all British subjects. Whether it is necessary to insert the clause suggested, is another question. My own opinion is that it is not. We might insert this, or any other provision, but if it should prove to derogate from an Imperial treaty from which we were not expressly excluded, it would not be worth the paper on which it was written. It is certain that the Royal Assent would not be given here to a measure containing such a provision; it would be reserved, and sent Home, where it would be quietly put on one side. The time and trouble devoted would have been wasted. Senator Givens may think that, under such conditions, it is utterly useless to have a Parliament in Australia. There are, however, numbers of subjects which are absolutely under the control of the Australian Parliament, and, in regard to which the Imperial authorities would never attempt to interfere. But once Great Britain has entered into a treaty with foreign nations, the Australian Parliament has no more power to interfere, than would a municipality or any local governing body in Great Britain itself.

Senator KEATING (Tasmania—Honorary Minister).—I understand, that in the legislation of the States, in many instances, a provision of the kind I suggested has been inserted. I do not know what the origin of this course was, but in the Western Australian Copyright Act of 1878, and in the Victorian Copyright Act of 1890, there is, in each case, a clause declaring that nothing in the Act shall be deemed to affect the law of copyright "applicable to this Colony by any Imperial statute now in force." It is common to have a provision of the kind in many other State enactments, which deal with matters likely to be the subject of Imperial legislation. The amendment proposed by Sena-

tor Givens will not affect the purpose that the honorable senator intends, and may very seriously embarrass us in getting the Bill assented to by the Crown. There is another argument which may be advanced against the amendment. In Tasmania, and also, I believe, in Queensland, there is no separate State copyright legislation, all copyrights being enjoyed by virtue of Imperial legislation. The only piece of copyright legislation in Tasmania is the Newspaper Copyright Act, and in Queensland, I think, copyright is mainly dependent on Imperial statutes. Under the circumstances, rights enjoyed in either of these States under Imperial enactments, could be lessened according to the amendment.

Senator GIVENS.—I do not propose to take away any existing right.

Senator KEATING.—The amendment simply provides that rights shall not be lessened or taken away "subject to this Act"; in other words, if the Bill did affect any Imperial copyright enjoyed, say, in Tasmania, it would operate to lessen that right. To insert this amendment would be to put a very serious blot on the measure, and to mar its efficacy, in addition, as Senator Gould has pointed out, to creating the danger of having the Bill hung up, perhaps, for all time.

Senator GIVENS.—Canada was not afraid of that.

Senator KEATING.—I have dealt fully with the position of Canada, and the opinion of all authorities on that subject, is different from that outlined by the honorable senator. I ask honorable senators to be warned by the experience of Canada, and not to accept an amendment which seeks to affirm a right which we do not possess, and which, in any case, it would be very unwise for us to exercise.

Question.—That the words proposed to be left out be left out—put. The Committee divided.

Ayes	...	...	...	18
Noes	...	...	...	7
				—
Majority	...	...	...	11

AYES.

Clemons, J. S.	Millen, E. D.
Dawson, A.	Mulcahy, E.
de Largie, H.	O'Keefe, D. J.
Dobson, H.	Stewart, J. C.
Findley, E.	Story, W. H.
Fraser, S.	Walker, J. T.
Gould, A. J.	Zeal, Sir W. A.
Higgs, W. G.	
Macfarlane, J.	
Matheson, A. P.	

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Givens, T.

NOES.

Drake, J. G.	Smith, M. S. C.
Keating, J. H.	Turley, H.
Pearce, G. F.	<i>Teller:</i>
Playford, T.	Henderson, G.

Question so resolved in the affirmative.

Question—That the words proposed to be inserted, be inserted—put. The Committee divided.

Ayes	9
Noes	16

Majority	7
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AYES.

Dawson, A.	O'Keefe, D. J.
de Largie, H.	Stewart, J. C.
Findley, E.	Story, W. H.
Henderson, G.	<i>Teller:</i>
Higgs, W. G.	Givens, T.

NOES.

Dobson, H.	Pearce, G. F.
Drake, J. G.	Playford, T.
Fraser, S.	Smith, M. S. C.
Gould, A. J.	Turley, H.
Keating, J. H.	Walker, J. T.
Macfarlane, J.	Zeal, Sir W. A.
Matheson, A. P.	<i>Teller:</i>
Millen, E. D.	Clemons, J. S.
Mulcahy, E.	

Question so resolved in the negative.

Amendment negatived.

Clause, as amended, negatived.

Clauses 63 to 71 agreed to.

Clause 72—

(2) An appeal shall lie to the High Court from any order for the rectification of any register made by a Supreme Court or a Judge under this section.

Senator CLEMONS (Tasmania).—Subclause 2 establishes an appeal direct to the High Court from a single Judge of a State Court.

Senator KEATING. — It is in connexion with a Federal Statute, and in the exercise of Federal jurisdiction.

Senator CLEMONS.—We have invested certain States Courts with Federal jurisdiction, but I am not sure that it is right to say that an appeal under this clause should be to the High Court only, for that is what it means. The Minister might consider whether it would not be well to provide an intervening Court of Appeal between the Court to which application is made in the first instance, and the Federal High Court.

Senator KEATING (Tasmania—Honorary Minister).—In the Bill, as it came to me, there was no express provision made for any appeal against the decision of the registrar.

Senator CLEMONS.—Is it necessary?

Senator KEATING.—I think so. Such applications as are contemplated under this clause are not very often made. A State Court, in exercising jurisdiction under this Bill would be exercising a Federal jurisdiction directly under an Act of the Federal Parliament. I think it is desirable that finality in such cases should be reached as soon as possible, and therefore that the appeal should be direct to the High Court. Probably no one is better aware than is Senator Clemons that we have similar provisions in our Mining Companies Acts for the rectification of registers. I think, speaking from memory, that under the Tasmanian law an appeal in the case of an application for the rectification of a register of a company is made direct to a Judge of the Supreme Court, or to the Court itself.

Senator CLEMONS.—That is not quite a parallel case.

Senator KEATING.—No; but I think there should not be too many steps in a case like this, especially where we are expressly conferring a statutory Federal jurisdiction upon a State Court. I think it is desirable that the appeal should be direct to the High Court. I might mention that in the first instance it was thought that perhaps the application should be to the High Court, but I think it is desirable that every facility should be given in this case, and therefore provision is made that the application may be made to the Supreme Court of any State or a Judge thereof. If persons interested desire to go further, we should not, I think, prolong the process, and the appeal should only be to the Federal High Court.

Senator CLEMONS. — Will this Bill do away with the State registers?

Senator KEATING.—There will be only one registry, though provision is made for deputy registrars in the different States. To give an additional right of appeal might be to confer an advantage on the person having the longest purse.

Clause agreed to.

Clauses 73 and 74 agreed to.

Clause 75 (False representation to registrar).

Senator CLEMONS (Tasmania).—I notice a reference in the marginal note to this clause to the Patent Act of 1903, section 112. It would be interesting to know what the reference is, and whether the Patents Act provides for the same penalty as is provided for in this clause.

Senator KEATING (Tasmania—Honorary Minister).—Section 112 of the Patents Act of 1903 is practically the same as this clause, and provides for a similar penalty of three years' imprisonment.

Clause agreed to.

Clauses 76 and 77 agreed to.

Clause 78 (Regulations).

Senator PEARCE (Western Australia).—I notice that the usual provision requiring regulations under the Bill to be laid on the table of both Houses of Parliament is omitted from this clause. Is the omission covered by the Acts Interpretation Act?

Senator KEATING (Tasmania—Honorary Minister).—Under section 10 of the Acts Interpretation Act, where an Act confers power to make regulations, unless the contrary intention appears, they are to be laid before both Houses of the Parliament within thirty days, or, if the Parliament is not then sitting, within thirty days after its next meeting. Since the passing of the Acts Interpretation Act, it has not been necessary to expressly insert in Bills under which provision is made for regulations, a provision requiring the regulations, when framed, to be laid before both Houses of Parliament.

Clause agreed to.

Postponed clause 4 (Definitions).

Senator KEATING (Tasmania—Honorary Minister).—Honorable senators will remember that some discussion took place on this clause, and certain suggestions were made to which I promised to give attention. When amendments are to be proposed by Ministers, it is desirable that they should be printed, and placed in the hands of honorable senators before they are asked to agree to them. I propose now to move that the Chairman report progress. In the meantime, I shall endeavour to get printed copies of the suggested amendments, and a reprint of the Bill showing the amendments, placed in the hands of honorable senators.

Progress reported.

ELECTORAL BILL.

SECOND READING.

Debate resumed from 14th September (*vide* page 2284), on motion by Senator KEATING—

That the Bill be now read a second time.

Senator MILLEN (New South Wales).

—This being merely an amending Bill, and

therefore largely free from matters founded on any great issue, possibly it is one which invites closer attention in Committee than at this stage; but at the same time there are certain principles underlying the amendments, and to these I particularly propose to address myself. If there is one law on the statute-book which ought to be clear and understandable it is that dealing with our electoral machinery. It is not merely of interest to honorable senators, but of considerable interest also to the States as States, and to individual electors. Therefore, every effort ought to be made to so frame its provisions that they can be understood by the average elector. I admit at once that electoral machinery has necessarily to be a little complicated, but every effort should be made to reduce that complexity to a minimum, so that the ordinary elector may at least understand without very much difficulty what he is required to do in order to secure a recognition of his electoral rights, and how he can exercise them. The Electoral Act is not a simple Act. It is a complicated one, and I am rather afraid that this amending Bill is going to add to rather than reduce that complication. I shall endeavour to indicate one or two portions of the Bill wherein simplicity could be obtained by certain alterations, but wherein the complications of the principal Act are made still more complicated. In view of the extreme desirability of having simple legislation dealing with our electoral machinery, and of the multiplicity of the amendments provided in this Bill it would have been far better for the Government to have brought in an entirely new Electoral Bill, instead of merely an amending Bill with a provision to the effect that the principal Act whenever reprinted shall be altered as amended. It would have been very much better for the average man if an entirely new Bill had been submitted. It would not have taken a very much longer time to deal with a measure of that kind, because the clauses which it was not desired to amend would go through Committee, as honorable senators well know, at a very rapid rate. In taking the other course we run the risk of proposing certain amendments to one clause that may have a bearing upon another clause which may escape our notice at the time. I shall indicate a provision of that character. Clause 15 reads—

Where the boundaries of a division or sub-division are altered, the Minister may, by notice in

the *Gazette*, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another.

If honorable senators will now turn to section 63 of the Electoral Act they will find that—

On any change in the boundaries of a division the returning officer for the division shall make all alterations thereby rendered necessary in the roll for the division.

Possibly it may be shown by some legal method of reasoning that there is no great conflict between those provisions; but I hold that there is an overlapping, and that certainly is not desirable in any Act of Parliament, much less in an Act dealing with electoral machinery. I could multiply instances of that kind, and, in Committee, I shall point to them. I only desire now to suggest the nature of the difficulty which, I think, is likely to arise where we proceed by an amending Bill to make so many alterations in the existing law as are here proposed. I desire to point to the growing tendency, as illustrated by this Bill, to legislate by executive act rather than by the ordinary machinery—that is, the Parliament. By this time honorable senators are painfully familiar with the frequency with which Bills provide that, by regulation, the Governor-General in Council may do this, that, and the other, until, little by little, the power of Parliament is steadily being appropriated by the Executive. This Bill goes a little further in this regard than any other Bill which I can at present call to mind, and it does so in some important particulars. It is the natural history of any evil that if it be allowed to go unchecked it will tend to grow. It would be quite reasonable that Ministers who observed a tendency on the part of Parliament to grant them power to legislate by regulation should see nothing abnormal in asking for a further extension thereof. In Committee, I shall point out that there are several matters left to the Governor-General in Council which might, at the time of their arising, be highly controversial, which might come to be utilized for the purpose of a strong party advantage, but which could now be legislated upon definitely. At this stage, I shall not refer to the weightier matters of that kind, which it is sought to provide for by regulation, but shall just deal with some of the minor matters. Clause 5 provides—

There shall be a chief electoral officer for the Commonwealth, who shall have such powers and functions as are conferred upon him by this Act or the regulations.

Senator Millen.

Either the words “or the regulations” are useless, or it is proposed to give to this officer a power which the Bill does not confer.

Again, clause 14 proposes to amend section 23 of the principal Act, which provides for a redistribution of a State into electorates, whenever the Governor-General in Council may deem it necessary. It is proposed by clause 14 to replace that section with a provision beginning, “Such proclamation may be made,” leaving this elastic power in the hands of the Ministry, when it ought to be specifically set out.

Senator KEATING.—It is more specific than the provision in the original Act.

Senator MILLEN.—I do not think it is; but even if that be so, the Minister's interjection is no argument, hardly an excuse. The question is—Ought it to be specified or not that such a proclamation may be made under certain circumstances? Here, again, for the purpose of avoiding even the appearance of party intrigue, of seeking a party advantage, there ought to be specifically set out in the Bill when and in what circumstances the State not “may” but “shall” be redistributed into electorates—because the sub-divisions may affect the whole basis of our electoral system, founded as it is on equality of voting power. Passing on to clauses 31, 33, 34, and other clauses dealing with the conditions under which the rolls shall be prepared, revised, and printed, honorable members will notice that the whole of the machinery is at the discretion of the Minister. The rolls may be prepared when he likes; they may be supplemented when he likes; they may be printed when he directs. I should like to believe that all this machinery would be utilized fairly by the Ministry of the day. But we ought not to give to any Ministry the power to utilize our electoral machinery to secure a party advantage, or, to express my meaning in other words, to so work the electoral machinery that they might defeat the real wishes of the electors. Take, again, clause 46, which refers to the limitation of the electoral expenses of candidates. It provides—and it is a very necessary provision, I think—that the returns which candidates have to make as to their expenses shall be available for public inspection on payment of a prescribed fee. I only refer to this small matter, because it illustrates the general tendency to legislate by regulation instead of by enactment. The

prescribed fee might be one shilling, or it might be £100. The Ministry might, by regulation, make the fee so prohibitive as to render the provision a dead letter, inasmuch as no ordinary elector would venture to claim the right to look at the return of expenses made by a candidate. The object of that clause, I take it, is to provide that whilst there shall be no vexatious examination of accounts—no invitation to any dissatisfied elector to come forward and harass a candidate unnecessarily—still they shall be reasonably open to any one who, for sufficient reason, is inclined to examine them. Why should not the Government put in the Bill itself what the fee shall be to entitle any one to examine the accounts? We should then know whether the idea of the Government as to what was a fair fee was also our own idea. I repeat that I am referring to these matters as showing the extent to which this power of dealing with legislative subjects by regulation is growing up, and as a preface to the action that I shall take in Committee to endeavour to secure amendments in the direction I have indicated. I admit at once that it is necessary to leave a very great deal to administration. That goes without saying with regard to many cases, and particularly does it apply to a measure like the Electoral Act, which, with its elaborate machinery, lies dormant for three years, and then requires to be put in operation. But I wish to point, as a proof of the desirableness of leaving as little as possible to administration, to the remarks made by the Committee of the House of Representatives which inquired into the conduct of the last general election. That Committee submitted a report, with which I have no doubt honorable senators are fairly familiar; but there are one or two passages in it to which I wish to direct attention in support of my contention that it is not only right and proper, but extremely desirable, to limit the scope within which the administration shall move as much as possible. Senator Keating, in submitting this Bill, referred to the fact that the Committee had brought in what he described as a satisfactory report. Well, of course, it would be gratifying to all of us to know that, after an examination of the facts, the Committee was enabled to bring in a report which was termed by itself, and which Senator Keating terms, "satisfactory," especially as it followed a perfect tornado of criticism and

abuse at the time the election was on. But I must admit that I am unable to share in that feeling after perusing the report in detail. All I can say is that, in view of the facts to which the Committee itself invites attention, it was composed of gentlemen who were inclined to take the most lenient view possible of the grievances to which attention was drawn. Here are some of the matters which they alleged existed. In paragraph 3 of their report they state—

Though many causes of complaint were said to exist, with respect to the administration of the Electoral Act, your Committee cannot, upon evidence submitted to them, find that their number or nature were such as to justify the adverse criticisms passed upon the Chief Electoral Office.

There is a general white-washing clause. Yet that passage is on the same page as the one which I am about to quote. After pointing out their satisfaction that there was nothing to lead them to believe that the causes of complaint justified the adverse criticisms, the Committee go on to say—

Many cases of omissions of names from the rolls undoubtedly occurred. These cases were due to inadvertence in collection, error in the compilation or revision of the rolls, or failure on the part of the elector to comply with the notice to appear before the Revision Courts.

Later on, they mention that difficulties arose in supplying sufficient copies of rolls to the presiding officers, and also that electors were not able, in some instances, to ascertain whether their names had been included in the revised rolls or not. In paragraph 15 of their report the Committee affirm—

In many instances the defective grouping of electors around polling-places caused great inconvenience.

In paragraph 17 they state—

Your Committee find that the charge of the Sydney office was placed in the hands of Mr. F. W. Biden, who, by reason of his want of experience in connexion with electoral matters, and the nature of his previous occupation, was unfitted for the task. Mr. Biden himself gave evidence, in the course of which serious charges and statements were made by him, which were uncorroborated by oral or written evidence. Not one of these charges has been established, and, on investigation, the statements appear to have been made without any foundation, in some instances being amply controverted by Mr. Biden's own written reports. No justification has been given to your Committee for his appointment to so responsible an office. . . . The arrangements for the supervision and discipline of the office appear, however, to have been defective. Friction arose between Mr. Biden and an officer, Mr. Haigh, who was sent over

from Melbourne to assist in the compilation of the rolls. It is possible that lack of supervision may have been occasioned by this friction.

Here are some more serious and more specific statements made by the Committee—

Your Committee find that as regards the roll for the Airly polling-place, Macquarie division, a printed list of some 250 names, after having been revised by the Revision Court, was not sent to the Government Printer for inclusion in the final roll, though he called the special attention of the Sydney Electoral Office to its existence. By this omission these electors were excluded from the exercise of the franchise. This revised list was, after the election, found in the Electoral Office at Sydney. Your Committee find that Mr. Haigh, an officer in the Department, must be held responsible for this omission, though the evidence does not disclose that it was deliberate. In view of the immense amount of work that had to be done, this omission is possibly one of inadvertence only.

There is an instance where 250 electors were disfranchised owing to the officers, for some reason or other, failing to send the roll to the Government Printer. In the very next paragraph the Committee say—

For the Bligh polling-place, in the electoral division of East Sydney, it was admitted that, owing to a list of names objected to not having been submitted to the Revision Court the names of 1,390 persons who had been objected to were allowed to remain on the rolls.

In the case of the Parkes election, an invalid nomination was accepted, and the candidate allowed to go to the poll, although the Attorney-General had expressed the opinion that the nomination was invalid. Once more, at Kurri Kurri, holders of State electoral rights, not on Federal rolls, were allowed to vote, the New South Wales Chief Electoral Officer having by wire authorized this. The Committee say—

Your Committee would draw attention to the instructions given by the Commonwealth Electoral Officer from Sydney which is contrary to the Act.

Then again the Committee say—

Your Committee find that the charge made against Mr. J. M. Falconer of having refused to receive the claims of electors for the Riverina district is sustained, and consider a serious irregularity was committed. The evidence does not show that the act was done with any improper motive.

At Penguin—

There was a grave breach of the law committed.

The assistant returning officer allowed forty-two non-electors to vote, and then next day attempted to legalize his action by obtaining the signature of the registrar to a list of the names of these persons. The report adds that there was no evidence that he was prompted by improper

Senator Millen.

motives. It is also shown that polls were taken at Col Lal and Gol Gol, in Riverina, not being proclaimed polling places; but—

Your Committee can find no excuse or justification for this grave irregularity.

I say, again, that it is marvellous that, in view of these facts, the Committee should have affirmed, as they did, that the number and nature of the complaints was not such as to justify the adverse criticisms upon the Chief Electoral Office. I do not know what stronger condemnation there could be of an electoral office than the admissions made in this report—that it left off the rolls numbers of men who were entitled to vote, that it allowed men to vote who were not on the rolls, and that men were allowed to vote on State electoral rights whose names were not on the Commonwealth rolls. All these matters, it seems to me, make the strongest possible indictment against the Administration under which they existed. In consequence of what then happened, I naturally desire that, apart from the general principle involved, we shall see that this Bill sets out as clearly as it possibly can in every word the wishes of the Legislature, leaving as little as possible to regulation. Now I turn to the features of the Bill itself. Here again, in the very first portion of part 3, we have the pernicious principle of leaving everything to chance. Clause 9 provides that a quota shall be ascertained in each State “whenever necessary.” What is meant by “whenever necessary”? It ought to be possible to state when the quota shall be ascertained; because the ascertainment of the quota would determine when the redistribution of a State was necessary. Who is to determine when it is “necessary”? Surely it ought not to be left to an individual to say that he thinks, or does not think, that it is necessary. I can quite understand that the latter part of the provision might provide that the redistribution shall take place when the quota having been found proves it to be necessary. But the very first step towards the ascertainment of the quota is to be taken “whenever necessary.” How is it possible to know when it is necessary, until the quota is found?

Senator KEATING.—That will be dealt with in the Representation Bill.

Senator MILLEN.—Unfortunately for the Minister, the same term is used in that Bill—“whenever necessary.” It is left

optional with the officers whether they shall take action under it. It ought not to be left to a Minister or an officer to say when a thing of this sort shall be done. The Bill should set out in express terms the conditions under which the machinery shall be set in motion for the purpose of ascertaining the quota, and dividing the States into electorates accordingly. Passing from that point, I wish to invite the attention of the Senate to the means by which these electoral divisions are to be adjusted. Honorable senators will see that the same option is left with the Minister to put the law in motion or not, just as he pleases. The present Act, in sections 19, 20, and 21, provides that the Commissioner appointed by the Government shall prepare a scheme of distribution, that that scheme shall be submitted to Parliament, and if both Houses of Parliament approve it shall be adopted by proclamation. A subsequent section in the Act provides that if either House of the Parliament disapproves, the Minister "may" direct the Commissioner to propose a fresh distribution. Honorable senators will see there, again, the same pernicious principle. If both Houses approve, all is right, but if either disapprove, then it is provided that the Minister "may" direct the further distribution. This Bill, which seeks to amend the principal Act, still leaves the option, even in a more important particular, with the Minister. Clause 13 amends section 22 of the principal Act, the new words to be inserted being—

The Commissioner shall thereupon propose a fresh distribution in the manner hereinbefore provided.

The word "may" does not occur—there is no option in that clause. That looks definite enough, but we have to remember that this new sub-clause is to be attached to section 22 of the main Act, which provides that if either House disapprove, the Minister "may" direct a further distribution. Clause 13, which applies to the Commissioner only, becomes operative if the Minister has exercised his option and directed the Commissioner to propose a fresh distribution. There is no compulsion on the Minister to send that direction to the Commissioner, because, as I have already pointed out, section 22 of the principal Act remains. If the Minister does send a direction to the Commissioner, the latter must prepare a new scheme, but if the Minister does not choose to take that

step, the Commissioner is not in a position to revise his work. Unless the word "may," in section 22, is altered to "shall," which finds a place in clause 13, it will be open to a Minister, who may desire to obtain an unfair party advantage by preventing the electors at that time from expressing a verdict which might be adverse to the Government in power, to hang up a redistribution scheme indefinitely. If there is one thing that honorable senators, irrespective of party, ought to earnestly labour in common to do, it is to provide in this Bill for such directions as will prevent the possibility of any particular Minister or party tampering with the electoral machinery. The provisions ought to be so drawn as to place it beyond the option, discretion, or power of any individual to do anything which may not merely affect the composition of the Houses of Parliament, but may prevent the electors from registering their wishes in the only way open to them—that is by electing their representatives. Let me point to further indefiniteness in this division. Clause 14 is intended to amend section 23 of the principal Act, which reads:—

A redistribution of any State into Divisions shall be made in the manner hereinbefore provided, whenever directed by the Governor-General by proclamation.

We know, of course, that the Governor-General means the Ministry of the day, and I should much prefer to see the conditions under which a proclamation shall issue clearly set out. This Bill recognises in clause 14 the desirability of such a course, but, as honorable members will see, the option is still left with the Minister of putting the clause in force. Clause 14 provides that the proclamation may be made whenever certain contingencies arise. Why should we not say that a proclamation "shall" be made, instead of saving that it "may" be made? We know what we mean to enact. The conditions under which a proclamation ought to be made, and under which the Bill says it may be made, are:—

- (a) whenever an alteration is made in the number of members of the House of Representatives to be elected for the State; and
- (b) whenever in one-third of the Divisions of the State the number of electors differs from a quota ascertained in the manner provided in this part by a greater extent than one-fifth more or one-fifth less; and

(c) at such other times as the Governor-General thinks fit.

These are the simple facts which we all admit ought to determine a fresh redistribution. Why, then, should there be any indefiniteness? Why leave it to a Minister who may wish to thwart the purposes of the Bill, to say whether or not a proclamation shall issue?

Senator FRASER.—A proclamation ought to issue automatically.

Senator MILLEN.—Certainly; and I thank the honorable senator for the word. I should, in passing, like to point out what appears to me to be a serious error in drafting in clause 14. It will be noticed that the paragraphs I have quoted are connected with the word "and," whereas, in my opinion, the word ought to be "or." Clearly we desire to be able to direct the redistribution under any one of the contingencies set out, and not only when all three occur concurrently. Although this may appear to be a slight error, it is one which might have an important bearing on the operation of the clause. As to the word "may," we have had some reference to its use quite recently in this Chamber; and honorable members are aware of the perfect humility with which I received an avalanche of legal authorities that were hurled at me by Senator Keating and other lawyers. I have since then been fortified, but not by such an array of authorities as Senator Keating was able to bring to bear. I desire to show that there is in existence an Act of Parliament which lends great support to the view I advanced, namely, that when we intend "shall" we should say "shall," and that when we mean "may" we should say "may." The Acts Interpretation Act of New South Wales, section 26, provides—

Wherever in an Act a power is conferred on an officer or person by the word "may," such word shall mean that the power may be exercised or not at discretion, but where the word "shall" confers the power, such word shall mean that the power must be exercised.

Senator KEATING.—That would make the decisions I quoted inapplicable, so far as New South Wales Acts are concerned.

Senator MILLEN.—Exactly. I quite recognise that this section is in no sense applicable to Federal legislation. But I draw attention to the fact that one Legislature, at any rate, has had the courage to break away from the obsolete traditions of the past, and to recognise that whatever there may have been to justify the use of the

word two or three centuries ago, when Acts passed were addressed to the Crown, the necessity for the word has passed away. There should be no diffidence on our part in following the lead of New South Wales in this connexion; in other words, we should give "may" and "shall," when used in an Act of Parliament, exactly the same meaning that they carry when otherwise used.

Senator DOBSON.—To do that it would be necessary to amend the Acts Interpretation Act.

Senator MILLEN.—But the longer the delay the more difficult it will be to carry out such a reform.

Senator DOBSON.—But we must do the right thing in the right way.

Senator MILLEN.—I am not quarrelling with that view, but I point out that by every Act we pass, in which we use the word "may" when we mean "shall," we make it more difficult to, later on, break away from tradition.

Senator GIVENS.—"May," in this connexion, is a fetish.

Senator MILLEN.—That is exactly what it is; but the reason for its use in days gone by is understandable enough. In the early days of Parliament, when an Act was really a resolution or petition printed by the Crown, in which Parliament probably may have stood in some awe, the word may have been appropriate enough. But circumstances are different to-day, when the power of legislation, not merely in name or theory, but in actual fact, rests with the Legislature. However, I was referring to the clauses under which a redistribution takes place. The effect of the Bill, following the original Act, is that a redistribution scheme, when it has been prepared by the Commissioner, comes to Parliament for approval or otherwise; and this opens up the whole question of the advisability of maintaining this parliamentary veto. I very much regret that the Government have not had the courage to break away from the existing law and practice which has already been shown to be pernicious. In my opinion, a redistribution scheme ought to be prepared by authorities so high and so competent that whatever possible defects of detail there might be, it could be accepted. The very last body which I should regard as competent to exercise a veto is Parliament itself.

Senator PEARCE.—One House is not competent, at any rate.

Senator MILLEN.—Without wishing to make invidious distinctions, I point out that Parliament, from its very nature, is opposed to any change. It is only human nature that members of Parliament, particularly of another place, where they represent local districts, should see in any change something to cause, at any rate, a feeling of temporary anxiety. Honorable members there are a force which must resist change. While they may believe they are acting for the public good, they are always, more or less, and, perhaps, unconsciously, biased by the fact that they are interested parties. It would have been much better if the Government had made a departure, and proposed the appointment of three commissioners, one of whom might be a Judge of the Supreme Court of a State in which the Commission was called upon to act. Such a Commission should be intrusted with the duty of dividing a State into electoral divisions, leaving it open to any one to present objections; but when those objections had been listened to, and the Commissioners had finally revised the scheme, that scheme ought to be given the force and effect of law without any further reference to Parliament. The more we put the machinery of our electoral law above the suspicion of party or personal influence, the higher it will stand with the electors, and the better, in the long run, it will be for Parliament itself. I now come to that division of the Bill which deals with the electoral rolls, and here I would point out the confusion which I think may arise if this portion of the Bill be passed in its present form. It is provided, in the proposed substituted clause 30, that joint rolls may be adopted by the States and the Commonwealth; and, at first sight, I must admit that I was very much impressed with the practical advantage of this on the ground of economy. As a general principle, I quite accept the idea underlying this proposal, because it is very desirable if possible for the Commonwealth and the States to work together. But after carefully considering the clause, I have arrived at the opinion that a great deal of confusion might arise, the effect of which would be to leave the elector in a more unfortunate position than that he occupies to-day. Economy is important, but I think it will be false economy if, as a result of saving the dual cost of preparing the rolls, we left the elector in such a position that, so to speak, he did not know exactly

where he stood. The proposed substituted clause 30 is as follows:—

30. (1) The Governor-General may arrange with the Governor of a State for the preparation, alteration, and revision of the Rolls, in any manner consistent with the provisions of this Act, jointly by the Commonwealth and the State, to the intent that the Rolls may be used as Electoral Rolls for State elections as well as for Commonwealth elections.

(2) When any such arrangement has been made, the Rolls may contain, for the purpose of such State elections—

(a) the names and descriptions of persons who are not entitled to be enrolled thereon as electors of the Commonwealth, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as Commonwealth electors.

(b) other particulars in addition to the prescribed particulars;

and for the purposes of this Act those names, descriptions, and particulars shall be deemed not to be upon the Roll.

The effect of this clause as it stands would briefly be that State electors who are not Commonwealth electors could be enrolled, and would be indicated as being only State electors. There is no provision for indicating Commonwealth electors who are not State electors. That may have been an oversight in drafting the measure. What is wanted is a roll which will indicate three sets of electors—those who are Commonwealth electors only, those who are State electors only, and those who are electors for both State and Commonwealth. The Bill provides for the classification of electors under only two headings. Mr. Garran prepared a memorandum on this subject for the present or the previous Government, and he evidently intended that there should be provision made for three classes of electors, but in this clause provision is made for indicating only two classes—those who are State electors and those who are Commonwealth electors, and there is nothing to indicate electors who are entitled to vote at both State and Commonwealth elections. The clause says—provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as Commonwealth electors.

The effect of that would be that every Commonwealth elector could vote at a State election, but every State elector could not vote at a Commonwealth election. It is clear that something has been omitted there. I refer to this clause at some length, because it proposes the introduction, not of some amendment of the main Act, but of a new

principle. The effect, in my opinion, will be this: We shall have electors, on seeing their names on a roll, assuming that they are there for all electoral purposes. An elector will ask if his name is on the roll, and he will be told that it is. He will not take the trouble, or will not know that it is necessary that he should take the trouble, to see whether he is qualified to vote at both State and Commonwealth elections. This may seem an extraordinary statement to make, but we know that at the last Federal elections it was proved that a number of electors on looking at the rolls found that their names were not there. What would happen if a large number of careless electors, seeing their names on the roll, and going away quite content, found out at the last moment that they were on the roll for one purpose only, and not for the purpose of the particular election at which they desire to vote? I am inclined to think that this provision in respect to joint rolls ought to be limited to those States whose franchise is similar to our own. If that were done there would be no trouble.

Senator TRENWITH.—There is no State franchise similar to our own.

Senator MILLEN.—Senator Trenwith volunteers the startling information that none of the States possesses a franchise similar to our own. I am aware of the fact. This clause, in any case, can only come into operation by an arrangement between a State and the Commonwealth, but I am contending that if we pass this clause there should be a proviso under which it would be operative only in the case of States which have a franchise similar to our own. The difference between the franchise in operation in many of the States and our own is quite nominal.

Senator TRENWITH.—I do not know of any State in which the difference is merely nominal. They all have a property qualification.

Senator MILLEN.—If the honorable senator is aware of the existence of a State called "New South Wales" he will probably be interested to learn that adult suffrage is in force in that State, and the only material difference between the New South Wales franchise and the Commonwealth franchise is with respect to the period of residence anterior to enrolment.

Senator KEATING.—I think the same may be said of Tasmania.

Senator MILLEN.—As Senator Keating reminds me, the same may be said of Tasmania.

Senator O'KEEFE.—The same may be said of all the States except Victoria.

Senator TRENWITH.—I had in view the franchise for the Second Chamber in the States.

Senator MILLEN.—I think it is only natural that Senator Trenwith should have had that in mind. The difference between the franchise of several of the States and that of the Commonwealth is so merely nominal that if they really desire to economize—and the economy will be for their benefit, and not for ours—it will be quite open to them to take advantage of the provisions of this Bill by making such slight alterations in their electoral laws as are necessary to bring them into uniformity with the Commonwealth law. Unless that is done, this clause will only lead to confusion. I am, therefore, not at all in love with this proposal, unless its application is limited to States whose franchise is similar to our own.

Senator GIVENS.—Is not this rather a matter for discussion in Committee?

Senator MILLEN.—It must not be forgotten that the Bill in this respect introduces an entirely new principle.

Senator PEARCE.—Besides, the objection would be raised that the honorable senator had sprung this upon the Committee.

Senator MILLEN.—I thank Senator Pearce for his interjection. One of the reasons why, in their second-reading speeches, honorable senators indicate what they regard as objectionable features in a Bill is in order that they may give the Senate some general knowledge of the form of amendment which they are inclined to submit for consideration. I am not in this case disposed to make any apology to the Senate, because I am dealing with an entirely new proposal. Arising out of the proposed joint rolls, further serious complications may take place. We have, under the existing law, in theory, at any rate, the practice of electoral divisions, with polling places within those divisions. In theory, the idea was to group electors around their natural polling places. In order to fall in with State requirements, an alternative subdivision is here proposed to be called a "subdivision." So that, instead of having an electorate with a division into polling places, we will have an electorate with a possible division into polling places, and with or without a pos-

sible division into subdivisions. Honorable senators will recognise that no two electorates will necessarily be divided in the same way. One may have subdivisions with or without polling places; another may have polling places without subdivisions; and a third may have both. Arising out of this further proposed subdivision, there comes the question of the rolls, dealt with in substituted clause 31, which provides that—

1. Any person qualified to vote at an election for the Senate or House of Representatives, or who would be qualified so to vote, if his name were upon the roll, shall be entitled to have his name placed upon one polling place or subdivision roll for the division in which he lives.

2. If the division is divided into subdivisions, he may only have his name placed upon a roll for the subdivision in which he lives.

Sub-clause 3 provides that he may have his name placed on any one polling place or subdivision roll for the division, whilst sub-clause 4 provides that he may have it placed wherever the regulations permit him to have it placed. This appears to me to be likely to lead to a very great deal of confusion. No one elector will be able to tell another what he requires to do, because the conditions of each may be different. In one case, where an electorate is divided into subdivisions, an elector may require to have his name on a subdivisional roll. In another electorate divided only into polling places, he may require to have his name on a polling place roll, and in another case the regulations may prescribe the polling place roll on which his name must appear. A further complication might arise, because we might have subdivisions coterminous with polling places, subdivisions embracing two or three polling places, or one polling place embracing two or three subdivisions. The whole thing is going to be so complex that, without a map, the probability is that the average elector will never know where he stands. The principle of grouping men around their natural polling places was admirable; but now, in order that we may work in with an economical system of registering State and Commonwealth electors, we are proposing to do something which the Government have not really had the courage to do, and that is to divide the various electoral divisions into units which may be taken from, or added to, an electorate.

Senator GIVENS.—The States and Federal polling places are nearly identical.

Senator MILLEN.—There is no objection to that, but I point out that as the Bill

stands we are being asked to depart from one excellent principle, and the framers of the measure have not had the courage to go the whole way towards the adoption of another principle. The principle of our existing law is the grouping of electors around their polling places. The suggestion on which this portion of the Bill is founded has been put forward by Mr. Garrahan in his very admirable paper. He has proposed that the States should be divided as far as possible into areas, not equal in geographical extent, but fairly equal in the number of electors they contain. A sufficient number of these "units," as he calls them, might be bracketed together to make an electorate, and if the population increased somewhat in one electorate, one or two of these units could be taken from it and added to another electorate. It reminds one somewhat of the bricks with which children are enabled to form all sorts of pictures. The adoption of this principle would have enabled States electorates to be arranged by the bracketing of these units, and the same process could have been gone through where a redistribution was necessary for Federal purposes. But evidently when the proposal came to be considered, the expense of dividing the whole of Australia into sufficiently small parcels proved to be too appalling for contemplation, and it was therefore avoided. I can see no other reason for refusing to give effect to the principle proposed. Because honorable senators will recognise that, if that system had been followed, it would have been necessary to indicate by clear boundaries exactly where one unit commenced and another unit ended. All the boundaries of particular units would have had to be described, and that would have been a very heavy undertaking indeed. It is in order to avoid that expense that they seek to take the power to be utilized only in certain circumstances. In certain electorates, where it is convenient, they will utilize the power, but in other electorates, where it is not convenient, they will not do so. That is almost like saying, "If there is an advantage in a certain direction, which we can only see under certain circumstances, why should we not use the power?" The great difficulty will be that no elector will know where he stands. Surely our electoral machinery is sufficiently complicated as it is. I have found great trouble in advising persons exactly what to do. How much more

difficult will it be if we have the electoral divisions cut up in different ways? We may have a subdivision coterminous with a subdivision containing two or more polling places, or we may have a polling place without a subdivision, or containing one or more subdivisions. The whole thing will be so complicated that no elector, until he has made ordinary inquiry and special reference, will know exactly what he ought to do in his particular case. This brings me to the departures which have been made from the principle of the original Bill, which was the grouping of electors round their polling places. First, we said that an elector could get enrolled at a polling place other than that to which, by reason of his location, he really belonged; secondly, we allowed an elector to vote at any polling place by using form Q; thirdly, we allowed postal voting; and, fourthly, by a regulation, we allowed an elector practically to vote anywhere. These departures from the main principle are all extremely desirable in their way, because they allow odd scores of electors, who for some reason or other are not able to vote at their polling place, to exercise their suffrage.

Senator PEARCE.—Not scores, but hundreds.

Senator MILLEN.—That may be so. Whilst it is desirable to provide machinery to allow what I call odd scores of electors to vote, we must be very careful—and the inquiry of the Select Committee proves the necessity for exercising great care—that we do not make these openings so wide as to threaten the very existence of the principle of grouping electors round their polling place. In the absence of an electoral roll, the only effective check we have is by locating the electors. In this Bill the power of enabling an elector, by a mere regulation, to vote anywhere outside his division, appears to have been dropped.

Senator PEARCE. — No; only two sub-sections of the section are proposed to be repealed. One sub-section will remain in force.

Senator MILLEN.—If that is the case I have made an error. There are many provisions which I am pleased to see in the Bill. The fact that I am indicating provisions to which I object must not be taken as implying that there is not a good deal which excites my approval. It appears to me more advantageous to the Minister and to the Senate to point out

what I regard as the defects of the Bill, rather than the portions which are improvements on the present law. The abolition of Revision Courts is, I think, a very wise departure. The Courts are costly and useless; they simply affirm, without any protest, what the officers have done. The proposal in the Bill is that the Courts shall only be set in operation when a dispute arises. That is the ordinary function of a Court anywhere. Honorable senators will notice that in clause 40 there is a discrimination against the Senate elector which I do not think is just or right. It provides that while an elector may vote outside his polling place at an election for the House of Representatives, the power which he previously enjoyed of voting outside his polling place at a Senate election appears to be taken away.

Senator PEARCE.—If the honorable senator will look at clause 40 again, he will see that it proposes to replace only sub-sections 1 and 2 of section 139 in the principal Act, and not sub-section 3.

Senator MILLEN.—That is power by regulation.

Senator KEATING.—That is all the power we had before.

Senator MILLEN.—The clause places a specific embargo on a Senate elector when it says—

In an election for the Senate, an elector may vote only at the polling place for which he is enrolled, or a prescribed polling place for the subdivision for which he is enrolled.

As it is laid down that an elector may vote, by form Q and in other ways, at any polling place in his division at an election for the House of Representatives, why should he not also be entitled, without a regulation at all, to vote for a Senatorial candidate at any polling place?

Senator PEARCE.—That is what we fought for in the first Bill, but we were defeated. We were only able to carry the provision for a regulation.

Senator MILLEN.—I do not read the clause in the same way as my honorable friend. In view of this specific embargo which it places upon Senate electors—

Senator KEATING.—The honorable senator will find that it is only a consequential amendment.

Senator MILLEN.—That shows the undesirability of amending the law in this way. Our work would have been greatly simplified if an entirely new Bill had been submitted. I had overlooked the fact

that it is proposed to repeal only two sub-sections of section 139 of the principal Act. But I am not at all certain whether the question of limiting the right of electors wishing to vote for Senatorial candidates is not raised by sub-clause 2 of clause 40 of this Bill.

Senator Lt.-Col. GOULD.—Clause 40 in this Bill, being the later provision, would override sub-section 3 of section 139 of the principal Act.

Senator MILLEN.—I take it that if the clause does contain the defect I have suggested, it is not the Minister's intention that it should.

Senator KEATING.—No.

Senator MILLEN.—That is satisfactory. No provision appears to be made in the Act for the Court of Disputed Returns to decide whether a successful candidate is qualified when elected, or has become disqualified if the point be raised. It is desirable in an amending Bill to provide as far as possible for all contingencies which are likely to arise. A question which may be raised at any time is whether a candidate is qualified or has become disqualified. These two contingencies might reasonably be provided for in the Bill. Senator Pearce has given notice of an amendment dealing with voting machines. I have not had time to study its terms, but the Committee to whose report I have referred expressed the opinion that there was a great deal of utility in the machines, but that they were not able to specifically recommend any one. The report ought to suggest to the authorities the propriety of making an inquiry and, possibly, an experiment, with a view of testing their efficacy. A voting machine is certainly a more economical method of taking the votes of electors than the present manual method; but we shall never know whether the claims advanced on its behalf are substantial or not unless we, by inquiry and experiment of some kind, test their efficiency. Some steps should be taken to determine practically whether or not we can by this mechanical means expedite both the work of the electors and the work of the electoral officers. In conclusion, I would express the hope that, in dealing with a measure which is necessarily free from party significance, and which, I believe, every one earnestly desires to make as workable as possible, the Minister will receive suggestions for its improvement with an open mind. He will, perhaps, forgive me for saying that apparently, in

the case of another Bill, he rather resented suggestions, as being to some extent an attack upon it.

Senator PLAYFORD.—It is a good principle for a Minister to stick to his Bill.

Senator MILLEN.—I can understand an old warrior expressing that view, but the application of the principle can be carried too far. I hope that in the case of a Bill where the mind of every honorable senator will be directed to making its provisions as perfect and smoothly working as possible, the Minister will receive all suggestions with an open mind.

Senator PEARCE (Western Australia).—I think that speeches such as the one which Senator Millen has delivered are very helpful to the Senate, and must be of service to the Minister in charge of the Bill. This is necessarily a Bill to be discussed in Committee rather than in the Senate. The main principles of our electoral law were discussed and defined in 1902.

Senator MULCAHY.—And very bad principles most of them are!

Senator PEARCE.—What better proof can we have that our Electoral Act was framed on right principles than the presence of the honorable senator? The points raised by Senator Millen are all well worthy of the attention of Ministers, and, if raised in Committee, would not have received that attention that they will receive now that they have been raised at this stage. The first point was in regard to the provision for the quota. I certainly should advise the Government to recast those clauses altogether. They are bad in principle, and the machinery for carrying them out is vague. They will, I think, work out with bad results. The words "whenever necessary" undoubtedly give a wonderful scope to the Minister. They are altogether too elastic. Furthermore, surely in this Bill, which, in regard to the ascertainment of the quota, will have to be read in connexion with the Representation Bill, we should have some reference made to the means of arriving at the quota. There should be on the face of the Bill an instruction to those who are to ascertain the quota that they shall automatically adjust it whenever the machinery provided proves that an adjustment is necessary. I agree with Senator Millen that it ought not to be left to Parliament, and certainly ought not to be left to parties, to determine when a redistribution of seats is necessary. I contend that if we leave the Bill as it has been introduced, the matter

will always be dealt with on party lines. Senator MilLEN fell into error, however, when he said that it is unwise to leave Parliament to settle the matter. Unfortunately, it is not Parliament which settles it. It is one House of the Parliament. It is the House that makes and unmakes Ministries. As he pointed out, the *status quo* is always satisfactory to the member who is in occupation, and any readjustment will be a disturbance. So long as we leave in the Bill a provision that there is to be no automatic readjustment, so long will it be a party readjustment. It is just as well to face that fact, when we can discuss it quite apart from party considerations. The Senate is also, to some extent, a party House.

Senator MILLEN.—It ought not to be.

Senator PEARCE.—But it is; and if we leave the Bill as it stands this question will be settled on party lines. I suggest the advisableness of redrafting that clause, and taking out the provisions allowing the electoral officer "whenever necessary" to readjust the quota, making it automatic and dependent upon the operation of the Representation Bill.

Senator MILLEN.—The honorable senator means that all the clauses dealing with the redistribution should be redrafted.

Senator PEARCE.—Yes. Then there is the question of the establishment of polling places. Hitherto the matter has been in the hands of the Governor-General in Council. In future, under this Bill, the establishment of polling places will be the act of the Minister. At the first blush, I was inclined to oppose that idea. But the experience of the last general election showed me that, in a growing State especially, it is absolutely necessary that the Minister should be able to proclaim polling places. Prior to the last election, there were numerous requests from my own State for polling places to be established at newly-discovered alluvial diggings; but, because of the fact that this had to be done by the Governor-General in Council, it was practically impossible to get them established. The Minister is responsible for the working of this measure, which is one to enable the voters of the Commonwealth to exercise the franchise. It should be within his power to establish polling places wherever required.

Senator DOBSON.—Why should not that be done by the Chief Electoral Officer?

Senator PEARCE.—I presume it means the Chief Electoral Officer when it says the Minister. It is certainly wise that the Minister should have control of the Chief

Electoral Officer, for the reason that the establishment of polling places carries with it the power to close polling places; and if the Minister were to abuse his power in that respect there would always be recourse to Parliament, whereas if a polling place had been closed by the Chief Electoral Officer, the Minister who might have prompted him to do it might shield himself behind the fact that the power was not in his hands.

Senator MILLEN.—Does not this Bill make the Minister responsible?

Senator PEARCE.—Yes, and I agree with that, because he ought to be responsible. When the power was left in the hands of the Governor-General in Council the Minister, although responsible for the administration of the measure, had not the power to make it work. I think the alteration is a very valuable one. The next point to which I have to allude is one with which I cannot agree. I refer to clauses 23 and 24, which amend sections 62 and 63 of the principal Act. Under these clauses we are extending the number of officers who may be able to alter the electoral rolls. I think it is quite justifiable that the divisional returning officer or the chief returning officer should be able to place names upon the roll or to remove them, because these officers are persons over whom we have control. They are not partisans, but are public servants carrying out their duty. But these clauses go further, and direct that the electoral registrar may alter and strike out names. Electoral registrars are very often by force of circumstances partisans. They are party politicians. It is surely inadvisable that persons holding party views, as many of these men do, should have the right to strike names off the roll or to put them on. Further, there is nothing in the Bill to show at what stage this can be done—whether at the time of an election or after the time that the alterations can be made by other means.

Senator MILLEN.—There is a limit beyond which they cannot go.

Senator PEARCE.—That is provided in the principal Act, but I understand that section 62 of that Act is to be repealed. I have compared this Bill with the principal Act, and I have not been able to find any limitation. I should like the Minister to make a note of that, and to explain if he can when this power ceases to be given to the electoral registrar, and also whether he thinks it is safe to give such

a power to men who are not paid officers, who are beyond the control of the Minister, and who in many cases are political partisans.

Senator MILLEN.—I think that section 64 of the Act still remains in operation, and that imposes the limit.

Senator PEARCE.—I do not think that Senator Millen's explanation is altogether satisfactory, because section 64 of the principal Act deals with the question of claims and applications for transfer. Clause 23 of this Bill seems to give very extensive powers to electoral registrars, and I trust that before it leaves the Senate, unless good reasons can be shown for the extension of those powers, amendments will be made. In dealing with divisional returning officers the Bill says, in sub-clause 2 of clause 23—

Rolls may be altered by the divisional returning officer by adding the names of any persons who he is satisfied are entitled to be enrolled.

That also seems to me to be very vague. What is to satisfy him? On whom does the onus of proof lie? There is a vagueness about the provision which we should certainly endeavour to remedy.

Senator MILLEN.—Is not that in keeping with the whole Bill?

Senator PEARCE.—It is certainly in keeping with the clauses regarding redistribution. In regard to the amending clauses by which voters may vote at separate polling places, Senator Millen is under the impression that some alteration has been made, and that some privileges which voters had in voting for the Senate have been taken away. I think that on reconsideration he will see that, although clause 40 amends section 139 of the principal Act, it does not do so in a way that takes away any of those privileges from voters for the Senate. Because, while it leaves out the words "except as provided in sub-section 3," I think that the effect of amending the Act in this way will be that the altered statute will not take away the right conferred by the proviso in the principal Act. I take it that the Bill will be read with the principal Act.

Senator Lt.-Col. GOULD.—But any provision in the amending Bill which is inconsistent with provisions in the principal Act will override or repeal the latter.

Senator PEARCE. — That is a legal point, and I should like the Minister to be thoroughly satisfied that Senator Gould's

reading of the provision will not have the effect I fear. I fought strenuously for this particular sub-section, and I know, from my experience during the last election, that it was the means of several hundreds of voters in my district being able to vote who otherwise would have been disqualified. Any amendment which would have the effect of nullifying sub-section 3 would be received with intense dissatisfaction.

Senator Lt.-Col. GOULD. — There is a distinct provision that in an election for the Senate an elector must vote only at the polling place for which he is enrolled.

Senator PEARCE. — That is practically, in effect, the same provision that was made in section 139, except that the words are slightly different.

Senator Lt.-Col. GOULD. — Sub-clause 2 of clause 40 will override sub-section 3 of section 139.

Senator PEARCE.—Surely, if the Government do not make regulations, or the regulations are disallowed, an elector for the Senate will have to vote at his polling place; but, in the event of regulations being made and put in force, he will vote according to the regulations.

Senator Lt.-Col. GOULD. — The honorable senator had better not rely on that.

Senator MILLEN.—Senator Pearce will agree that, if there is a doubt, we had better be on the safe side.

Senator PEARCE.—Certainly. I am glad that the point has been raised, so that the Minister may satisfy the Committee that the effect will not be as pointed out by Senator Gould, and that, if there is any doubt, the matter may be made perfectly plain. As to voting machines, it would be a pity, in an amending Bill, not to provide that any satisfactory appliance, which, while effecting saving in time and money, would safeguard the purity of the ballot, could be taken advantage of without the necessity to introduce an amending Bill. In the amendment which I have circulated, provision is made for all details of any machine to be laid before Parliament, and, unless Parliament disagrees, to allow that machine to be used; and I hope that some provision of the kind will be made.

Debate (on motion by Senator O'KEEFE) adjourned.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

Assent reported.

REPRESENTATION BILL.

SECOND READING.

Senator KEATING (Tasmania—Honorary Minister).—I move—

That the Bill be now read a second time.

This Bill has been circulated for some days, and, in moving the second reading, I propose to confine myself to its main principles. Honorable senators are aware that in section 24 of the Constitution, provision is made for the composition of the House of Representatives, and for the method by which the number of members for each State shall be decided. The section sets forth that the number of members for each State in the House of Representatives shall be in proportion to the number of people in the State; and sections 25 and 127 provide that, in estimating the number of people in a State for this purpose, certain persons shall be disqualified and not counted. Some discussion has taken place as to the proper construction to be placed on section 24. The second paragraph of that section is as follows:—

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:—

Then provision is made in two paragraphs for the ascertainment of the quota, and, by the division of the quota into the number of people in the State, the ascertainment of the number of members to which the State is entitled. The question naturally arises as to how the words "be determined" shall be understood—that is to say, by whom the determination shall be made; and there is the further question, how the words "whenever necessary" are to be construed.

Senator MILLEN.—The Minister admits that the words are indefinite?

Senator KEATING.—No doubt.

Senator MILLEN.—Whether they occur in the Constitution, or in an Act of Parliament?

Senator KEATING.—The question arises, how we are to determine the number of members; that is to say, who is to be responsible for the determination of the number. Then, as I have already said, there is the further question as to the construction of the words "whenever neces-

sary." That is—When shall the determination be made, or take place? In *The Annotated Constitution of the Australian Commonwealth*, prepared by Quick and Garan, some comments are made on page 454, on this section. It is there stated by the learned authors—

The Constitution does not expressly say by whom this determination is to be made. Whenever it is "necessary" to re-apportion the members, the only data needed are the "latest statistics of the Commonwealth," showing the population of the Commonwealth, and of each State. Given those figures, the rest is mere arithmetic; and according to the maxim—*Id certum est quod certum reddi potest*—the numbers are then already determined.

Parliamentary authority would, however, appear to be required for two purposes:—(1) To provide for the preparation of the latest statistics, and to identify those statistics by law; and (2) to declare when re-apportionment is "necessary." As the statistics are at the root of the representative system, it is important that they should be clearly recognized and identified by Act of Parliament; and even when that has been done, it would be most undesirable that the Executive should be left to decide for itself whether re-apportionment were necessary.

The Constitution does not prescribe any regular interval for re-apportionment, nor does it require that re-apportionment should take place at every general election, if later statistics are available; it merely provides that apportionment shall be made "whenever necessary," and that when so made it shall be according to the latest statistics. The Parliament is apparently left to judge for itself when the necessity arises. The only reliable basis of population statistics is a census; and it may be presumed that the Parliament will provide for a periodical—probably a decennial—census, and will require that after each census the number of members for each State shall be determined afresh. Such determination, when made, will of course not take effect till the next general election.

This Bill has for its object to determine, according to general principles, the latest statistics of the Commonwealth for the purpose of giving effect to section 24 of the Constitution. There is the further object of taking away from the Executive the determination as to the necessity or otherwise to reapportion the representation in accordance with the principles referred to by Quick and Garan, in the note I have just quoted. In the Draft Constitution Bill of 1891 provision was made for a decennial census to be taken by the Commonwealth, and for the apportionment of the representation amongst the States in accordance with figures which would then indicate the respective populations of the States. But the Federal Convention of 1897, for reasons best known to itself, departed from

the principle laid down in 1891, which was—

A fresh apportionment of representatives to the States shall be made after each census of the people of the Commonwealth, which shall be taken at intervals not longer than ten years. But a fresh apportionment shall not take effect until the then next general election.

At present there is no provision in the Constitution that the census shall be taken at any fixed period. In accordance with the practice of the States in the past—a practice which we believe will be continued in the future—a census is taken every ten years, in the year ending with the figure 1—1911, 1921, and so forth. The question again arises as to what are the latest statistics of the Commonwealth, as the term is used in section 24 of the Constitution. Obviously, if we are to depend on the census as being the latest statistics, then we must take the figures disclosed by the censuses of 1901. It is true that the censuses were then taken in the several States simultaneously, but there was no agreement as to general principles. Since 1901 the Statisticians of the various States have assembled in conference in Melbourne, and have agreed on uniform principles, which will be adhered to hereafter in taking the censuses of the several States. The Bill proposes, in order to meet the circumstances arising out of the duty that devolves on Parliament under section 24 of the Constitution, not to confine the apportionment of the representation to every ten-year period immediately after the taking of the census. We recognise that the circumstances of Australia are such as, in many instances, to cause great fluctuations of population during a very much lesser period than ten years. We have only to take the case of Western Australia, more particularly recently, to realize that it is quite possible, after the lapse of two or three years, to have disturbances of population so great as to entitle a State to an extra representative; or, on the other hand, to necessitate a reduction in the representation. The Bill deals with general principles, and not with any particular set of circumstances at a particular period. It is provided that there shall be what are called enumeration days, in order to ascertain the population of the Commonwealth for the purposes of the Bill, and in order to comply with section 24 of the Constitution. It is provided that until there shall be a Commonwealth census taken in accordance with the general principle, the States censuses

shall be adopted as a basis. It is further provided that every census day—that is, a Commonwealth census day, or, until such shall have been instituted, a State census day—shall be an enumeration day; and that on the expiration of five years after each census day, whether Commonwealth or State, as the case may be, there shall be another enumeration day. The Chief Electoral Officer is charged with the responsibility of making an inquiry into the population of the Commonwealth and of the several States on each enumeration day. Whenever an enumeration day and a census day happen to be the same the returns from the census will be the basis on which he will work. When an enumeration day does not happen to be a census day, but a day intervening between two censuses, and five years from the date of the latest census, the returns from that census shall be the basis on which he will work. He is charged under this Bill to work in this way. He will take the latest census returns of population as indicated on that day, if it be a census day, or on the latest preceding census day, if it be an intervening enumeration day, and he will take from the numbers indicated in the census returns the number of persons who are not to be counted in the population, in accordance with section 25 of the Constitution, that is to say, persons belonging to races which, by a law of a State, are disqualified from the franchise. He will further deduct the number of persons who, by section 127 of the Constitution, are not to be included amongst the population of a State, that is, the aboriginal natives. Before making these deductions, he will if the day be not a census day but one of the intervening enumeration days, have to make certain allowances in accordance with a schedule to this Bill.

Senator MILLEN.—He has to ascertain the number of arrivals and departures.

Senator KEATING.—Yes; that is provided for in the Bill. Notice is to be taken of the increase or decrease of population arising from births and deaths, and from arrivals and departures, whether by sea or land. He will take these figures as supplied to him by the Statisticians of the various States. Of course, if we have a Commonwealth Statistical Department he will take them from that source. In addition to all this, he will have to make certain percentage allowances and deductions for unrecorded arrivals and departures

These percentages will be found set out in paragraph 5 of schedule A. The provisions of this schedule were agreed upon by the several States Statisticians at the conference held in Melbourne in 1903, to which I have already referred, and they embody the principles on which they will hereafter uniformly act in carrying out the census for their respective States. This is the first time legislative effect has been sought to be given to these principles. They are not the invention of any one in particular, but the principles determined on at that particular statistical conference, as those which shall hereafter guide the statisticians of the various States in the preparation of their statistics. The Electoral Officer will make his enumeration whether it be on a census day or an intervening enumeration day every five years, by taking the population statistics from the returns of the census, making allowance wherever necessary for arrivals and departures, and excluding the number of the persons which must be excluded under sections 25 and 127 of the Constitution. Having thus ascertained what is the population of the Commonwealth, and what is the population of each of the States he is to return a certificate in the form prescribed in schedule B of the Bill to the Minister. This certificate must be forthwith gazetted, and it must also be tabled in both Houses of Parliament. The Bill provides, in clause 8, that the certificate shall be evidence, practically of the matters it contains, that is, of the population of the Commonwealth and of the several States, for the purpose of carrying out the objects of this Bill and of section 24 of the Constitution. So soon, then, as these figures are ascertained, the effect of this Bill will be to adopt them as the latest statistics of the Commonwealth for the purposes of section 24 of the Constitution. Proceedings can thereupon be taken in accordance with that section and clause 9 of this Bill for the re-apportionment of representation.

Senator MILLEN.—The honorable and learned senator has said, I think, that steps "can" be taken.

Senator KEATING.—Steps will be taken. I think there need be no doubt whatever about that.

Senator MILLEN.—I merely point out that the Minister, in interpreting the Bill, has adopted language in absolute conformity with that it contains.

Senator KEATING.—When I say "can," taken in this connexion, I mean can be taken with justice to all concerned, so that there can be no doubt that the re-apportionment of representation will be carried out in accordance with the principles of the Constitution. I shall say that steps will then be taken by the Ministry of the day to give effect to section 24 of the Constitution. The only other provision of the Bill to which I need direct attention is that in clause 10, which is in conformity with the provisions of the Electoral Bill now before the Chamber, to the effect that in the event of any re-apportionment of representation taking place, or any fresh distribution of seats being on the *tapis*, it shall not take effect in the case of any bye election, but from the next general election thereafter. From the statement I have made, honorable senators will see that the object of the Bill is to give effect to section 24 "whenever necessary." The words "whenever necessary" are somewhat vague as used in the Constitution, but we are endeavouring to establish a fixed principle that practically to all intents and purposes the latest statistics of the Commonwealth shall be taken every five years, and that until a Commonwealth Statistical Department is in existence we shall avail ourselves of the work of the States Statistical Department. When the Commonwealth Statistical Department is established we shall take advantage of it, and though we may only have a decennial census, we shall still have every five years an enumeration day. We shall make each census day an enumeration day for the purposes of this Act, and so we shall be able to give effect to the provisions of the Constitution at least every five years.

Senator DOBSON.—So that no State can gain or lose a member inside of five years.

Senator KEATING.—That is so.

Senator DOBSON.—I suppose we shall be able to get the census as it is taken now.

Senator KEATING.—Nearly all over the world the census is taken at the end of a year ending with a "1."

Senator MILLEN.—Before the honorable and learned senator sits down he might say why, under the provisions of this Bill, everything is clear and emphatic up to the taking of the census, and after that everything is optional with the Minister.

Senator KEATING.—We can deal with that in discussing the Bill in Committee, as we can deal with other matters to which

the honorable senator has referred this afternoon. At present I am indicating the general principles of the Bill for the guidance of honorable senators. The main principle of having an enumeration every five years is in conformity to a large extent with what is, or with what was, if it is not now, the principle adopted in New Zealand. In some countries the opinion is held that a ten years' period is a sufficiently short one for a redistribution of representation. As I have said before, we recognise the peculiar circumstances of Australia, and are prepared by this Bill to adopt the principle that at least every five years any anomalies of representation which may have crept in shall be corrected.

Senator DOBSON.—Presumably the first enumeration will take place at the next general election.

Senator KEATING.—I overlooked that point. It is provided that, as soon as possible after the passing of this Bill, an enumeration day shall be appointed. The enumeration that will then take place will be upon the basis of the last States census returns of population, so that effect may be given to the Bill as early as possible.

Debate (on motion by Senator MILLEN) adjourned.

SPECIAL ADJOURNMENT.

Motion (by Senator PLAYFORD) agreed to—

That the Senate at its rising adjourn until half-past three p.m. to-morrow.

PAPERS.

Senator PLAYFORD laid upon the table the following papers:—

Correspondence between the Prime Minister and the Premier of New South Wales respecting a draft Bill to expedite settlement of the Capital Site.

Ordered to be printed.

Regulations under the Customs Act of 1901—Statutory Rules, 1905, No. 61.

Senate adjourned at 6.28 p.m.

House of Representatives.

Wednesday, 4 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PETITION.

Mr. MALONEY presented five petitions, signed by upwards of 29,000 residents of

Victoria, praying for the enactment of stringent legislation to prohibit the importation of opium for smoking purposes into the Commonwealth.

Petitions received, and one read.

CABLE COMMUNICATION WITH GERMAN NEW GUINEA.

Mr. CULPIN.—The following paragraph appears in this morning's *Argus*—

Disappointment has been expressed at the refusal of the Commonwealth Government to permit an extension of the German cable from Hohenlohe (German New Guinea) to Cooktown *via* Samarai. It is stated that permission for such a connexion was practically granted by the Philp Government, and it is contended that the action of the Commonwealth Government amounts to repudiation. It is claimed that immense advantages to Queensland would follow direct cable communication with the East and British and German New Guinea, especially from a trading standpoint, and it is suggested that the desire to keep this trade in the hands of the southern States has influenced the southern authorities against agreeing to cable communication.

Will the Prime Minister inform the House if the action which is complained of is that of his Government?

Mr. DEAKIN.—The papers dealing with this question were laid on the table early in August last, in response to a request made by the honorable member for Herbert in July. The whole of the negotiations are there disclosed, but no such motive is alleged. This is the first and only expression of disappointment which has been heard in regard to the action taken, and for it the writer of the paragraph is, perhaps, wholly responsible. The Imperial Government advised on the matter.

Mr. R. EDWARDS.—Did not the Imperial Government express its decided objection to the landing of the German cable at Cooktown?

Mr. DEAKIN.—Yes. The despatch from the Imperial Government will be found among the papers.

PUBLIC SERVICE INCREASES.

Mr. CHANTER.—Has the Public Service Commissioner yet reported on the classification scheme, and, if so, when is it likely that postal officials will be paid the money which has been withheld from them?

Mr. GROOM.—The report of the Public Service Commissioner is now being considered by the Cabinet, but the payment of increases depends on its adoption and the necessary appropriation.

Mr. CHANTER.—I particularly desire information respecting the payment of money in those cases where the Public Service Commissioner has approved of the appeals which have been lodged?

Mr. GROOM.—All persons in the service, whether originally classified for their present position, or so classified on appeal, stand on the same footing, except as to sub-divisional increases.

Mr. CHANTER.—But some public servants have received their money?

Mr. GROOM.—That was under a special instruction.

ADJOURNMENT (Formal).

SPEECH OF THE MINISTER OF TRADE AND CUSTOMS.

Mr. REID (East Sydney).—I desire to move the adjournment of the House, to discuss a definite matter of urgent public importance, viz.:—"A recent speech of the Minister of Trade and Customs, proclaiming his hostility to a vital part of the policy of the Government of which he is a member, namely, the adoption of active measures in conjunction with the State Governments, to induce Europeans, and especially British emigrants to come to Australia."

Five honorable members having risen in their places,

Question proposed.

Sir WILLIAM LYNE.—Another way of wasting time.

Mr. REID.—I think I shall show that I am justified in taking this course. I do not know whether I have ever moved the adjournment of the House before; but, if I have done so, it has been on very rare occasions. I wish to address myself to this matter in a spirit worthy of its importance, and with an endeavour to keep quite away from any display of party feeling or personal antagonism.

Sir WILLIAM LYNE.—How candid and kind the right honorable member is.

Mr. REID.—My sense of duty in reference to this and other public matters is not measured by the peculiar standards of the honorable member for Lyne.

Sir WILLIAM LYNE.—The right honorable member is getting mixed already. Who is the honorable member for Reid?

Mr. REID.—I should have said the honorable member for Hume; but I correctly described the honorable member in speaking of him as the honorable member for Lyne, because Lyne is the only con-

stituency which he has ever represented. It was a slip which revealed the truth. I hope that my honorable friend will allow me to address myself to this matter in the spirit to which I have referred. I know that some honorable members think that we should abolish our present system of government, and have what is called an elective ministry; but so long as we possess our present parliamentary institutions, and until we adopt that new method of administering public affairs, we must pay some attention to the rules and traditions of Parliament and responsible government. Before I address myself to the subject on which I wish to speak, I should like to quote a few words uttered by Earl Grey many years ago in regard to a much milder act than that to which I am about to allude. The then Secretary of State for the Colonies, in a despatch to the Governor of Jamaica, had used some expressions which, although rather guarded, were sufficient to show that the decision of the Government which his despatch conveyed was not one with which he entirely sympathized. The matter was discussed in the House of Lords on the 14th June, 1862, when Earl Grey laid down this principle:—

When the Cabinet has decided, if the Secretary of State thinks that his colleagues are wrong, but not so overwhelmingly wrong as to warrant his standing upon his own opinion—in which case he will resign—it is his duty to signify to the Governor of the Colony the final decision of the Queen's Government, and not to weaken the decision by implying in his despatch any doubt as to the grounds and the propriety of the decision.

In another case. Mr. Gladstone, when Chancellor of the Exchequer, was taken to task for certain expressions he had used with reference to the public finances, and, after referring to other duties of the Chancellor of the Exchequer, he laid down the constitutional position in this way:—

He has no right, directly or indirectly, in the smallest degree to attempt to escape from the responsibility that weighs on his colleagues.

At page 402 of the second volume of Todd's *Parliamentary Government in England*, second edition, the principle of Cabinet government is laid down in this way:—

The influence which is rightly exercised by Ministers of the Crown in the Houses of Parliament depends in the first instance, upon the degree of unity, and of mutual co-operation they exhibit between themselves; and finally upon the amount of control they are able to exercise over the political party to which they belong. We have now to consider the mode in which these vital elements of Ministerial existence are ex-

emplified. In tracing the origin and development of the rule which requires political unanimity amongst the Ministers of the Crown, we have seen that it has become an acknowledged principle that, so long as a Minister continues to form part of a Government, he shares with his colleagues an equal responsibility for everything that is done or agreed upon by them. Except in the case of an admitted "open question," it must be taken for granted that the whole Cabinet have assented to the Ministerial policy as officially transacted or propounded by any Minister acting or speaking on their behalf. It is not, therefore, allowable for a Cabinet Minister to oppose the measures of government—to shrink from an unqualified responsibility in respect to the same—to refrain from assisting his colleagues in the advocacy of their particular measures in Parliament—or to omit the performance of any administrative act which may be necessary to carry out a decision of the Government—even though he may not have been a consenting party thereto—or to withhold his support from the Ministry when attacked by their political opponents. A Minister who infringes any one of these rules is bound to tender his immediate resignation of office.

Sir WILLIAM LYNE.—That is what the honorable member wishes me to do.

Mr. REID.—I never knew an occasion upon which there was the slightest danger of the honorable gentleman taking that step.

Sir WILLIAM LYNE.—I shall certainly not take it on this occasion.

HONORABLE MEMBERS.—Ha! ha!

Mr. REID.—In the present state of this Parliament, the most serious matters have become a subject for levity to my honorable friends opposite; but it is the duty of public men to maintain the traditions of responsible government, and no one has set himself a higher standard than has the honorable and learned gentleman who is Prime Minister. I wish to point out that the subject to which I am about to refer is a vital question of Ministerial policy. It is not some small matter of detail, but a vital question of policy which the Ministry put before the electors of Australia, and which they pledged themselves to on the assumption of the present Administration.

Sir WILLIAM LYNE.—That is not correct.

Mr. REID.—I hope that the Minister will not interject, because I have only a limited time within which to make my remarks. At the general election in 1903 the Deakin Government, of which the Minister of Trade and Customs was a member, went to the country on the question of immigration.

Sir WILLIAM LYNE.—Hear, hear; but not the present Government.

Mr. REID.—I hope that the Minister will not steal my time in this way. Then when the Government came back, they announced that the country had accepted their policy, and stated that they attached so much importance to it that they would stake their political existence upon it, and would carry it out to the utmost of their strength. Then a conference was held in 1904, at which the Prime Minister went somewhat out of his way to address the assembled Treasurers of Australia, in a brilliant speech which covers many pages of an official document, suggesting a hundred different ways in which the great question of immigration might be furthered by the Commonwealth, acting in conjunction with the States Governments. Later on, when the Government met Parliament in March, 1904, they put forward their immigration policy as a matter of vital importance upon which they would stake their political existence. In 1905, when the present Ministry assumed office, the Prime Minister in his Ministerial statement said—"We come back with the same policy as that upon which we went to the country in 1903. We submit the same policy to this House as a new Ministry. The majority of this Ministry were members of that Ministry, and the other members of the Government agree in every particular almost with the policy of the previous Government in reference to immigration." Then again on the 14th September last—to show the continuity in connexion with this matter—the Prime Minister received the first practical proposal in this direction in the shape of a telegram from General Booth, offering to send 5,000 families out to Australia. I am discussing the question of Ministerial responsibility apart altogether from the merits of that particular scheme. On the 14th September the Prime Minister received that message from General Booth, and on 15th September said in this House—

The offer received yesterday from General Booth, the head of the Salvation Army, to send here 5,000 reputable families, whose characters are without blemish, and who are not paupers or destitute—which will be about the average number available among those who will find the hardships of the coming winter in Great Britain too bitter—provides a touchstone for ascertaining the opinion of this country on the subject of immigration.

Could there be a more emphatic acceptance of the proposal of General Booth than these words of the Prime Minister? He

was fully adopting it when he said, practically, that we could judge of the sincerity of public utterances upon this question of immigration by accepting the offer.

Mr. WATSON.—Without waiting for details?

Mr. REID.—That is what the Prime Minister said; I am quoting his words, and not my own. During the same debate he went on to say—

Those who accept the doctrine of a White Australia, as I have often said, must repudiate the suggestion that it means an empty Australia. It is impossible for Australia to be made or kept white except by means of a white people planted wherever white men can live and work with profit. We believe that is possible in most parts of the Continent—every one believes that it relates to all but a fraction of it—and this Government intends to exhaust every means of extending and multiplying white settlement. By that means only can Australia be kept white.

Surely that is making a vital question of immigration. The Prime Minister said, in effect, that only by means of immigration could we keep Australia white. I am not going to take up the time of the House by multiplying references to the brilliant language in which the Prime Minister has made the subject of immigration the corner stone of his Administration. It is notorious throughout the length and breadth of Australia, that he has done so. The Ministry are now standing upon that policy, and what do we find? After the Prime Minister had sent General Booth's proposal to the States' Premiers, and had forwarded a message to General Booth couched in the most friendly and cordial terms, one of the members of his Administration went to a public meeting, and stated that he was opposed to the introduction of these people. The last sentence of the Prime Minister's message to General Booth read as follows:—

Assure you of warm desire of this Government—The Government including the Minister of Trade and Customs—

to co-operate any movement which will result in introducing desirable settlers.

Through the press, General Booth expressed himself as being delighted with the cordial acceptance of his offer by the Prime Minister, to the extent of his having expressed his willingness to do all he could with the States Governments to promote his scheme. Then we have later telegrams published in the press from Perth and Hobart, showing that the Prime Minister is actively engaged in furthering the project, in conjunc-

tion with the Premiers of the States. So that we find this vital question of immigration is a matter of Government policy, and that with regard to the definite proposal of General Booth, the position of the Government is unmistakable—subject, no doubt, as the honorable member for Bland has suggested, to the consideration of some details. That is the policy of the Government, and that is the policy, I believe, of nearly every member of the Government; but the Minister of Trade and Customs has acted towards his colleagues in a way that no man with any political experience could approve. What right has any Minister who is engaged in carrying out the public policy of his colleagues to let the people know that he throws his colleagues and their policy overboard, and that, while he may be dragged by them into doing what they wish, he is altogether opposed to a vital plank of Ministerial policy—to the introduction of the 5,000 families which General Booth proposes to send here? What right has the Minister to get out of the ship in that way, in order to save himself? It is known that a large number of persons disapprove of this immigration policy. I believe that the majority of honorable members below the gangway disapprove of it.

Mr. WATSON.—I do not think so.

Mr. REID.—I am very glad to hear it.

Mr. WATSON.—We do not want men to be brought here to starve.

Mr. REID.—The immigration that some of my honorable friends believe in, is the introduction of men, each of whom has a few hundred pounds in his pocket—a different class of men from those who were responsible for their existence in Australia to-day. Neither their parents, nor mine, came here with £500 in their pockets. Now I come to the speech of the Minister of Trade and Customs in reference to this matter. The Prime Minister said at Hawthorn on Monday night, that he believed in Socialism, and also in Individualism. Ministers are riding two horses in this Ministerial circus. One foot is on Socialism and the other on Individualism. That is the position of the Prime Minister. Now the Minister of Trade and Customs is going with the Government, in order to derive the benefit of their policy of immigration, and he is going also to the enemies of immigration, and telling them "I do not believe in it. I am going to tell them in the Cabinet what I think about it." The Minister thinks that I want him to leave office, but I

know that, so far as we are concerned, he is much safer in office than anywhere else. He has no prospect of any such a position with us. He is like the elephant in the china shop. He does much more harm to the Ministry as a member of it than he could do in any other position. As the Vice-President of the Executive Council said on one occasion, if the Japanese wanted to subdue Port Arthur they ought to throw the Minister into it. —he would blow up a much stronger erection than that fortress. This is the speech to which I refer. The newspaper report says:—

Sir William Lyne, replying to the toast of Parliament, referred to General Booth's immigration scheme, and said that in this, as in other matters, a Minister must pull with his colleagues or leave.

My objection to the Minister's position is that he does neither. He does not pull with his colleagues as a loyal Minister would do, or leave them, as a self-respecting Constitutional Minister would do. He pulls away from his colleagues. He isolates himself from his colleagues before the public of Australia, and puts himself forward as an advocate of the policy of anti-immigration, but, at the same time, remains in the Cabinet. He tells the people outside, "You wait until I get into the Cabinet. I will give them a piece of my mind. I will square my colleagues up on the question of immigration." The Minister works up his theatrical effects in order to curry favour with the great body of the working men of Australia. He wants to be safe whatever shipwreck may come. He wants to see a little dry land ahead. He sees none over here, but he fancies that he can see a safe place among the members of the Labour Party. He wishes to appear as a sincere supporter of the Government policy, and he still believes in it to the extent of sticking to office, but he does not believe in it as a good thing for Australia. He goes on to say:—

The people we wanted to place on our lands were the sturdy sons of Australia's pioneers.

We all agree with that. Every man agrees with that.

Mr. MALONEY.—Why do we not do it?

Mr. REID.—It is not my fault that it is not done. We all believe in that, but is there not room in this great country for other people, besides our own sons?

Mr. MALONEY.—Then let us put them on the land first.

Mr. REID.—I am not raising that point now, but I am discussing a constitutional question that would be regarded as of the utmost importance in any other Parliament, and at any other time but this. The Minister went on to say:—

With regard to immigration itself, he believed that wherever the attraction existed, there desirable people would come.

Now there the honorable member takes the other side. There are two sides to this policy of immigration. One side is expressed in these terms, "We must use our best efforts to induce some of the people who are now going to Canada, South America, and South Africa, to come to our shores." That is the view of the Government and of the Prime Minister. That is the policy upon which the Ministry are prepared to risk their political existence. The other policy is this: that no special effort should be made, that no special inducement should be offered, that we should take our chance and allow the attractiveness of the country only to operate, that we should allow people to come here if they think the place attractive, but not use a single effort to induce them to come. These are the two sides of this great question. The effect of the statement of the Minister of Trade and Customs is, "I am against immigration, although I remain a colleague of the great chief of the movement in Australia. I am against immigration, but I will stick to office, although I embarrass my colleagues. I will weaken the Executive Government of the country by telling the opponents of the Government policy that I am with them." If that were whispered into the ear of the opponents of the Government, it would be a mean act to a body of colleagues. If it were whispered secretly into the ear of the newspaper editor, it would be a mean thing to do; but when it is said publicly before the whole of the people, it is worse than mean and cowardly; it is a treacherous act. When men are joined together as a Ministry, surely they should endeavour to fight side by side. I do not know of any other Government that has had an experience of this kind. I do not think that members of a Labour Government would ever fight in that way, one against the other, on a question contained in their platform. I do not think you would get any member representing a labour constituency to weaken the power of a Labour Government by proclaiming his opposition

to a plank in the Labour platform. Such a man would be drummed out of their ranks with execration. I say that the Minister of Trade and Customs is doing to his colleagues what such an individual would do to the Labour Party. The moment men take the oaths of office, and agree to work together as loyal colleagues, it is their duty to adopt one of two courses. If they disapprove of the policy of the Government upon a vital matter, they can show the sincerity of their belief by sacrificing the advantages appertaining to their offices. But if they do not disapprove of that policy strongly enough to warrant their taking such an extreme course, they have only one alternative. If they will not leave the Government, they ought to remain loyal to their colleagues—they ought to solidify the strength of the Ministry. The Government ought not to speak in two voices, the Prime Minister declaring, "We, as a Government, are committed to this proposal," and the Minister of Trade and Customs saying, "This scheme is all nonsense. I am absolutely opposed to it. I do not believe in it." I say that such a state of things is only possible under an alliance, such as we have to-day. It is not an alliance of principle. It is an alliance under which two parties with widely different aims have their own purposes to serve—

Mr. WATSON.—Is this a discussion of the alliance?

Mr. REID.—I say that under the alliance which exists to-day, so long as members of the Labour Party obtain certain concessions, they are prepared to keep quiet.

Mr. WATSON.—What was the principle underlying the recent alliance between the right honorable member himself and others?

Mr. REID.—I am happy to say that, so long as that alliance did exist, we remained loyal to one another, and the very moment there was a breath of disloyalty, we did not say, "We will stick to our offices, in order to get another kick." On the contrary, we declared, "We will seek an appeal to the country, and, if the Parliament is not prepared to indorse our proposal in that direction, we will go out of office."

Mr. WEBSTER. — The right honorable member had no alternative.

Mr. REID.—If that be so, we are all satisfied. The Minister of Trade and Customs went on to say—

He had spoken as strongly as possible without coming into conflict with his colleagues.

Just fancy a Minister expressing his opinion in absolute opposition to a plank of Ministerial policy of vital moment—throwing his colleagues and their policy overboard, and affirming that he had spoken as strongly as possible without coming into conflict with them.

Sir WILLIAM LYNE.—Hear, hear.

Mr. REID.—The Minister did something more than come into conflict with his colleagues. The fact is, that his unfortunate colleagues cannot get rid of him, because they are not strong enough to do so. They had to take him in, because he would be too dangerous if he were out of office. There is no doubt that when he is out of office the honorable member is just like a famished dingo. He is bound to get in somehow, or there will be trouble. But when the political dingo has secured a home, and is being affectionately and loyally treated by his colleagues, he might give them in return at least a semblance of loyalty. Is it possible to injure a Government more in the estimation of the people than by allowing some Ministers to swear by a certain line of policy which another Minister openly scouts? Is that the way for a Minister to help his colleagues, or to maintain the character and prestige of a Government? Surely honorable members are incapable of acting in that way. I am sure that they are. I admit that, for political purposes, Ministers have to endure a number of outrages without taking any overt action. I have submitted this motion for no other purpose than to discharge my duty, as one of the oldest members of a State Legislature in this Parliament. As honorable members are aware—of course, it is no fault of mine—I am one of the oldest members of Parliament in this House, and I have a duty to discharge as the leader of a party. I wish, therefore, in the strongest possible way, to say, "Let us have elective Ministries if honorable members so desire, but as long as we continue our present system of Government, which is founded upon the Cabinet system as it is carried out in the mother country, a position such as that created by the utterances of the Minister of Trade and Customs is absolutely intolerable." He has

been guilty of an act of the greatest disloyalty to his colleagues. What is the effect of his action throughout Australia today? Tens of thousands of people, who differ from the Government upon this question of immigration will say, "Well, Deakin is a bit mad upon it, but we have the rogue elephant to keep him in order. The Prime Minister will not do much damage while Sir William Lyne is in the Ministry. See how he stands up for the sturdy sons of the soil, and how he scouts the very project which the Prime Minister is busily engaged in furthering." Within a day or two after the head of the Government has assured General Booth of his cordial support and loyal co-operation in giving effect to his scheme, the news is transmitted to the old country that one of his leading colleagues has publicly denounced that scheme as absurd, and as one in which he does not believe. That sort of thing is unusual, to say the least of it. The Minister should recollect that he has to pay a certain penalty in order to preserve harmony in the Cabinet. If he differs from his colleagues upon a subject which is important enough to warrant him in taking such an extreme step, he should resign, in order to show the strength of his views; if the question is not important enough—and I cannot conceive that any matter will ever be sufficiently important to induce the honorable member for Hume to leave a Cabinet—he still has a duty to perform. As long as he remains with his colleagues he has no right to play false to them — he has no right to embarrass them by giving open expression to a division of opinion, and he has no right to take the public into the counsels of the Cabinet Chamber, and to tell them that he is opposed to his own colleagues. That is a method of self-advertisement which ought not to commend itself to straightforward politicians. If the Minister wishes to remain in office he must be loyal to his colleagues; if he cannot be loyal to them, he should resign, and leave them free from embarrassment. Talk about mutiny upon a ship! There is no mutiny which is more disastrous to a country than is mutiny in the ranks of the Cabinet Council. Only the other day, on the question of preferential trade, what did we see? We saw one of the greatest statesmen in England, one of the most powerful Ministers—I refer to Mr. Chamberlain—relinquish his high office, because

he felt that the Government were not in sympathy with him. At that very time, we also saw three free-trade Ministers sever their connexion with the Cabinet for the reason that the Government, in favoring a retaliatory policy, went to a length which they could not approve.

Mr. SPEAKER.—The right honorable member's time has now expired.

Sir WILLIAM LYNE (Hume)—Minister of Trade and Customs.—I feel very proud when I consider that the right honorable member has exhibited so great an interest in my welfare and in that of the Government. It is really most touching, because he is personally so very friendly towards me.

Mr. REID.—Never. I draw the line somewhere.

Sir WILLIAM LYNE.—I think that if there were anything at all in the matter which the honorable gentleman has raised, he might very well have allowed the Prime Minister and his colleagues to settle it between themselves. But instead of doing so, he has chosen to make an attack upon me, because there is no denying that his speech was a deliberate and personal attack directed against myself. This motion would not have been submitted had it not been for the hostile feeling which the right honorable member has always exhibited towards me. When he talks about my clinging to office, it is really very amusing, because I have had to kick him out of office with the toe of my boot. He would not go out in any other way. The right honorable member has hung his complaint upon a very, very small peg indeed. He has quoted from a newspaper report of a speech, the delivery of which occupied a quarter of an hour or twenty minutes. That report has been condensed into two or three inches of space, so that it is impossible for any reader to know what were the particular circumstances which led up to the remarks quoted. The facts are that last week a telegram was published in the newspapers—I do not know whether it was upon Thursday or Friday—stating that it was a section of the submerged tenth which General Booth contemplated sending to Australia. A day or so later I attended an agricultural show, at which there were perhaps 1,500 farmers present, 300 of whom at least were young men looking for land, and were unable to get it. This question was brought prominently

forward in the evening, and in responding to the toast of "the Parliament." I said—as I say now—that I am opposed to the introduction of a section of the submerged tenth. I did not say a word against immigration. When immigrants come to Australia, we must have something for them to do, and, for those who wish to farm, some land upon which to place them.

Mr. JOSEPH COOK.—The telegram to which the Minister refers only appeared in the *Argus* yesterday.

Sir WILLIAM LYNE.—The honorable member has turned himself inside out a good many times, and consequently he had better remain quiet, because I do not wish to be interrupted. I made the statement to which I have referred in consequence of a telegram which was published in the press—a telegram which has since been confirmed by the following statement:—

Mr. Bramwell Booth, General Booth's son, has replied to Mr. Collings stating that the Salvation Army is not sending people in comfortable circumstances to the Colonies, but only the unemployed, some of whom are suffering actual want.

I do not think I am misinterpreting the feelings of the Prime Minister when I say that he does not desire the introduction into Australia of that class of immigrant.

Mr. WATSON.—This Parliament passed a law for the express purpose of excluding them.

Sir WILLIAM LYNE.—That is so. If a section of the submerged tenth is to be sent to Australia, there may be places in the Northern Territory, or in the northern portion of West Australia where they may be glad to establish a settlement of their own. However, I was assured by the young farmers to whom I have alluded that some have been for two years unsuccessful in balloting for land. Some stated that they had spent what money they possessed attending every land ballot that had taken place in New South Wales, and that as a result they were impoverished and without land. What I stated was that in my electorate, between the Murray and Murrumbidgee, there are about twelve stations, containing 1,000,000 acres of purchased land, the bulk of which is utilized for pastoral purposes. I said "If you wish to secure land, let the Government purchase or resume some of that area, and put farmers upon it, so that they may be enabled to secure a comfortable livelihood under suitable conditions of land and

climate." That was what I said upon the occasion. There was no intention on my part to detract from the views of my colleagues—in fact, I do not know whether I even had a conversation with the Prime Minister upon the subject of immigration at all. I am not aware that the matter was brought up at any Cabinet meeting. Certainly it was not considered when I was present. The right honorable member for East Sydney talks about his attendance here, but I would remind him that he takes very good care to look after his own business in Sydney. His action to-day is thoroughly consonant with the line of conduct which he pursued last week. It was only then that he made an appearance after an absence of four or five weeks. Yet he spoke for three hours each day last week.

Mr. SPEAKER.—Order! The honorable gentleman is not discussing the motion.

Sir WILLIAM LYNE.—As the right honorable member remarked, he has now started to bring up his average. The newspaper report of the speech of which complaint has been made reads:—

Speaking at the smoke social of the Henty Show on Saturday, Sir William Lyne, in responding to the toast of "The Federal Parliament," made some reference to General Booth's immigration scheme.

That is correct. I referred to the proposal to bring out a portion of the submerged tenth to Australia. The report proceeds—

He said that in this, as in other matters, a Minister must stand in with his colleagues or leave—

I repeat that statement, and I assert that I know as much of the principles of constitutional practice as does the right honorable member for East Sydney. I have been longer in public life than he has been, and I think that I know a little more about public affairs than he does.

Mr. REID.—The Minister does know a little more than I do of some public affairs.

Sir WILLIAM LYNE.—The report continues—

and he was not prepared to leave just at present.

That is quite true. I am not prepared at present to leave the Ministry, unless something happens as between myself and my colleagues that renders it impossible for me to remain without a sacrifice of principle. I may say, however, that during the whole time we have been in office, there has not been a single word of discord between us, and that such a thing is not likely

to occur. Who could come into conflict with such a chief as is the Prime Minister? I have never had an angry word with him, and hope that I never shall have. The report continues—

He had read a great deal about the scheme in one of the papers, which ought to know better. Personally, he did not think that any one would bring 5,000 people, about whom we knew comparatively nothing.

I added to that statement that I had no desire to see a portion of the submerged tenth introduced into Australia. I do not think that any one would attempt to bring such people into the Commonwealth unless it were proposed to found a colony in which they would not come into competition with the rest of the people. I went on to say that—

The people we required to place on the land were the sturdy sons of Australia's pioneers.

I challenge the leader of the Opposition to say whether he would not repeat that statement, or at all events, whether he would declare openly that he is in favour of a portion of the submerged tenth of England taking the places of the sons of the farmers of Australia. Let the right honorable member answer that question. It is an awkward one, and I do not think that he will reply to it.

Mr. JOSEPH COOK.—Let the Prime Minister answer it.

Sir WILLIAM LYNE.—The leader of the Opposition was the first to attack me, and he should certainly answer the question. I appeal to the House to say whether any one who believes in Australia and Australia's sons would desire a portion of the submerged tenth to secure the land that should go to the sons of our farmers.

Mr. JOSEPH COOK.—This is rough on the Prime Minister.

Sir WILLIAM LYNE.—It is not. I believe that the Prime Minister is not in favour of any portion of the submerged tenth coming to Australia. We certainly desire immigrants when we have land to place them on, and work to give them; but we do not desire immigrants of the class mentioned by Mr. Bramwell Booth. Let me make a further quotation from this report—

With regard to immigration itself, he believed that wherever the attraction existed, people of a desirable class would come. He did not think that the Federal Parliament would seriously entertain "General" Booth's scheme.

The scheme which I had in mind was the proposal to bring out a portion of the

poverty-stricken, submerged tenth of England. I am satisfied that the Federal Parliament would be pleased to assist immigrants to come to Australia when we have land for them and work to give them. I think that every member of the House would receive immigrants with open arms, as long as we knew what to do with them, and where to put them; but we certainly do not wish them to come here to starve. The report sets forth that I went on to say that—

The matter of settlement was the affair of the States Parliaments.

This Parliament, however, has no power over the lands of the Commonwealth.

Mr. REID.—Then why did the Prime Minister take up the question of immigration?

Sir WILLIAM LYNE.—Because he is an enthusiast, and all honour to him for it. He believes that it would be a good thing to secure more immigrants, and if we could give them something to do, I should also approve of the scheme. The Prime Minister simply took action on behalf of the States.

Mr. FRAZER.—He does not want to bring them here to starve.

Sir WILLIAM LYNE.—I am quite certain that he does not. The statements which have been made this afternoon, to the effect that I have adopted an unconstitutional course in regard to this question, are absolutely without foundation. The leader of the Opposition is always ready to jump into the fray when he thinks there is a possibility of injuring my political reputation; but I do not care what he does. I am prepared at all times to defend myself. I have been, and am still, loyal to my colleagues, and when I feel that I cannot continue to act in concert with them, I shall not cling to office as the leader of the Opposition has done in similar circumstances. It has been my endeavour throughout my political career to adhere to some principle. The leader of the Opposition himself told me on one occasion that I was consistent in my inconsistency, and that it did not do for a politician to be too consistent. He must have been thinking of himself.

Mr. REID.—All I can say is that the honorable gentleman cost New South Wales 100 bridges when he had one man to square for a time.

Sir WILLIAM LYNE.—That is an insinuation unworthy of the right honorable member.

Mr. FRAZER.—Worthy of him.

Sir WILLIAM LYNE.—Perhaps it is. At all events, it is unworthy of an honorable man. I say distinctly that I never squared any one by building bridges.

Mr. REID. — The honorable gentleman did.

Sir WILLIAM LYNE.—I dare say that if I approached the right honorable member in regard to a good many matters, I might be able to square him; but I have never attempted anything in that direction. I think I have fully explained how I came to refer to the question of immigration on the occasion to which reference has been made. Had my speech been fully reported no misapprehension could have existed in regard to it; but a summary of it has been seized upon by the leader of the Opposition with the object of creating dissension between my colleagues and myself. I am satisfied that that is the object underlying the action taken by him to-day; but it will fail, as everything else which the right honorable member has taken in hand has failed. No Ministerial colleagues ever stood more loyally together than have the members of the present Ministry; there has been an entire absence of dissension in our ranks. When I find, however, that I am out of sympathy with my colleagues, I shall know what to do, and will not hesitate to take that action which the leader of the Opposition would never think of taking in like circumstances.

Mr. JOSEPH COOK (Parramatta).—We have listened this afternoon to a tirade from the Minister of Trade and Customs, which I thought would end in his being seized with apoplexy. He declared that he did not care what was said by the Opposition, that he did not make the statements attributed to him, that he was on the best of terms with his colleagues, and that the attack made upon him was without foundation. The honorable gentleman began by making a contemptuous reference to the leader of the Opposition, saying that he had put him out of office with the toe of his boot. Let it be conceded that he did boot the leader of the Opposition out of office. Whom did he boot into office in his place?

Mr. FRAZER.—More New South Wales politics. Why not let us come to the politics of Australia?

Mr. JOSEPH COOK.—Why did not the honorable member make that interjection when the Minister was speaking?

Mr. FRAZER.—Because he did not talk solely of New South Wales politics.

Mr. JOSEPH COOK.—When his particular friend, the Minister, was speaking—

Mr. SPEAKER.—Will the honorable member please discuss the matter before the Chair?

Mr. JOSEPH COOK.—I think I am entitled to reply to a dirty and offensive insinuation made across the table by the Minister.

Sir WILLIAM LYNE.—I made no insinuation.

Mr. JOSEPH COOK.—Let it be understood that when the Minister did boot the leader of the Opposition out of office—

Mr. SPEAKER.—I have asked the honorable member to discuss the question before the Chair.

Mr. JOSEPH COOK.—I think I am entitled to refer to a statement which the Minister was allowed to make.

Mr. SPEAKER. — There is only one matter before the Chair, and that is the motion of the leader of the Opposition. That motion, as drafted by the right honorable member, limits the debate, and I cannot allow the honorable member for Parramatta to go beyond its scope. It is true that the Minister made a remark which was beyond the scope of the motion, and had he continued to speak in that way I should have called him to order. He made, however, only an incidental reference to the matter, and I therefore did not interfere. On the first occasion that the honorable member for Parramatta mentioned the point, I did not take action; but I cannot allow him to proceed on the lines he desires.

Mr. JOSEPH COOK. — Throughout practically the whole of his speech, the Minister was discussing New South Wales politics, in derogation of the leader of the Opposition.

Several honorable members interrupting—

Mr. SPEAKER. — I ask honorable members to allow the honorable member for Parramatta to proceed without interruption, and the honorable member to keep to the question.

Mr. JOSEPH COOK. — The Minister laid down the strange doctrine that if there was anything in this matter it was no con-

cern of the Opposition, and that it should be left to the Ministry itself. That is a remarkable doctrine to lay down. If it were conceded, there could be no further use for the Opposition, and we might as well pack up our political traps and go home. I venture to say that it is the obligation of an Opposition to take a deep and anxious interest in all matters which have to do with the preservation of the first principles of parliamentary government. I should like to say, in passing—for I may not refer further to a certain statement made by the Minister—that every one of the assertions which he made in defence of his position constituted the severest criticism that could be levelled against the attitude of his chief on the question of immigration. He told us that he is not in favour of General Booth's immigrants coming to Australia, and that we had farmers' sons going about the country seeking ballot after ballot in the hope of obtaining a block of land. All that criticism, however, should have been addressed, not to the House to-day, but to the Prime Minister, who, since coming into office, has been advocating immigration throughout the length and breadth of Australia. Immigration has been the cardinal feature of his policy ever since he came into office, and it is at this late hour—after the Prime Minister has approved of General Booth's scheme in the most cordial terms—that the Minister of Trade and Customs raises criticisms which apply, not so much to the facts of the case as to the action of his political chief. What does he say in defence of the Prime Minister?—that he has acted impulsively.

Sir WILLIAM LYNE.—I did not say anything of the kind. I said that the Prime Minister was enthusiastic, and that all honour was due to him for his action.

Mr. JOSEPH COOK.—That is as near as a Minister could go to asserting that his leader had made a fool of himself.

Sir WILLIAM LYNE.—Not at all.

Mr. JOSEPH COOK.—The honorable gentleman could not directly say that the Prime Minister had made a fool of himself, because he has to remain in the Ministry; but when a Minister declares in the House that his political chief has acted enthusiastically in relation to this question, any fair-minded man must interpret such a statement as indicating a belief that the Prime Minister has been talking too much, and talking foolishly.

Sir WILLIAM LYNE.—Such a man as the honorable member might so interpret the statement.

Mr. JOSEPH COOK.—To my mind a very important principle is involved. The broad fact—explain it away as the honorable gentleman may—is that he is opposed to General's Booth's proposal—

Sir WILLIAM LYNE.—Opposed to the proposal to bring out a portion of the submerged tenth.

Mr. JOSEPH COOK.—I challenge the Minister to say "yes" or "no" to the plain question whether he is in favour of General Booth's scheme.

Mr. WATSON.—What is General Booth's proposal?

Mr. SPEAKER.—The attention of honorable members has already been directed twice or thrice this afternoon, as well as on previous occasions, to the fact that when a speaker's time is limited by the Standing Orders, it is most unfair that any part of it should be occupied by the interjections of others. I ask honorable members, therefore, not to continue these interruptions.

Mr. MAHON.—Why does the honorable member for Parramatta provoke them?

Mr. JOSEPH COOK.—The Prime Minister is in favour of General Booth's scheme. He has committed himself definitely to it by cable. He has expressed himself in the most cordial terms regarding it. The statements of the Minister of Trade and Customs, however, here, in Sydney, and in Henty, are in diametrical opposition to the action of the Prime Minister. Could anything more clearly indicate the hostility of the Minister to the proposals of the Prime Minister than for him to express himself in this public way against a scheme to which his chief has committed himself as definitely as any man could.

Mr. POYNTON.—He has not done so.

Sir WILLIAM LYNE.—The Prime Minister has expressed himself in terms of cordial approval in regard to General Booth's offer.

Mr. WEBSTER.—In regard to General Booth's offer, but not in regard to his scheme.

Mr. JOSEPH COOK.—The Prime Minister has sent General Booth's message on to the States, and has replied to the General that he is glad to be in accord with him in regard to the main object of his proposal, and asking for further details with

a view to the successful carrying out of the scheme. Does the Minister say that he will agree to immigrants coming here from oversea if they bring with them a little money? If so, I ask him: Are not immigrants coming here with money more likely to compete with farmers' sons than are immigrants who come here without money? The honorable gentleman has placed himself on the horns of a dilemma. Either he is in favour of immigrants coming here who will compete with our farmers' sons, or he is not; and there is more likelihood of that being done by immigrants coming here with money with which to buy land and settle themselves on it, than by immigrants brought out under General Booth's scheme to settle as a colony on the Crown lands of Australia.

Mr. WATSON.—Is there to be a colony?

Mr. JOSEPH COOK.—Yes. That has been made very clear.

Mr. WATSON.—I have not seen it stated that there is to be a colony, but I have read the denial of such a statement.

Mr. JOSEPH COOK.—No one knows better than does the honorable member that General Booth wishes that these 5,000 people shall be settled together as closely as possible, by being placed on a block of land suited for colonization purposes.

Mr. WATSON.—That has not been stated.

Sir WILLIAM LYNE.—On the Pilliga scrub!

Mr. SPEAKER.—I exceedingly regret this persistency of honorable members in occupying time which belongs to the honorable member for Parramatta, and I am sorry to have to suggest that the Standing Orders give me certain powers which I shall have to put into operation if the interruptions continue.

Mr. JOSEPH COOK.—I shall not deal with details any further, because the statement of them seems to create trouble, and I do not wish to do that. I wish only to point out, as I have a right to do, the inconsistency of the Minister for Trade and Customs. May I suggest to honorable members who sit on the corner benches that they should take the advice which the Minister gave respecting his dispute with the leader of the Opposition, and let us settle this matter without their interference? The Minister declared in the speech to which reference has been made, that when General Booth's scheme came before the Cabinet he would have something further to say about it, and that he

would have something to say about it outside the Cabinet. That shows a nice spirit in which to go into Cabinet to discuss the matter. Such a statement violates the secrecy of the Cabinet, without which parliamentary government cannot continue, because it is of its essence that Cabinet deliberations shall be secret. The Minister, announces before the Cabinet has dealt with this matter what he is going to do in the Council Chamber. No matter how favorable the Prime Minister may be to the proposal of General Booth, the Minister of Trade and Customs will not agree to it, but will have something to say against it, not only in the Council Chamber, but outside as well. On the honorable gentleman's own showing, he has no right to stay in the Ministry for five minutes, and if there is any booting out to be done, the obligation rests upon the Prime Minister to boot out the Minister of Trade and Customs, unless the latter will retire with the decency and dignity befitting the occupant of office, who finds himself in conflict with his Prime Minister. Of course, we do not expect the honorable member for Hume to do that. He, of all others, should not talk of booting persons out of the Government, since he would sacrifice every political principle of his life to obtain place, pay, and power. That has been one of his characteristics ever since he first got into office in New South Wales many years ago.

Sir WILLIAM LYNE.—The honorable member gave up the Labour Party in order to get into office.

Mr. JOSEPH COOK.—That is as true as most of the things which the honorable gentleman has said to-day. Cabinet government can be carried on only by the forbearance of Ministers towards one another, and, after matters have been discussed in Cabinet, each Minister must take responsibility for the decisions of his colleagues. That is the clear doctrine of parliamentary government. A Minister has no right to act in diametrical opposition to his leader upon a prime article of the Ministerial programme. The Prime Minister has committed himself to the encouragement of immigration more deeply, perhaps, than to any other item on his programme. He has gone about the country preaching from the house-tops the need of population for the maintenance of a White Australia—of our obligation to fill the country reasonably full of white people, for the sake of our

own defence. After the Prime Minister has irrevocably committed himself to this policy, the Minister of Trade and Customs goes about the country repudiating it, and declaring what he will do when General Booth's scheme comes before the Cabinet. Parliamentary government cannot be carried on in this way. The Government are playing a very old game of theirs. They must please both wings of their party, and must fly both flags for the purpose. Therefore, it was very appropriate the other night for the Prime Minister to go on a public platform, and declare that he is both a Socialist and an Individualist. The Prime Minister says that we require population from overseas, whereas the Minister of Trade and Customs says that we do not, and adds, "We will not have it. I am prepared to leave office first." Of course, no one thinks that he would do that. The Ministry is likely to get into a very peculiar position in regard to this matter. Every one knows that Cabinet Government places a dual responsibility on Ministers—their responsibility to Parliament and their responsibility to the Governor-General. It is not a difficult stretch of the imagination to suppose that the Governor-General may receive a communication from the Imperial Government on the subject of immigration, as he did the other day from Canada on the subject of preferential trade. If that should happen, who would advise the Governor-General on the subject? Would he take the advice of the Prime Minister, or would he take that of the Minister of Trade and Customs?

Mr. SPEAKER.—The time allotted to the honorable member under the Standing Orders has now expired.

Mr. KELLY (Wentworth).—I regard the Minister's reply as wholly unsatisfactory. The Prime Minister has laid down a certain definite line of policy towards immigration which, I think, is possibly the most important plank in his programme, since it affects all the others, while the Minister of Trade and Customs has gone behind the back of the Government, and made a statement to the country which his self-respect as a loyal colleague should have prevented him from making. This is, unfortunately, no new departure for the Minister of Trade and Customs to take. In June last, speaking in East Sydney, in that fine old battle-ground, the Protestant Hall, of his famous change of front in reference to the

inclusion of railway servants within the scope of the Arbitration Bill, he said—

Don't make any mistake. I am going to speak straight from the shoulder to-night.

I shall not dwell on the unusual course which the Minister set himself to follow in determining to speak straight from the shoulder—

When the party known as the Labour Party went to the country, to a large extent the main question was whether the railway servants should be included in the Federal Arbitration Bill or not When they met the House the question was made a test question, and the Labour Party was asked to go back upon the one great point that they had submitted to their constituents. He thought they would have been a contemptible crowd had they gone back on that point.

And yet he was the Minister in the last Deakin Administration who would have been most glad if the Labour Party had proved themselves a "contemptible crowd," and had gone back on that point. The report from which I am quoting continues—

Although he (the honorable member for Hume) was a member of a Government which was against the inclusion of the railway servants in the Arbitration Act, it was well known that he was personally in favour of the proposal. He had been twitted by Mr. Sydney Smith with having first voted against the proposal and afterwards voted for it.

Surely a proper subject for twitting.

The explanation was simple. Being bound to the Government, he could not vote against his colleagues, but when he got the opportunity to vote for these railway servants he did so.

There are the articles of faith of the honorable member for Hume as a Cabinet Minister. He cannot vote against his colleagues, because to do so would cause him to pass into the cold shades of opposition; but he will speak against them as much as he likes. What would have been the position in regard to the claims of the railway servants had the Deakin Administration continued in office? Their claims to consideration would have been as nothing in comparison with the infinitely more pressing claim of the honorable member for Hume to continue in office. What would have been the position in such a case? Would the Minister have taken the truly awful step of surrendering that power and place which has such a strong attraction for him, and go back on his leader's promises to his constituents—a thing which he declared the members of the Labour Party should not do? Or

would he have stayed in office and forgotten about the poor downtrodden railway servants? It is no new thing for the honorable member to betray Cabinet secrets outside; but it will be a slur upon the Government if they permit the Minister to continue in office and subject them to this indignity. The Commonwealth will be in an unhappy position if a Minister of the Crown is to have so small a regard for the dignity of his office that he is prepared to throw over his colleagues for the sake of currying favour with those to whom his whole past political career has been strongly opposed. I think the present position is a most pitiable one, and I am very glad that the leader of the Opposition has given honorable members an opportunity to express their views on it.

Mr. McDONALD (Kennedy).—There is an old saying that no show is complete without Punch, and I do not think it would be possible to conclude a debate unless the honorable member for Wentworth had something to say. During the course of this discussion, statements have been hurled backwards and forwards which, I think, would have been just as well left unsaid. Honorable members have charged each other with corruption, and with kicking one another out of office, and I think that it would have been more dignified if, in discussing a high constitutional question, all personalities of that description had been left out. The leader of the Opposition intimated to the Speaker that he desired to move the adjournment of the House to discuss a matter of vital importance, and he has attempted to show that the Minister of Trade and Customs has committed a grave offence against constitutional usage. I venture to say that if the right honorable gentleman had honestly thought that high constitutional principles were at stake, he should, instead of moving the adjournment of the House, have taken the more extreme course of tabling a motion of censure.

Mr. JOSEPH COOK.—What would have been the use of that? Honorable members on the Ministerial side are too solid.

Mr. McDONALD.—That fact does not relieve the leader of the Opposition, and those who are supporting him, of their responsibilities. Personally, I shall certainly oppose General Booth's scheme if he contemplates sending out to Australia a large number of paupers to compete with our own people, many of whom are at present either

unemployed, or experiencing great difficulty in earning a living. The honorable member for Parramatta said that the members of the Labour Party were in favour of introducing immigrants with capital, and that such a class of people would compete with our farmers' sons to a greater extent than would the immigrants proposed to be introduced under General Booth's scheme. The only inference to be drawn is that the honorable member is willing that a number of immigrants should be introduced who would compete with our own citizens who already have a very hard fight for existence.

Mr. JOSEPH COOK.—No such thing.

Mr. McDONALD.—I must accept the honorable member's disclaimer; but that was the only inference I could draw from his remarks. Then, again, the honorable member spoke about the intention of General Booth to form an immigration colony. That was the first I had heard of any such project.

Mr. JOSEPH COOK.—It is referred to in the correspondence.

Mr. McDONALD.—I have not seen the correspondence. Irrespective of whether or not it is proposed to form a colony, I shall certainly object to the introduction of a number of persons into the Commonwealth who will enter into competition with those among us who already find it hard enough to obtain the means of subsistence. Honorable members have spoken about the position of the Government in regard to the question of immigration and General Booth's scheme. I would point out, however, that General Booth's project must be dealt with by the States Governments, who must provide the land for the purposes of settlement. It seems to me to be idle to speak about assisting General Booth's emigrants when so much difficulty is experienced in obtaining land for settlement in most of the States. For two blocks of land recently put up for selection at Dubbo, no less than 600 applications were received.

Mr. CONROY (*from the strangers' corner*).—Those were town blocks.

Mr. SPEAKER.—Order. I would direct the attention of the House to the fact that there is a gentleman outside the House who is interjecting.

Mr. CONROY.—I understood, Mr. Speaker, that when an honorable member was sitting within the corner spaces, parallel with the Speaker's chair, which are usually railed off for occupation by strangers,

he was not to be considered outside the House unless the bars were in position in the manner provided for when strangers are occupying the seats.

Mr. SPEAKER.—It has been the practice, ever since the spaces have been railed off, to regard any persons occupying them as outside the House. That practice has been followed for two or three years, and unless honorable members express a wish to the contrary, it will be continued.

Mr. McDONALD.—The party to which I belong, are not opposed to immigration. We are willing to receive any immigrants who are likely to become useful citizens, and we do not care from what part of Europe they come, so long as they are white.

Mr. JOSEPH COOK.—Honorable members do not believe in assisted immigration.

Mr. McDONALD.—No, we do not. We regard it as our first duty to provide for the people who are already here. Until we are able to find them employment, and to settle upon the land those who desire to engage in rural occupations, it is idle for us to talk about introducing large numbers of immigrants. We know that there are hundreds and thousands of unemployed amongst us, and that many thousands of others find the struggle for existence a very hard one. Under these circumstances, it would be unwise for us to spend money in adding largely to our population.

Mr. HENRY WILLIS (Robertson).—The honorable member for Kennedy suggested that the leader of the Opposition should have moved a vote of censure upon the Government, and, therefore, he evidently considered that a very strong case had been made out. There is no doubt that the action of the Minister of Trade and Customs was utterly opposed to all constitutional practice. We all know that several Ministers left the Balfour Administration because they disagreed with the policy of the Government. One Minister went to Belfast some years since, and after having expressed himself as opposed to the policy of the Government upon the Irish question, stated that he knew that he must resign his position in the Ministry. Immediately upon his return to London, Lord Salisbury called upon him to hand in his resignation. The constitutional practice was very clearly set out in that case. The Minister of Trade and Customs stated that he was not in disagreement with the Prime Minister, but

I would point to the reply given by the Prime Minister yesterday to the question asked by the honorable member for Herbert with regard to the reported intention of Mr. Bramwell Booth to send out to Australia a number of impecunious persons. The Prime Minister said—

The negotiations have passed into the hands of the Agents-General of the States. That men are not in comfortable circumstances, or are even in want, does not, of necessity, cause them to be undesirable immigrants.

Some members of the Labour Party who have not been in Australia for more than ten years have held responsible office.

Mr. FISHER.—Name one.

Mr. HENRY WILLIS.—The honorable member himself is a comparatively new arrival, and the honorable member for Coolgardie has not been in Australia for much more than ten years.

Mr. FISHER.—If the honorable member doubled the term he would still be wrong.

Mr. SPEAKER.—Does the honorable member for Robertson consider that his remarks have anything to do with the question?

Mr. HENRY WILLIS.—I do, sir. I am quoting the reply given by the Prime Minister to the question asked by the honorable member for Herbert with regard to the proposal to send indigent immigrants out to Australia. The Prime Minister went on to say—

Most of these families may be desirable immigrants, and if the Governments of the States are able to settle them on the land, the prosperity of all classes must be thereby increased.

The leader of the Labour Party indicated by interjection that he was opposed to men being brought in here unless they had means.

Mr. SPEAKER. — Just now, when I directed a question to the honorable member, he was referring to the length of time which certain honorable members had been in Australia, which had really nothing to do with the subject under discussion. Now the honorable member is again exceeding the bounds of proper debate. We are not discussing the question of immigration generally, or General Booth's scheme. The only question before us is whether a Minister should or should not express an opinion in public in opposition to the policy of the Government to which he belongs.

Mr. HENRY WILLIS.—In making his defence, the Minister declared that his

remarks at the Henty Agricultural Show referred to the "submerged tenth." Shall I not be in order in pointing out that the Prime Minister has stated that the Government are in favour of bringing to Australia even immigrants of that class?

Mr. SPEAKER.—Certainly, the honorable member will be in order in doing that.

Mr. HENRY WILLIS.—The Prime Minister has affirmed that the Government favour the introduction even of members of the "submerged tenth," provided that suitable land is available to them upon their arrival, and he has taken the proper steps to insure that such land shall be available to them. The leader of the Opposition has shown very clearly the course which should be adopted by the Minister of Trade and Customs if he disagrees with the immigration policy that has been laid down by the Prime Minister—a policy which members of the Opposition entirely indorse. We are assured by those in responsible positions that in numerous parts of Australia to-day land is open for settlement by these poor people, who wish to seek fresh fields and new pastures.

An HONORABLE MEMBER.—To what States does the honorable member refer?

Mr. HENRY WILLIS.—I allude to Western Australia, Queensland, and New South Wales.

Mr. CHANTER.—The honorable member is absolutely wrong.

Mr. HENRY WILLIS.—Only yesterday, Mr. Carruthers, the Premier of New South Wales, is reported to have said that in that State there are thousands of square miles of agricultural land which are suitable for settlement by members of the "submerged tenth"—a class of people to the introduction of whom the Minister of Trade and Customs is opposed, although the Prime Minister admits that they may constitute very desirable immigrants. The report which was recently submitted by the Rhodes trustees states that immigrants who were in humble circumstances upon their arrival in Canada, have made the very best colonists. It is reasonable for us to assume that the same results will follow the introduction of a similar class into Australia. The Minister of Trade and Customs is opposed to the broad and humane policy announced by the Prime Minister. The latter has declared that he is in favour of settling upon our lands the bone and sinew of Great Britain—a policy which is opposed by honorable members occupying

the corner benches—so that for all time we may insure the maintenance of a White Australia. I trust that the Prime Minister will insist upon the Minister of Trade and Customs speedily recanting, and if the latter refuses to do so I hope that there will be a vacancy in the Cabinet. I am sure that the people of Australia will applaud his desire to encourage the immigration of sturdy agricultural labourers from Great Britain.

Mr. CHANTER (Riverina).—If ever there was a political storm in a teacup we have witnessed one to-day. "What are the facts of the case?" I was present upon one occasion when the Minister of Trade and Customs made a speech upon this very question, and I can assure the House that he did not utter one word in regard to immigration to which any member of the Opposition would not subscribe. All our information concerning the scheme proposed by General Booth has been gleaned from the press reports. First, we were informed that General Booth proposed to send to Australia 5,000 families who were possessed of agricultural experience and considerable capital. He solicited the advice of the Prime Minister upon two points—first, as to whether their presence would be welcome, and secondly as to whether suitable land could be found for them upon their arrival. The Prime Minister very promptly replied that, as far as it was in his power to do so, he would be glad to assist the development of our resources by the introduction of a desirable class of immigrants. Before the Minister of Trade and Customs publicly spoke upon this question, we learnt from the press that a considerable body of workers in Great Britain, backed up by some of the most influential journals there, had protested against the members of this desirable class leaving England at all. They were referred to as the "flower of the country."

Mr. REID.—That shows that they were not members of the "submerged tenth."

Mr. CHANTER.—I will come to that point presently.

Mr. SPEAKER.—I am afraid that I cannot allow the honorable member to come to it. The whole question under consideration is whether or not the Minister has been loyal to his colleagues. The question of immigration generally, and of the merits or demerits of General Booth's

scheme, are entirely excluded from discussion by the terms of the motion.

Mr. CHANTER.—I quite agree with you, sir; but I thought I might be permitted to point out that I was present when the Minister of Trade and Customs spoke upon this question. I merely wished to give the reasons which induced him to make the statement that he did. The honorable gentleman was dealing with a matter of public policy, and his action has been challenged by the leader of the Opposition.

Mr. SPEAKER. — If the honorable member can so connect his remarks, he will be in order. I was waiting to hear him establish the connexion.

Mr. CHANTER.—It is necessary for me to relate the incidents which led up to the delivery of the Minister's speech.

Mr. REID.—Was the honorable member present at Henty on Saturday?

Mr. CHANTER. — No; but I was in Sydney when the Minister made practically the same speech. He had to confront—as he has often had to do—hundreds of splendid young men who are seeking an opportunity to make a living upon the lands of Australia. He was asked what was his attitude in respect of the question of immigration, and he clearly stated that he was not in favour of encouraging the introduction of members of General Booth's submerged tenth. It is within the knowledge of honorable members generally that the great majority of the submerged tenth are absolutely unfitted to settle upon the land. If they were placed there they would be practically useless. Even in England itself they are very far from being regarded as a desirable class in the population. Under these circumstances, the Minister naturally stated that he was opposed to their introduction into the Commonwealth. There was not one word of his speech which would warrant the deduction that he was opposed to the immigration of men who would develop our resources. Surely he was justified in making the reply that he did? He was confronted by hundreds of young men, who were asking, "Is it proposed to grant to members of the 'submerged tenth' a preference over native-born Australians?" I give an emphatic denial to the statement of the honorable member for Robertson that ample land is available for settlement in the Commonwealth to-day. Quite recently, at a place which is very close to the town in which the Minister of Trade and Customs

delivered the speech to which objection has been taken, the Government of New South Wales threw open for occupation a block of 640 acres.

Mr. SPEAKER. — I must say that I cannot yet see the connexion between the honorable member's remarks and the motion which is under consideration. Will the honorable member please establish it? The question is not whether General Booth's scheme, or any other scheme, is a good one. It is simply whether or not the Minister of Trade and Customs was in his statements loyal to the policy announced by the Prime Minister.

Mr. CHANTER.—I have always paid great deference to your rulings, Mr. Speaker, and shall continue to do so. I regret, however, that the leader of the Opposition was permitted to go beyond the scope of the motion. He has made certain statements with regard to the conduct of the Minister of Trade and Customs, which, to my mind, are unfair. I have had the privilege and honour of being intimately acquainted with the Minister for twenty-five years. During the greater portion of that time I have been politically associated with him—on one occasion we were colleagues in a State Ministry—and I can say from my knowledge of him that he is the last man in this House who would be disloyal to his colleagues, or make any statement calculated to bring them into disrepute. There was nothing in the speech which formed the subject of the attack made by the leader of the Opposition that could be construed as evidence of disloyalty on the part of the Minister to his colleagues. I am perfectly satisfied that the Government, as a whole, are at one in the desire, if necessary, to bring to Australia a suitable class of immigrants, and that they are equally at one in the wish to exclude an undesirable class.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—Few of those who listened to the explanation that my honorable colleague, the Minister of Trade and Customs, made of his views, and the reasons for them, will consider that the purpose in his mind when he made the speech in question was in any degree inconsistent with his loyalty to the Cabinet, or to its policy of immigration. The policy of immigration is, as the leader of the Opposition has properly stated, vital to this Government. It is, however, a large issue embracing the introduction of suitable

settlers of all classes from Europe, and from the mother country, particularly with a view to their settlement upon the soil.

Mr. REID.—No one wishes to see unsuitable immigrants admitted.

Mr. DEAKIN.—We are agreed as to that. I think we are also agreed that it is not proposed that these settlers shall receive advantages superior to those offered the sons of the farmers of Australia now in the country. No one proposes that. We come, then, to the consideration of the particular proposal which the Minister of Trade and Customs was discussing, and for his utterances in regard to which he has been criticised in this House. The offer made by General Booth is one which I welcomed most cordially as a touchstone of this question. I regarded it in that light because it put to the States, in a form in which it could neither be evaded nor confused, the question of what lands were available, and on what terms they could be taken up. That question is of as much interest to the people already in Australia as it is to those intending to come here, because it made it necessary for the States to show that they can supply the natural and reasonable demands of the people already here as well as of those outside. I agree with the leader of the Opposition that, to look at the map of Australia, or to be acquainted with any single State, is to be satisfied that the area of fertile and well-watered land in the Commonwealth is sufficient to supply the demands, not only of those of our own population who are legitimately desirous of settling upon the soil, but of 5,000 or 50,000 families from outside. The safety and prosperity of Australia depends upon the introduction of suitable immigrants. It was, perhaps, due to the fact that my honorable colleague was not present when the Cabinet had an opportunity to consider what General Booth's proposal really meant—because, so far, his offer has not been put clearly and definitely before the public—that he was led to assume that the scheme was to send to Australia a portion of what is sometimes described as the submerged tenth. I am only assuming from what I know of the intentions of the General when he visited this country what is the meaning of the proposal which he has now made. I have very little doubt that I know what he has in view, since his chief officers in Australia support my interpretation. As I

have said, my honorable colleague was not present at the Cabinet, and appears to have assumed that General Booth's offer was to send out 5,000 families taken from the submerged tenth. I am free to admit that if that were so, the offer would be regarded with a much closer scrutiny than it is likely to receive, because his own statements show that a great proportion of that number consists of city dwellers, born and bred in the streets, and possessing no knowledge of agriculture. It cannot be said, however, that it consists wholly of city dwellers. Unfortunately, owing to the harsh conditions that obtain in the old world, many of those who drift temporarily, at all events, into the submerged section, have had some training on the land, and have no stain on their characters. They are only the victims of misfortune, or of hard local conditions. I do not say that these comprise any great proportion of the whole, but they certainly constitute a marked proportion, and will make good settlers when proper opportunities are afforded them in a new country. General Booth has three distinguishing faculties that are rarely found in combination. He is not only the leader of a most remarkable religious revival, but is, and has been, a great philanthropist, and, curiously enough, is also a keen man of business. His financial control and administration of his own organization, looked at merely from a commercial stand-point, are marvellous achievements. That was brought home to my own un-commercial mind during conversations that I had the good fortune to have with him when he was last in Australia. He then described to me in detail his series of proposals for settling people on the land. He explained how he first sifted from the applicants those who were able to come out with some chance of earning a living. If they were untrained, he sent them to the Army farms, and trained them. If they gave evidence of weakness of character, or of some other defect, he kept them under control in what would be called "colonies," some of which he hoped to establish oversea. But these were a class apart—a class marked out for control—to be sustained until they were made self-supporting, and were able to start with some means to seek an independent livelihood. Apart from these, he had sifted out those who were already trained, and those who were fit to be trained, in agricultural pursuits, and had wives and families capable of supporting themselves to some degree. In

some cases these men had a little capital, and occasionally something more; but they were being driven from the soil owing to the growth of the great estates in England, and the turning of the land to other than productive purposes.

Mr. CROUCH.—Are they members of the Army?

Mr. DEAKIN.—They are not, and the General is not seeking to make them members. He assured me that he was simply acting in this respect because he was desirous of transferring them, and their capital, to countries where they would make good citizens, and would be welcomed. His officers in Australia assure me that I am right in assuming that the 5,000 families to which reference has been made belong to this class—that they are capable people whom any country would welcome, and who, if placed upon the land, would have a reasonable chance to make a good livelihood. I think that General Booth's American experience, and his own practical instincts, have taught him that his scheme would not be successful if men unsupplied with capital were placed on isolated selections in a land with whose climate and methods of agriculture they were unfamiliar. His desire is, that although these men need not form colonies, they shall be settled in districts where they may co-operate in the common work of agriculture, and assist each other in their study of the methods necessary to be pursued.

Mr. WATSON.—Have any details of the scheme been supplied?

Mr. DEAKIN.—None whatever. I have already said that I can only judge by the statements which General Booth made to me on the occasion of his last visit. I know that this scheme was then in his mind. He said that thousands of strong, capable, honest families, having no mark against them, and some of them possessing a little money, were annually leaving England, and that his desire was that they should go to the country affording the best opportunities. Australia, to his mind, was one of the countries offering the very best opportunities to immigrants. Its climate and its soils were immense assets, providing splendid opportunities for settlement. That being so, he asked why should we not take these men from the old land? I replied, that we were able and willing to do so. He went on to explain that the present rates of passage were such that a

man's capital might be exhausted in bringing his family to Australia, and that unless assistance were given him, he would be placed on the land without means. He is wise enough to know that to put men down in a new country without knowledge of local conditions, and with insufficient capital to work their land, is not to give them a fair chance to make a living. These immigrants want, not only farms, but knowledge, and must be sustained for a time either by their own capital, or by some means of earning money being placed in their way. General Booth informed me, however, that if they were placed on the land where they could work together, or obtain employment in the neighbourhood till they had acquired a knowledge of our methods, they would make good Australian agriculturists. I think that is the proposal he has in mind. The only course open to us was to transmit it to the States, because they have the land. But the scheme was a touchstone that has, in two or three weeks, brought home to this country more forcibly than years of argument have done, the difficulty of obtaining land, even for those who are already here. The people who will benefit because of General Booth's proposal will be not only the 5,000 families whom he proposes to send out, but those already here, to whom the land will be made easier of access. It will help on the reform of our land laws. I do not fear the submerged tenth. The men sent out will be selected according to General Booth's own judgment. The selection will be under the supervision of the Agents-General, or others in England authorized by the States to pick out suitable families likely to be successful in Australia. These officers will see that men who would not make a success under fair conditions, or are not fit to face the new circumstances of a new country, are not selected. I have no fear in this regard. My only fear is that our response will be too slow, and that hundreds of thousands who would people our unsettled lands—who would face harder conditions when they understood how to face them than most of our own would be prepared to do—will be lost to us. What would be prosperity to those who have been brought up under the severer conditions of the old world would seem hardship to many here.

Mr. JOSEPH COOK.—That is the answer to the honorable and learned gentleman's colleague.

Mr. DEAKIN.—If the Minister of Trade and Customs had been present when the matter was discussed by the Cabinet, and had heard our interpretations of the offer, I do not think he would have had even the apprehensions that he expressed. He made a satisfactory explanation of the position he had taken up showing that when he spoke he believed that the scheme was to send out people from the streets. We know that to bring people from the slums, endeavouring to turn them into strong agriculturists, who would plough our fields and clear Australian forests, would be to expose them to a trial under which they would necessarily break down. They would be a burden to themselves and to the community. I think those whom it is proposed to send out are to be picked according to General Booth's own judgment.

Mr. WATSON.—And are to be helped by the Army, or by some other body.

Mr. DEAKIN.—That is so. General Booth said that this was not to be a speculative undertaking. There was no desire to gain anything for the Army. These immigrants would be helped by his organization, simply because they believed it desirable to assist honest people to earn an honest living for themselves under the flag.

Mr. JOSEPH COOK.—The proposal is that we should help them in conjunction with the Army.

Mr. DEAKIN.—In that respect the Commonwealth is not powerless. We have not considered a precise proposal, because no definite proposition has yet been submitted. When it is this Government will not hesitate to ask the House to do what the States cannot do as well—to provide the necessary knowledge of our resources in the mother country, and the means to make access to suitable settlers from overseas easier than it ever has been. The House will then be able to pass judgment on our propositions.

Mr. REID.—I take it that the Government's immigration proposals remain unchanged.

Mr. DEAKIN.—Exactly.

Debate interrupted under standing order
119.

ORIENT MAIL CONTRACT.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Postmaster-General).—I move—

That this House accepts the Agreement, made and entered into on the 25th day of April, 1905, between the Postmaster-General, in and for the

Commonwealth, of the first part; the Orient Steam Navigation Company Limited, of the second part; and the Law Guarantee and Trust Society, of the third part, for the carriage of mails between Naples and Adelaide, and other ports.

The agreement between the Commonwealth Government and the Orient Steam Navigation Company has been so much discussed, and has been before honorable members so long, that it is not necessary for me to explain its provisions at any length. The document has been printed, and is in the hands of honorable members. Previous Governments have had before them the question of the best means of providing for the carriage of our mails overseas, which will always be of importance to Australia. Their efforts have been directed to securing a quick and regular service at the lowest price obtainable, with proper regard for other public needs. I shall not enlarge on the benefits and blessings conferred upon the Commonwealth by such a service, but prefer to place before honorable members some facts which will enable them to judge whether the present agreement with the Orient Steam Navigation Company should be ratified. The difficulties which beset previous Governments in dealing with the question of overseas mail carriage are known, and honorable members, no doubt, remember the alarm which was expressed when the last mail contracts expired lest Australia should be left without regular and efficient means of communication with the old world. Honorable members will be interested to learn the particulars of past contracts for the conveyance of mails between Australia and England. The facts show that, with the ratification of each new contract, there has been an increase in the speed of the service, and a reduction in the price paid by the people of Australia, this having been due largely to the advances made by science in regard to the construction of steamers. In view of this fact, while I do not wish to minimize the difficulties which beset the last Government in dealing with this question, I say frankly that I do not care very much for the agreement which they entered into with the Orient Steam Navigation Company, because I think that, under it, we shall have to pay pretty well for the service which we shall receive. At the same time, it must be remembered that there are occasions, even in private business, when circumstances compel almost any payment to secure the rendering of certain services.

On going through the papers, I have found that the Peninsular and Oriental Steam Navigation Company have carried mails to and from Australia under various contracts, from the 1st January, 1874, to the 31st January, 1905.

Mr. REID.—Was not the company under contract with any of the States until 1874?

Mr. AUSTIN CHAPMAN.—No. The Orient Steam Navigation Company have carried Australian mails under various contracts from August, 1883, to the 31st January, 1905, and since the 4th April of the present year have been carrying the Commonwealth mails under the agreement which I am asking the House to ratify. Previous to 1888, the company, under a contract with New South Wales, was paid 12s. a pound for letters, 1s. a pound for packets, and 6d. a pound for newspapers, the average annual payment under that poundage arrangement amounting to about £52,000, with £5 per hour in addition for early arrival, which increased the amount by about £19,000, making the total payments to the company about £71,000 per annum. At that time Victoria had a contract with the Peninsular and Oriental Steam Navigation Company, for the conveyance of mails to Colombo, for which she paid £85,000 per annum. In 1888 a contract was made between the British Government and the Peninsular and Oriental and Orient Steam Navigation Companies for the conveyance of mails to and from Australia for a subsidy of £170,000 per annum, our contribution to which on a *per capita* basis was £75,000 per annum. That contract was for seven years, and in 1895 it was renewed at the same price for another three years. In 1898 there was a second renewal for a period of seven years, Australia's contribution being reduced by an adjustment of some poundages to £72,000 per annum.

Mr. REID.—Was the service a monthly or a fortnightly one?

Mr. AUSTIN CHAPMAN.—The same service as we have now. The unfortunate thing about the present agreement with the Orient Steam Navigation Company is that, while the subsidy has been increased, we are not getting the better service that might be expected. The British Government, in making arrangements with the Peninsular and Oriental Steam Navigation Company for the carriage of mails to Australia, secured more speedy transit and a slight reduction in subsidy, and it is difficult

to understand why, after all the advances which have been made during the past seventeen years, and the greater facilities which now exist for the economical running of steamers and conveyance of mails, an alarming increase in the subsidy should be required by the Orient Steam Navigation Company.

Mr. HENRY WILLIS.—Is it not due to a ring?

Mr. AUSTIN CHAPMAN.—It is difficult to say to what it is due. One authority gives one reason, and another authority a different one. During the last seven years in which we subsidized the Peninsular and Oriental and Orient Steam Navigation Companies the time of journey for the Peninsular and Oriental Steam Navigation Company was fixed at 686 hours, and that for the Orient Steam Navigation Company at 696 hours. The British Government provided for a service to the East as well as to Australia, and their total subsidy to the Peninsular and Oriental Steam Navigation Company amounted to £330,000 per annum, or 4s. 7d. per mile; whereas, under the old contract Australia used to pay 2s. 7d. per mile, but the British Government obtained special advantages in regard to the use of the vessels of the company for naval purposes, and in other directions, which accounts for the difference. In the new contract between the British Government and the Peninsular and Oriental Steam Navigation Company there will be a reduction of subsidy amounting to £15,000 per annum if the contract lasts for the usual term of seven years, which is remarkable in view of the fact that we have had to increase our subsidy to the Orient Steam Navigation Company, and the service given by the Peninsular and Oriental Steam Navigation Company has been expedited by twenty-four hours, the length of the journey being now 662 hours, and the rate of speed approximately sixteen knots. Under our contract with the Orient Company we have to pay a subsidy which has been increased by £38,000 per annum, compared with our contribution under the former joint arrangement between the Imperial Government and the Peninsular and Oriental and Orient Steam Navigation Companies, which means an increase in the rate per mile from 2s. 7d. to 3s. 8d., while the time of journey stipulated for is 696 hours, or thirty-four hours longer than the time of journey agreed

to by the Peninsular and Oriental Steam Navigation Company, and the rate of speed is approximately only fourteen knots, as against sixteen knots in the case of the Peninsular and Oriental Steam Navigation Company's boats.

Mr. FRAZER.—This is a good recommendation for the agreement, and reflects great credit on the late Government.

Mr. AUSTIN CHAPMAN.—We expect to receive a poundage of £25,000 per annum, and to pay a poundage of £15,000 per annum, leaving a balance of £10,000 per annum in our favour. If, instead of agreeing to pay a subsidy, we had determined to pay the ordinary poundage rates—3s. 7d. per lb. for letters and 4½d. per lb. for other articles—it would cost us £15,000 per annum, so that to have had no subsidized contract would have meant a difference of about £80,000.

Mr. FRAZER.—Is it not a bold action, then, to ask the House to ratify this agreement?

Mr. AUSTIN CHAPMAN.—I shall presently give good reasons for its ratification; but I think that the facts should first be placed before honorable members, so that they may view the matter from a commercial stand-point, and determine whether they are getting the worth of their money. It is difficult to understand why the amount of subsidy should be increased. The reasons given are an increase in the price of coal, the cost of handling cargo, and dues, and it is also alleged that the amount given previously did not pay for the service rendered. The late Prime Minister stated at the Hobart Conference that the Orient Steam Navigation Company had not been very successful of late, that their dividends had been few and far between, and the percentage of profit very low indeed.

Mr. FISHER.—Is the subsidy to be given to the company as an eleemosynary contribution?

Mr. AUSTIN CHAPMAN.—No. I do not think that any such contention would hold good. The company have been carrying on the mail service for many years, and presumably their business has been well managed. In view of the fact that they have made very little profit, and are getting very little return for their service, it is quite natural that they should ask for a larger subsidy. It has been contended that the increase in the subsidy has been brought about by the

stipulation in the contract for the employment of white labour upon the mail steamers; but this has been emphatically denied by the representatives of the company. The expenditure incurred within the Commonwealth by the two mail companies amounts to at least £200,000 per annum.

Mr. FISHER.—Is the honorable member contending that the companies come here for our good?

Mr. AUSTIN CHAPMAN.—Certainly not; but I contend that we derive great benefit from the services which are carried on by them.

Mr. BAMFORD. — Would they refrain from coming here if there were no subsidy?

Mr. AUSTIN CHAPMAN.—That is a question I cannot answer. The necessity for a new contract in 1905 was brought about by the provision in the Post and Telegraph Act for the employment of white labour on mail steamers. The Imperial Government could not, owing to that stipulation, join with us in arranging for a fresh service, and consequently after certain communications had passed between the Commonwealth and the Imperial Government, notice was given of the termination of the existing contract, and tenders were called by this Government for a new service.

Mr. KNOX.—The stipulation as to the employment of white labour made a good deal of difference to the Orient Steam Navigation Company.

Mr. AUSTIN CHAPMAN. — The Orient Steam Navigation Company deny that.

Mr. KNOX.—That may be so; but if we had had the same power of negotiation in London as formerly, we should have been able to make better terms with the company.

Mr. AUSTIN CHAPMAN.—We ought to be in as good a position to negotiate here as in London. Honorable members are fairly well acquainted with the history of the new contract. The honorable member for Denison, when occupying the position of Postmaster-General, invited tenders for a new service, and stipulated that additional facilities should be provided by the tenderers. It was required that certain conditions should be observed with regard to perishable freight, a speedier service was called for, and the contractors were asked to provide for better ventilation, and consequently for better

passenger accommodation, with a view to inducing more people to travel. We thought that if the passenger traffic were increased we might eventually obtain some reduction in the price charged for the carriage of the mails.

Mr. PAGE.—What has the carriage of passengers and cargo to do with the Postal Department?

Mr. AUSTIN CHAPMAN. — Whilst the contract for the carriage of mails concerns the Postal Department, and it is my business to see that that Department does not pay for any other service, the Government, as a whole have, in making arrangements for the carriage of mails, to take cognisance of the requirements of our producers. The policy of this Government has been not only to provide a good mail service, but also to afford facilities to our producers for reaching the markets of the world.

Mr. PAGE.—The Postal Department is to be made to pay for the facilities provided for the shipment of produce.

Mr. AUSTIN CHAPMAN.—Not necessarily. Whilst we are making our arrangements for the carriage of mails we cannot ignore the claims of our producers, and we have found it possible to obtain concessions from the mail companies at little or no cost to ourselves. If arrangements for the carriage of produce had to be made apart from the mail contracts, they would involve us in very heavy expenditure. Under the old contract Sydney was the terminal port. No stipulation was then made for the carriage of perishables, and, looking at the matter from a commercial standpoint, and realizing that in order to compete successfully with other countries the mail steamers must make provision for the carriage of perishables, it is, after all, an open question whether in framing the conditions of these contracts we are not making too much of the point that cool storage facilities shall be provided. Every steamer that comes here has cool storage accommodation, and it is absolutely necessary for the mail companies to provide similar facilities for shippers. I have a list of the vessels which trade here, and which are furnished with refrigerating chambers, which shows that the total space available is enormous. Although there was no stipulation under the old contract, the Orient Steam Navigation Company, in their own interests, provided cool storage. A clause was inserted in the new contract provid-

ing that facilities should be offered for the carriage of perishables. That, however, is one of the advantages for which we should not pay very much, because, as I have said, the company is compelled in its own interests to comply with the demands of shippers. There was practically no competition when the first tenders were invited.

Mr. HENRY WILLIS.—That was one of the results of the operations of the shipping ring.

Mr. AUSTIN CHAPMAN.—It is very easy for the honorable member to say that, but the statement is difficult to prove. I have looked very closely into this matter, but have not been able to satisfy myself that the shipping ring was responsible for the paucity of tenderers.

Mr. FISHER.—But the honorable member thinks that it is true.

Mr. AUSTIN CHAPMAN.—It is not wise for one to say what he thinks, unless he considers that he has good grounds for his belief. It is, however, remarkable that there was no competition. That appears to have been one of the reasons why a higher subsidy was asked for. The Orient Steam Navigation Company, in the first place, asked for £170,000. They afterwards reduced their tender to £150,000, and would not agree to make any improvements in the service. When my predecessor came to close quarters with the company he wished them to extend their service to Brisbane, but they stated they could not comply with his request until they could supply another steamer.

Mr. FISHER.—Does the Minister know that the company have since extended the service to Brisbane, although they have not increased their fleet?

Mr. AUSTIN CHAPMAN.—Yes, they have extended their service, although they have not procured another steamer. It is questionable, however, whether they will be able to carry on with their present resources. The late Postmaster-General omitted all reference to Sydney as the terminal port, and that left the company free to extend their service to Brisbane if they chose. I am pleased to know that such an arrangement has now been made.

Mr. McDONALD.—Yes, and Queensland has to pay for the extension of the service, as well as to contribute its share towards the subsidy.

Mr. AUSTIN CHAPMAN.—There are many other services to the cost of which the other States have to contribute, although

they derive no direct advantage from them. South Australia, Western Australia, and Victoria derive comparatively small benefit from the Vancouver service, and yet they have to contribute towards the subsidy on a *per capita* basis. The Vancouver service is really subsidized for the carrying of mails, whereas no one can pretend that the contract entered into between the Queensland Government and the Orient Steam Navigation Company has any reference to the mails.

Mr. FISHER.—Why should the mail steamers be required to come on to Sydney and Melbourne?

Mr. AUSTIN CHAPMAN.—Because it has been their practice for seventeen years to visit those ports. It was first proposed that the contract should be made for the carriage of mails from some Mediterranean port to Adelaide, but the Orient Steam Navigation Company at once said that they wanted to bring their steamers on to Sydney and Melbourne. The manager of the company said, "Surely no one would be idiot enough to suppose that we should sign a contract to carry mails to Adelaide for £120,000 subsidy, and make that our terminal port. We should want £100,000 or £200,000 more if we were required to stay at Adelaide." Therefore, as honorable members can see, the extension of the service from Adelaide to Sydney does not cost us a shilling.

Mr. PAGE.—Then why should provision be made in the contract for the steamers going on to Melbourne and Sydney?

Mr. AUSTIN CHAPMAN.—Because the company offered us something for nothing, and we accepted it.

Mr. MAHON.—That is a concession that has confused the issue.

Mr. AUSTIN CHAPMAN.—Yes, perhaps so. As Postmaster-General, I should have been just as well pleased if a contract had been entered into for the carriage of mails between a Mediterranean port and Adelaide; but in view of the fact that it costs nothing extra, and circumstances may arise to render it desirable that the steamers should continue to go on to Sydney, I think that we were wise to include that provision in the contract. No mails are to be carried by the Orient steamers between Sydney and Brisbane. That contract has been entered into purely for trading purposes, and I do not know that we should have any power under the Constitution to appropriate money

for the purpose of subsidizing that particular service.

Mr. FISHER.—Do the mail steamers always carry mails to and from Sydney?

Mr. AUSTIN CHAPMAN.—Yes, the steamers always carry to and from Sydney some of the heavier mail matter only, the letters and the more important matter being carried by train between Adelaide and Sydney. We shall be quite prepared to make a similar arrangement in regard to the Brisbane service.

Mr. FISHER.—We shall accept that condition which will place us in the same position as the other States.

Mr. AUSTIN CHAPMAN.—I should like to point out in regard to the speed of the mail steamers, that the Peninsular and Oriental Steam Navigation Company provide us with a faster service than do the Orient Steam Navigation Company, and that their boats frequently arrive twenty-four hours before the expiration of contract time, that is, fifty-six hours ahead of the Orient Steam Navigation Company's vessels. Averaging the last twelve trips, I find that the boats of the Peninsular and Oriental Steam Navigation Company have arrived thirty-nine hours ahead of their contract time—a very creditable performance. On the other hand, the vessels of the Orient Steam Navigation Company have made the voyage upon an average in about twelve hours less than contract time. Each of these companies has nine vessels engaged in the service. Those of the Orient Steam Navigation Company's line are valued at about £250,000 each, and those of the Peninsular and Oriental Steam Navigation Company at about £300,000 each. The tonnage of the vessels belonging to the latter is about 20 per cent. higher than that of the steamers belonging to the Orient Steam Navigation Company. In the light of these figures, one can easily see what a distinct advantage it would be to us if we could enter into a contract with a company which would carry our mails as speedily as the Peninsular and Oriental Steam Navigation Company liners carry them under contract with the British postal authorities. Naturally, we endeavour to expedite the transit of mails as much as possible, and to this end, when vessels arrive ahead of their contract time, we are frequently called upon to provide special trains.

Mr. TUDOR.—That costs a good deal.

Mr. AUSTIN CHAPMAN.—It does. But if we are warranted in paying a subsidy of £120,000 annually for the carriage of our mails, surely we ought, whenever the boats arrive in advance of contract time, to be able to do something to facilitate our commercial relations with the old country.

Mr. WILKINSON.—Do the postal authorities run special trains north from Melbourne?

Mr. AUSTIN CHAPMAN.—We frequently run special trains to Sydney. The subsidy paid to the Orient Steam Navigation Company is lower than the Vancouver subsidy, which represents about 4s. 7d. per mile. The rate of speed of the vessels belonging to the latter company is approximately thirteen or fourteen knots. It has been stated that the Governments of other countries pay higher subsidies than we do, and the action of the French and German authorities has been quoted in this connexion. But I would point out that the subsidies in question are not paid for the carriage of mails alone, and consequently a fair comparison cannot be instituted. The amounts which we have paid to the Orient Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company aggregate £2,780,000. On looking through the official papers, I find that, when the late Government were considering tenders, they intimated that no tender which was not based upon the payment of a subsidy of £100,000 annually would be entertained, and then only if certain conditions which provided for improved accommodation for perishable products, and for a faster service, were complied with. As honorable members are aware, the experiment was tried of carrying the mails upon the poundage system. That system proved to be unsatisfactory.

Mr. FISHER.—Why?

Mr. AUSTIN CHAPMAN.—It is unsatisfactory because we cannot insure a regular service, and because we cannot control the vessels carrying our mails in the way that we can if they are bound to run to a certain time-table, to travel at a specified rate of speed, and to call at certain ports. We all recollect the outcry which was raised when one of the Orient Steam Navigation Company's steamers did not call at Adelaide. People became alarmed lest their mails should be delayed at certain places.

Mr. FISHER.—The Minister has stated that there has been no increase in the rate of speed of the vessels during the past eight years?

Mr. AUSTIN CHAPMAN.—That is quite true. We all know the history of the negotiations which led up to the present contract. After much conferring, an arrangement was arrived at between the Government and the Orient Steam Navigation Company, under which the former were to pay a subsidy of £120,000 per annum. The Orient Steam Navigation Company had previously submitted conditions which the late Postmaster-General could not entertain, because of their stringent character. For example, the company wished to claim poundage upon all mails carried by their vessels, they desired settlements to be made in London—indeed, they wished to have everything their own way. In my opinion, the conditions which they formulated were most unfair, and the late Postmaster-General would have acted very unwisely if he had acceded to them. About that time we know that an offer was received from Messrs. Scott, Fell, and Co., an Australian firm, to run a line of steamers as far as Bombay or Colombo. After due consideration, the Cabinet rejected that proposal, although the price stipulated would have meant to the Commonwealth £17,000 less than the subsidy demanded by the Orient Steam Navigation Company. In connexion with that offer, a very important factor which had to be considered was that of the transshipment of our mails and produce at one of the ports I have mentioned. The transshipment of the mails did not present an insuperable difficulty, but the same remark is scarcely applicable to the transshipment of our produce. Under the conditions which the Orient Steam Navigation Company desired to obtain, that company would have been enabled to collect, upon the poundage system, about £25,000 per annum, and our parcels would only have been carried as far as Naples. Had that condition been agreed to, it would have been necessary to forward them across the Continent and to pay for this service. The cost thus incurred would have been considerable. As time pressed, the late Postmaster-General suggested that the company should practically revert to the conditions which governed the old contract. In connexion with the present arrangement, it is noticeable that all the advantages which we set out to obtain, such as a faster service, better accommodation—particularly in

regard to perishable produce—and providing that Brisbane should be made a port of call, absolutely went by the board. It is difficult to understand why there was not more competition for the contract. It seems to me that one reason for this was that there was not sufficient time at the disposal of the Government to enter into an advantageous contract. In dealing with future contracts, I hope that plenty of time will be allowed. No doubt we shall then be able to obtain very much better terms.

Mr. McCAY.—Plenty of time after the new contract has been accepted?

Mr. AUSTIN CHAPMAN.—After we have ratified this contract, ample time should be allowed to call for fresh tenders. We should, if necessary, give capitalists who are willing to invest their money in the enterprise, an opportunity of building the necessary vessels.

Mr. McCAY.—After their tender has been accepted they require time to make their arrangements.

Mr. AUSTIN CHAPMAN.—Yes. If this contract is to terminate at the end of three years, it would be wise to invite fresh tenders at as early a date as possible, with a view to inducing greater competition. Honorable members have asked, "Why should we ratify the existing contract?" In reply I ask, "What will happen if we do not ratify it? Shall we be in a position to make better terms than those which were made by the late Government?" I admit at once that the present contract is not satisfactory. Whilst I ask the House to ratify it, I think we shall be acting wisely if, before the 30th January next, we give the Orient Steam Navigation Company notice of our intention to terminate it. The contract is for a period of nearly three years, and if we desire that it shall expire at the end of that time—that is, in January, 1908—we must give notice of our intention, prior to 30th of January, 1906. If we do that, we shall have ample time in which to invite fresh tenders, and to induce competition amongst those who are willing to undertake the carriage of our mails. I ask the House to ratify the existing contract, because, until that is done, the Orient Steam Navigation Company cannot get any money for the services which it has rendered.

Mr. HENRY WILLIS.—The Government should pay the amount due.

Mr. AUSTIN CHAPMAN.—We cannot do so until the contract has been rati-

fied. When the agreement was entered into, it was pointed out that no money could be paid until Parliament had approved of it. But the Orient Steam Navigation Company naturally expected that the contract would be ratified immediately the House met. At the present time there is a sum of £50,000 in London, which will be paid to that company immediately this proposal is agreed to by the Parliament.

Mr. WATSON.—The Government will have to pay for the services performed, even if the contract be not ratified.

Mr. AUSTIN CHAPMAN.—That is so; but I would point out that it is an open question as to what the company should be paid, and what claim would be made. I sympathize with the Orient Steam Navigation Company in its present position, because £50,000 is a very large sum to have locked up. Some objection has been taken to this motion by the honorable member for Oxley. He has indicated his intention to submit an amendment providing that Brisbane shall be made a port of call.

Mr. KING O'MALLEY.—I wish to include Hobart as a port of call.

Mr. AUSTIN CHAPMAN.—Tasmania has as much right to be considered in this matter as has Queensland. I could easily understand the application of the Queensland Government, if the proposal of the honorable member for Oxley related to a mail contract. If we are to become a party to the agreement which has been entered into with the Orient Steam Navigation Company by the Queensland authorities, we certainly should have been consulted in some way, especially as that agreement does not relate to a mail contract. By no stretch of imagination can it be contended that it does. Does the honorable member for Oxley imagine that it is our duty to subsidize a line of steamers for trade purposes between Sydney and Brisbane? Does he seriously contend that we have the constitutional power to do so?

Mr. R. EDWARDS.—I do.

Mr. AUSTIN CHAPMAN.—With all deference to my honorable friend, I may say that a constitutional authority, whose opinion on this question I am prepared to accept in preference to his own, assures me that, even if we were so disposed, we could not do what he desires. It seems to me that the agreement in question was

made without reference to the Commonwealth Government, and that by no stretch of imagination could it be described as a mail contract. If we agreed to take it over, where should we land ourselves?

Mr. MAHON.—It is the most impudent proposition ever made in the House.

Mr. R. EDWARDS.—Could not Fremantle be omitted as a port of call?

Mr. AUSTIN CHAPMAN.—What would the honorable member say if, when the Vancouver mail contract were submitted to the House for ratification, the honorable member for Coolgardie urged that it should be referred back to the Government, in order that a clause might be inserted providing that the vessels engaged in the service should go round to Fremantle? I should like to point out the position occupied by Queensland in regard to mail subsidies. For many years, Queensland and New South Wales bore the cost of the Vancouver mail service, but the Commonwealth Government have now decided that the service shall be paid for, on a *per capita* basis, by all the States. Under the present arrangement, Queensland contributes £15,711 per annum to the cost of the contract with the Orient Steam Navigation Company, but instead of paying £10,227 per annum towards the Vancouver mail subsidy she will now have to pay only £3,486 per annum. The total amount provided in connexion with the Orient Steam Navigation Company's mail service for 1905-6 is £120,470, made up as follows:—New South Wales, £44,100; Victoria, £36,550; Queensland, £15,760; South Australia, £11,260; Western Australia, £7,350; and Tasmania, £5,450. If the Commonwealth took over the contract which Queensland has recently entered into with the Orient Steam Navigation Company, a very small moiety of the annual subsidy of £26,000 would be borne by that State. I say, first of all, that the Queensland contract is undoubtedly not one for the carriage of mails; and, secondly, that the Commonwealth Government was not consulted in reference to it. If Queensland seriously considered that it was a Commonwealth undertaking, surely she would have asked the Commonwealth to endeavour to make the best possible arrangements.

Mr. McDONALD.—The Commonwealth Government refused to do so.

Mr. AUSTIN CHAPMAN.—When were we asked to do so?

Mr. McDONALD.—Deputation after deputation waited on the late Government and urged them to take action, with a view to making Brisbane a port of call under the Commonwealth mail contract with the Orient Steam Navigation Company.

Mr. AUSTIN CHAPMAN.—It is quite enough that I should have to answer for the sins of the present Government.

Mr. R. EDWARDS.—Is it because the Government consider the Queensland contract is not one for the carriage of mails that they object to take it over?

Mr. AUSTIN CHAPMAN.—We say that the contract is not for the carriage of mails, and that it would be unconstitutional for the Commonwealth Government to give a preference to any State. For these, as well as for other good reasons, the Government cannot see their way clear to pay the Queensland subsidy or any portion of it. The contention has been raised that the Commonwealth contract with the Orient Steam Navigation Company provides for the carriage of certain postal matter between Adelaide and Sydney. I have only to say that if any postal matter were carried by these steamers between Sydney and Brisbane, the Government would be prepared to pay for the service so rendered. Such a payment, however, would be so small as to be hardly worth considering. I think I have given very good reasons for the attitude taken up by the Government. We are in sympathy with the honorable member for Oxley, and are anxious, as far as possible, to prevent friction between the Commonwealth and the States. We are ready to adopt a conciliatory policy when it is reasonable and fair to do so; but I do not think any one would seriously contend that the Commonwealth should take over the contract arranged by the Queensland Government. If we did do so, we should have to pay not only the subsidy of £26,000 per annum, but for various concessions in regard to quarantine, wharfage dues, and other matters, which would considerably swell the total. Having regard to all the circumstances, the Government cannot accept the amendment of which notice has been given by the honorable member for Oxley.

Mr. R. EDWARDS (Oxley). — I have listened with considerable interest to the speech delivered by the Postmaster-General, and must confess that I am much disappointed to learn that the Government are not prepared to pay a part, if not the

whole, of the subsidy, which the Government of Queensland has arranged to give the Orient Steam Navigation Company. I therefore move—

That all the words after the word "That" be left out, with a view to insert in lieu thereof the words, "in the opinion of this House the contract entered into with the Orient Company for Mail Service between Australia and Great Britain should be referred back to the Government for further consideration, with the object of including Brisbane as a port of call."

I have been led to take this action because of the firm belief that Queensland has been unjustly treated in regard to the various mail subsidies that have hitherto been paid. She has been forced to pay on a population basis for services that have been practically of little use to her. She has been paying her proportion of the subsidy given, not only to the Orient Steam Navigation Company, but to the Peninsular and Oriental Steam Navigation Company, and yet has not enjoyed the advantage of mail steamers calling at Brisbane. The Australian subsidy for the Vancouver service was, until recently, paid by the Governments of Queensland and New South Wales, and some two years ago, when the contract was about to expire, the Barton Government extended it for a further period of two years, and increased the subsidy to the extent of £3,000, without allowing Queensland to have any voice in the matter. That Government was apparently quite indifferent to the wishes and needs of the State of which I am a representative, and it never came forward with a proposal to debit the cost of the service upon a population basis. The late Government, however, saw the reasonableness of our demand, and decided that the subsidy should be debited to the States on a *per capita* basis. That was a fair course to adopt, for each State must necessarily derive some advantage from the service. The Northern States probably secure a greater benefit from it than do the Southern States, but Queensland is obviously at a disadvantage in relation to the mail contract with the Orient Steam Navigation Company, and has been called upon to pay a direct subsidy in order to reap some benefit from it. In 1903, when the Barton Government took steps to call for tenders for the carriage of mails between Australia and Great Britain, it was not proposed to insert a clause in the contract providing that Brisbane should be a port of call. The Queensland

Mr. R. Edwards.

Government urged, however, that such a provision should be inserted, and the representatives of that State in this Parliament waited upon the Postmaster-General and strongly pressed its claims in that regard. Our representations had but little effect; indeed, I must confess that the interests of Queensland have always been neglected by the Commonwealth. The present Government is in this respect no better than was its predecessors. If anything, the present Government, I regret to say, is very much worse than the last. I wish here to place on record the report of a deputation which waited on the Prime Minister of the day in regard to this subject in 1903, when Queensland was trying to get the Federal Parliament to do her justice in this matter—

A deputation, consisting of Messrs. Edwards, Paterson, Fisher, McDonald, Page (Q.), M.H.R.'s, Senators Dawson and Higgs (Q.), Senator Walker (N.S.W.), Senator Clemons (Tas.), and Mr. Harper (Vic.), M.H.R., waited upon the Prime Minister at Parliament House yesterday, to urge that the new English mail contract should provide that the mail steamers should call at Brisbane. The Postmaster-General was also present. Mr. Edwards said that Brisbane was the only leading port in the Commonwealth at which mail steamers did not call. In a letter which he had received, the Premier of Queensland pointed out that every facility was now available there for berthing the largest ocean-going vessels, while a very large export trade in fruit and dairy produce would be developed. He hoped the Government would recognise the very great importance to Queensland of Brisbane becoming a port of call, and that Queensland would be placed on the same footing as the other States. Mr. Fisher contended that Queensland had reached such a stage of development that it was entitled to become a port for mail steamers. Mr. Groom said that the suggested service would greatly stimulate the local producing industries. Mr. Page considered that Queensland had a right to be included in the new contract merely as a matter of compensation for her contributions towards the service, and Mr. Wilkinson, Mr. Paterson, Mr. Harper, Senator Walker, and Senator Clemons all supported the request.

Mr. ROBINSON.—Is the Mr. Groom mentioned in that report the present Minister of Home Affairs?

Mr. R. EDWARDS.—Yes; and I expect him to support my amendment. The reply given to the deputation by the then Prime Minister was very unsatisfactory. We did not desire that alternative tenders should be called for, because we regarded such a course as an indication to intending tenderers that the Federal Government expected that a very much larger sum would be demanded for sending steamers to Bris-

bane than for sending them only to Melbourne and Sydney. I maintain that a much cheaper service would have been obtained if there had been no alternative tender, and Brisbane had been specified as a port of call in every instance. Although the Postmaster-General now says that Brisbane is not to be a port of call, we are determined that the mail steamers shall go to that port. I claim this as a right, not as a favour, because, if I asked it as a favour, no one would be quicker to resent my action than the people of Queensland would be.

Mr. WATSON.—If the honorable member had threatened to withdraw his support from the last Government he might have got what he wanted.

Mr. R. EDWARDS.—If the late Administration had remained in power until this agreement was brought forward for ratification, I should have let them know, as plainly as I could, what I thought of it; but the members of the then Opposition were in such a hurry to get into office that they did not give me an opportunity to do that. The original advertisement calling for tenders was to this effect—

Tenders for the following alternative mail services will be received at the office of the Postmaster-General of the Commonwealth of Australia, Spring-street, Melbourne, until Four (4) p.m., on the 31st day of January, 1904.

A Between Adelaide and Naples or Brindisi, *via* the Suez Canal, or between Adelaide and Colombo or Aden, fortnightly each way, calling at Fremantle and at such other ports as may be mutually agreed upon. After the delivery of the mails at Adelaide the steamer to proceed to Melbourne and Sydney. Tenderers are invited to state the additional sum required to proceed further to Pinkenba, in the Port of Brisbane. Alternative sums for weekly and fortnightly calls.

Why was it required that the steamers should continue their voyage to Melbourne and Sydney, since the mails were to be landed at Adelaide? Is not the mail service completed when the steamers arrive at Adelaide, and therefore is not the requirement that they shall continue on to Melbourne and Sydney distinctly provided to give the people of Victoria and New South Wales a quick service for the carriage of perishable products and other cargo to the old country? What was being asked for was not only a mail service, but a cargo service, and that is what is provided under the present contract.

Mr. McWILLIAMS.—A distinct advantage has been given to Melbourne and Sydney.

Mr. R. EDWARDS.—Yes. These are some of the conditions in the first contract—

(a) The refund of sixpence per case on all fruit cases landed in wet condition or with any part of the fruit frozen.

(b) That a self-registering thermometer showing the temperature of the refrigerating chambers for fruit be visible to any person accredited by the Postmaster-General for that purpose.

(c) That the following rates of freight shall not be exceeded during the period of service, namely:—Fruit, 72s. 6d. per ton of forty cubic feet, with a stowage of not more than seventeen cases each 1ft. 6in. to the cubic ton, or proportionate stowage for varying sizes of fruit cases; butter, 3d. per lb.; rabbits, 50s. per cubic ton; and carcass meat, 3/4ths of a penny per lb.

The service to be subject to the following conditions:—

1. Only white labour to be employed on the steamers under contract.

2. The best known refrigerating system and plant to be provided, with adequate cold storage space for perishable products.

Therefore, part of this £120,000 is being paid for the carriage of produce from Australia to the old country, though I was very pleased to hear the Postmaster-General say that the increase in the subsidy is not due to the employment of white labour. Care is taken to see that shippers from Melbourne and Sydney are not overcharged, and it is provided that there shall be an abundance of space for their consignments, with properly ventilated refrigerating chambers, and so on. The only reason why Brisbane should be left out of this arrangement seems to me to be that the authorities are always ready to do injustice to a State which is at some distance from the seat of government. Why should we not end the mail service at Adelaide? I have no objection to the steamers coming on to Melbourne and to Sydney; but I claim that the people of Brisbane should be similarly treated. It is an injustice to Queensland to leave Brisbane out of the arrangement. I could understand such action on the part of the Postmaster-General if he had announced that he does not look upon Queensland as a member of the Federal family. As a matter of fact, Queensland has, ever since the inauguration of Federation, been left out in the cold when the benefits which have accrued under the Union were being distributed, though she has always been called upon to

participate in the disadvantages which have resulted.

Mr. McWILLIAMS.—I suppose the honorable member would not object to making Hobart a port of call, too?

Mr. R. EDWARDS.—I am not quite clear as to the position of Tasmania in this matter, but I would rather suffer an injustice to be done to my own State than permit it to be done to another. Queensland is being unjustly treated, because her people are being called upon to pay for benefits in which they do not share. All the States should share in the benefits for which the whole Commonwealth is called upon to contribute, for does not the Constitution say that no difference shall be made between State and State? A great difference, however, is made between Queensland and the other States.

Mr. McWILLIAMS.—Hobart has to specially charter the mail steamers that come there.

Mr. R. EDWARDS.—The Commonwealth Government should make good whatever subsidy Tasmania pays in that way, and should also pay the £26,000 which Queensland is being asked to pay for the privilege of having the Orient Steam Navigation Company's steamers come on to Brisbane. To my mind, the contract for the carriage of mails should not require the steamers to come further than Adelaide. If that arrangement were made by the Commonwealth, and it were left to the people of Victoria to pay for them coming on to Melbourne, and to the people of New South Wales to pay for them coming on to Sydney, the people of Queensland would be willing to pay for them coming on to Brisbane. Such an arrangement would be fair to all the States. It has been said, over and over again, that none of the £120,000 paid in subsidy is paid for freight accommodation.

Mr. McWILLIAMS.—Yet there is a fixed scale of charges for the carriage of freights.

Mr. R. EDWARDS.—Yes. Even if that statement be correct, Sydney and Melbourne are being benefited at no cost to themselves, while Queensland is being compelled to pay £26,000 per annum for a service which the other States get for nothing. I hope that honorable members will see their way to act justly to all the States. When the leader of the Opposition occupied the position of Prime Minister he expressed his determination to cultivate cordial feelings between the Government of the Commonwealth and the States Governments, and I

was very pleased at the attitude assumed by him.

Mr. WATSON.—Then he concluded the present contract.

Mr. R. EDWARDS.—Yes, and I do not care to condemn him until I hear his explanation. Queensland has to pay her share of the subsidy of £120,000 per annum, which amounts in round figures to £16,000. She receives practically no benefit from that expenditure, and I maintain that she is suffering under a grave injustice. She also has to pay for the carriage of mails by rail from Brisbane to Adelaide, which involves an outlay of another £1,000 per annum, making a total expenditure in connexion with the mail service of £17,000. I understand that the mails from Adelaide to Brisbane are carried by rail at the expense of the Orient Steam Navigation Company.

Mr. AUSTIN CHAPMAN.—Certainly not. Each State pays its share of the expense of carrying the mails overland to catch the mail steamers at Adelaide.

Mr. R. EDWARDS.—I was differently informed when I made inquiries in the Department. As I have already stated, it was absolutely necessary for Queensland to arrange with the Orient Steam Navigation Company to extend their service to Brisbane, at a cost of £26,000 per annum.

Mr. AUSTIN CHAPMAN.—Does the honorable member contend that that service was instituted with the idea of carrying mails?

Mr. R. EDWARDS.—No; but why should not Brisbane receive the same advantages as are derived by Melbourne and Sydney from the mail service?

Mr. AUSTIN CHAPMAN.—The extension from Adelaide to Sydney does not cost the Commonwealth one shilling.

Mr. R. EDWARDS.—In respect of what service is the Orient Steam Navigation Company paid a subsidy of £120,000 per annum?

Mr. AUSTIN CHAPMAN.—For the carriage of mails between Naples and Adelaide.

Mr. R. EDWARDS.—Why should the contract stipulate that the steamers shall proceed to Sydney?

Mr. AUSTIN CHAPMAN.—The honorable member had better ask the late Postmaster-General, who concluded the contract.

Mr. R. EDWARDS.—I am very sorry to say that members of the present Government are not very ready to afford informa-

tion to honorable members on this side of the House. Even when I have asked them privately for information I have had to force it from them.

Mr. FISHER.—Ministers will not get any support from me if they withhold information.

Mr. AUSTIN CHAPMAN.—The suggestion that any distinction is made between members on this side of the House and those sitting on the Opposition benches in regard to furnishing information is absolutely without foundation, and the honorable member knows it.

Mr. R. EDWARDS.—As I have stated, I have found by experience that Ministers are not very ready to give information with regard to the mail contract.

Mr. TUDOR.—But that applies all round.

Mr. R. EDWARDS.—I urge that the Commonwealth should take over the obligations of the Queensland Government in regard to the extension of the mail service from Sydney to Brisbane. I do not ask a favour, but desire the recognition of a right. When the honorable member for Maranoa joined me in waiting on the Prime Minister in regard to this matter, he took the stand that Queensland had a right to be placed on the same footing as the other States.

Mr. REID.—Did the Minister of Home Affairs take the same view?

Mr. R. EDWARDS.—He said so at the time, and I do not see how he could very well have changed his views. The Treasurer has already committed himself to supporting my motion. On 5th September the following telegram was published in the *Brisbane Courier* :—

MELBOURNE, Monday.

In the course of an interview to-day the Federal Treasurer, Sir John Forrest, referred to the arrangement entered into by the Queensland Government with the Orient Company for steamers belonging to that line to call at Brisbane. "I notice," he said, "that the Queensland Government is to pay the Orient Company £26,000 for this service, and I do not think it is an extravagant sum."

The right honorable gentleman does not consider the sum an extravagant one, and I do not suppose that the Postmaster-General would have been able to secure any more reasonable terms. The right honorable gentleman went on to say—

I think there is a great deal to say in favour of this demand. Queensland pays her share towards the cost of our mail contract with the Orient Company, and Brisbane is the only capital which derives no direct benefit from the Com-

monwealth subsidy. I certainly think Queensland can make out a good case for assistance in carrying out the agreement she recently made with the Orient Company.

Sir JOHN FORREST.—I do not admit the accuracy of that report. I had a casual conversation with a press representative, and that is probably the outcome of it.

Mr. R. EDWARDS.—The report represents the right honorable gentleman as having taken the reasonable view I should have expected of him. I claim that the Government should take over this extended service, because it is only just that Queensland should share with other States the benefits of the mail service in regard to the carriage of cargo. The mail steamers should call at the capitals of each of the States. The Queensland Government have relieved the Commonwealth authorities of the trouble of making the contract, and have made everything smooth for them. There is a very strong feeling in Queensland in regard to this matter, and very much resentment has been expressed at the way in which that State has been treated by the Commonwealth. In this connexion I desire to refer to a report of a public meeting which was recently held in Brisbane to discuss matters relating to the extension of the mail service—

A largely attended meeting of representatives of the Brisbane Chambers of Commerce, Manufactures, and Agriculture, the National Agricultural and Industrial Association, the Employers' Association, the Pastoralists' Association, the Brisbane Produce Merchants' Association, the butter industry, Brisbane Traders' Association, Warehousemen's Association, and other industries, was held in the Chamber of Commerce room, Courier-building, yesterday afternoon, to consider the conditions of tenders for the new mail contract as decided upon by the Federal Cabinet, and to protest against Brisbane not being included as a port of call.

Honorable members can imagine the keen interest taken in this matter when it is stated that the commodious room of the Chamber of Commerce was filled by business men in the middle of the day—

A communication was received from the Hatton Vale Farmers' Progress Association, intimating that it was decided at a recent meeting to write to the Chamber of Commerce urging that body to use their best endeavours in having Brisbane made a port of call for mail steamers in all mail contracts to be arranged; also stating that the benefit which would accrue to the bacon, dairy, and other industries called for a strenuous effort being made in the direction indicated.

The Chairman said that the matter of the conditions of the tenders for the new mail contract

demanding the earnest attention of all sections of the producing and trading interests. He hoped the meeting would show its disapproval of the treatment meted out to Queensland by the Federal Government in no uncertain voice. From the inception of Federation, Queensland had been treated as a negligible quantity, and the time had arrived when they should enter their protest against the same. The Federal Government had no excuse for ignoring Queensland as it had done, and if it had any intention of being just to the State, the case in point afforded them an opportunity of doing so. He alluded to the efforts made by the State Government and the Chamber of Commerce, through Mr. R. Edwards, M.H.R., to obtain common justice for Queensland in regard to the mail service, but they had all been in vain. They would have to pay their share towards the cost of a service from which they would not receive any benefit.

The Mayor moved the first resolution, as follows:—"That this meeting, representative of the pastoral, agricultural, commercial, and industrial interests of Queensland, hereby places on record its strongest protest against the action of the Federal Cabinet in not directly including Brisbane as a port of call in the tenders for the new mail contract." He said if it were only a mail contract, it would not have made such a great difference, but with the absolute fact before them that these mail steamers carried produce as well, it was patent that a serious injustice was being done to Queensland in calling for alternative tenders. The Federal Government had failed to show that it had any intention to do justice to Queensland, and the time had now arrived when they should raise their voices in protest.

Mr. Carter submitted the second resolution, which read as follows:—"That the actual benefit derived from these services—as a mail contract—ceases on the vessel reaching Adelaide, whence mails are carried by railway, and if alternative tenders are called at all, they should stipulate (a) price for mails delivered at Adelaide, (b) extra cost for vessels proceeding from Adelaide to Melbourne, (c) extra cost for vessels proceeding from Melbourne to Sydney, and (d) extra cost for vessels proceeding from Sydney to Brisbane."

In speaking to the resolution, the mover gave it as his opinion that the present Federal Government would soon be wiped out of existence, and a new one would come into power, which would legislate for the weal of the States. He considered that they would have no reason to regret Federation if they were only treated fairly, as he believed good results must attend the unification of the various States. With regard to the arrangements for the carrying out of the proposed mail contract, they were anything but fair to Queensland, inasmuch as Adelaide would be the last port of call, and the other States benefiting thereby would not be called upon to pay anything extra as their share towards the expense of the same. On the other hand, if the alternative tender were accepted for the contract, Queensland would very likely be asked to pay the extra cost. This was grossly unfair, and they should not tolerate such treatment at the hand of the Federal Government.

Mr. Brentnall seconded the resolution, and referred in adverse terms to the way the interests of Queensland had been ignored by the Barton Government. It was for them to say

now that they would not put up with any further injustice at their hands.

The resolution was carried.

Mr. Arthur, in moving the third resolution—"That any contract for the new mail service which does not directly include Brisbane as a port of call is a grave injustice to and neglect of the rights of this State to equal opportunities with the other States in the development of its industries in accordance with clause 98 of the Constitution Act," said that they had been misled by the glib promises made by Mr. Barton on the occasion of his visit to this State, all of which had been broken. As their interests were being entirely ignored, it behoved them to rise up in arms against such treatment. He referred to the action of Mr. Edwards in crossing the floor of the House of Representatives, and said that it should have the effect of bringing Mr. Barton to his senses. He was pleased to say that all shades of public opinion were unanimous on the point that a grave injustice was being done to Queensland in regard to the calling of the tenders for the mail contract.

Mr. Welsby seconded, and Mr. Sumner supported, the resolution, which was carried.

Mr. Denham moved the fourth resolution—"That the primary producing interests of this State and their unquestionable and rapid expansion in the near future make it imperative that Queensland should have the same facilities of quick ocean transport as enjoyed by the Southern States." He referred to the growing importance of the agricultural districts of the State, and the great strides made by the various industries connected therewith. There was an urgent necessity for affording producers an opportunity of sending their surplus produce to the home markets, and the only way to do this was by the Federal Government allowing them to take advantage of the P. and O. mail service. Few in Brisbane realized the great possibilities of the agricultural districts of this State, and the only thing wanted to make them boom was a little encouragement, such as they were now asking for. They did not want to be treated in any way different to the other States, but they simply asked for common justice.

The resolution was seconded by Mr. Sinclair, and carried.

Mr. Reid moved the fifth resolution—"That the port of Brisbane offers shipping facilities equal to any of the Southern ports, and is able to accommodate the largest oversea shipping."

From the above report honorable members will gather how anxious the commercial community of Brisbane were at that time, and I can assure them that the same anxiety is manifest to-day. I do hope that the Government will reconsider this question. If they are averse to taking over from the Queensland authorities the entire subsidy of £26,000 per annum, I trust that they will be just enough to shoulder at least a portion of the burden. The day following that upon which the public meeting to which I have directed attention was held, a leading

article appeared in the *Brisbane Courier*, from which I make the following extract:—

There is no mistaking the feeling aroused in Queensland by the attitude of the Federal Government in the matter of the new mail contract. The meeting held in Toowoomba on Tuesday night gave some indication of the strength of the sentiments of indignation and disappointment that obtain on the Darling Downs. Equally unanimous protests against the injustice of the Federal proposals have been sent from Roma, Maryborough, Rockhampton, Townsville, and other centres. The expression of the views of the city of Brisbane was as powerful and as emphatic as could be desired at the splendid meeting held last night in the Centennial Hall. A more representative gathering has seldom been drawn together to discuss a question of vital importance to this State, and a stronger platform could scarcely have been secured amongst the leading business men of Queensland. It was pointed out by several speakers that this is not a matter of party politics, nor a matter affecting any one section of the public or any one locality in the State. It is first and last a question deeply interesting to the whole community, and it is not to be wondered that men of all shades of political opinion and every walk in life should be anxious to testify in the most emphatic manner possible to the intense disgust the people of this State feel at the ungenerous and unjust treatment we have received at the hands of the Ministry. It may, however, serve a useful purpose to reiterate the fact that Queensland's objection to the exclusion of Brisbane as a port of call for the contracting mail steamers is based upon a proper conception of our undoubted right as one of the parties to the Federal compact—a compact which distinctly contains the understanding that the Commonwealth shall not give preference to one State over another.

I maintain that the subsidies which are at present being paid by Queensland to the Orient Steam Navigation Company and to the Vancouver line should be reduced unless the Commonwealth is prepared to take over this liability of £26,000 per annum. It is scarcely necessary to point out that Queensland will be called upon to contribute her share of the £30,000 which has been voted by this House for the erection of a telephone line between Melbourne and Sydney, despite the fact that that line will prove of very little advantage to her. Under these circumstances, why should not the other States shoulder some portion of the responsibility for the payment of this £26,000 per annum?

Mr. AUSTIN CHAPMAN.—Is the honorable member in favour of granting trade subsidies all round the Commonwealth?

Mr. R. EDWARDS.—That is a bigger question than I should like to answer at a moment's notice. The Government have assigned no reason why the subsidy which the Queensland Government have contracted to pay to the Orient Steam Navigation Com-

pany should not be taken over by the Commonwealth. Queensland already pays £16,000 per annum for the carriage of Australian mails as far as Adelaide. Since the establishment of Federation, the northern State has made great sacrifices. In Customs revenue alone she has lost no less than £2,000,000.

Mr. CAMERON.—She has benefited by the sugar bonus.

Mr. R. EDWARDS. — Queensland would not have required any bonus upon the production of sugar grown exclusively by white labour if she had been left alone. The fact is that she had to submit to the decree of this Parliament. I admit that the late Government did not do justice to Queensland in connexion with the existing mail contract, but the present Administration, having taken over the responsibilities of their predecessors, should repair that injustice as speedily as possible.

Amendment (by Mr. KING O'MALLEY) proposed—

That the amendment be amended by the insertion of the words "and Hobart" after the word "Brisbane."

Mr. CULPIN (Brisbane).—I think that the Postmaster-General made a very fair statement regarding the existing mail contract, so far as he went. Unfortunately he did not go far enough. When he asserted that certain statements were made by the representatives of the company to the late Postmaster-General, I think that he might well have gone further, and have given more than the bare statement that, in the course of the negotiations in regard to this contract, his predecessor was informed by the company that if Brisbane were made a port of call, it would be necessary for them to add another steamer to the service. As a matter of fact, under the agreement made with the Government of Queensland, the company is now sending its vessels on to Brisbane, and apparently does not intend to make any addition to its Australian fleet. It seems to me that the assertion that an additional steamer would be required was nothing more than a piece of bluff, and that the late Postmaster-General might well have played a better game. The honorable member for Oxley, in mentioning the conduct of the late Prime Minister, seemed to become almost lachrymose on account of his having left office, and appeared to expect that, had he remained in power, Brisbane would have received better treatment at the hands of the

Commonwealth. I am afraid that there is no reason to believe that such would have been the result. In support of that view, I would point out that in June last the leader of the late Government received a liberal application of soft soap at the hands of the Brisbane Chamber of Commerce, but that nothing of advantage to Queensland eventuated. On the occasion in question, the president of the Chamber informed his fellow members that he understood that the Prime Minister would shortly visit Brisbane, and that he considered it desirable to ask him to meet them. That was certainly a proper attitude to take up, but Queensland appears to have derived but little advantage from the free application of soft soap that took place. At the time in question there were a number of members of the Federal Parliament in Queensland, including four members who are now included in the present Ministry; but the president said that he did not feel called upon to ask them to visit the Chamber of Commerce. If he really wished to soft soap the Parliament, that was a distinct oversight. This, however, is merely by the way. The argument used by the Postmaster-General, that, as the result of the payment of this subsidy, something like £200,000 goes to the Commonwealth in the way of increased business, militates against the acceptance of the contract as it stands. The point is, that that business goes only to the ports of Adelaide, Melbourne, and Sydney, and that Queensland benefits nothing in this regard.

Mr. KING O'MALLEY.—Neither will Tasmania.

Mr. CULPIN.—That is so, and it is a strong reason why the Commonwealth should see that Queensland and Tasmania receive fair treatment under the contract. I thank the Postmaster-General for having mentioned the matter, and so furnished me with an argument against the ratification of the contract in its present form. I propose to push home his point, and have shown how Queensland is disadvantaged under the present arrangement. The fact that there was no competition for the service is, in itself, significant. It indicates that there is something in the shape of a combine, which prevents others from coming in and competing for the contract. Queensland has had some experience of the working of this combine,

for the combine actually blocks the vessels of the Alerdeen line from continuing to call at Brisbane, and compels them to refrain from carrying cargo for Brisbane beyond Sydney, so that they run empty to that port to pick up cargo. It is imperative that we should endeavour, as speedily as possible, to break down the ring. The excuse made by the Postmaster-General, that the contract into which Queensland has entered with the Orient Steam Navigation Company, does not relate to the carriage of mails, is a somewhat remarkable one, in view of the fact that we are asked to ratify a contract for a service, not merely to Adelaide, but to Melbourne and Sydney. The condition that the vessels of the Orient Steam Navigation Company shall go on from Adelaide to Melbourne and Sydney forms part of the mail contract. We might reasonably say that the contract should provide for Brisbane being included as a port of call for mails as well as for parcels. I am sure that honorable members will do their duty, and assist the representatives of Queensland to secure the extension of this service to Brisbane, so that the people of that State, equally with those of the other States, may share in the benefits to be derived from it. An informal offer was made by Scott, Fell, and Company to carry the mails between Australia and Colombo for a subsidy of £85,000 a year, and for an additional subsidy of £15,000 per annum they were prepared to carry them on to Naples. Had that offer been accepted, the cost of the service would have been materially reduced. I should like to know whether an attempt was made to ascertain whether that company was prepared to make Brisbane a port of call.

Mr. AUSTIN CHAPMAN. — They offered off-hand to continue the service to Brisbane for an additional payment of £20,000 per annum.

Mr. CULPIN.—That being so, an enlarged service would have been secured at a reduction of £20,000.

Mr. SYDNEY SMITH.—What would have become of shipments of butter? The vessels of the company go only as far as Colombo.

Mr. CULPIN.—The honorable member must not forget that the contract which Queensland has entered into with the Orient Steam Navigation Company provides for transhipment of cargo to the vessels

of another company if necessary. The Postmaster-General goes too far when he says that we must take care not to provide under this contract for services other than those relating to the Postal Department. In view of the fact that the contract which we are now asked to ratify provides for a service not merely to Adelaide, but to Sydney and Melbourne, Brisbane ought certainly to be made a port of call, so that she may share equally with the other States in the benefits of the mail service. There is one aspect of this question which was not touched upon by the Postmaster-General, and that is that the cost of the contract entered into by the Queensland Government is increased by reason of certain privileges to be given to the Orient Steam Navigation Company in return for its vessels going on to Brisbane. In incurring this expenditure, Queensland is seeking to assist the port of Brisbane in a fair and straightforward way, and I assume that the Government of that State would be content if the Commonwealth Parliament would allow that contract to be tacked on, so to speak, to that now before us. I feel satisfied that if that were done, she would not seek to debit the Commonwealth in respect to the concessions relating to wharfage and other dues which it has agreed to make to the company. At the present time Queensland is paying about £16,000 per annum towards the mail subsidy, and is not receiving an equivalent return. I quite agree that Tasmania is entitled to equal consideration, and that the vessels of the company should call at Hobart as well as at Brisbane. Some reference has been made to the time occupied in carrying mails between Naples and Adelaide. We are told that the cost of the Orient liners is almost the same as that of the Peninsular and Oriental Steam Navigation Company's boats, and yet the latter company provides a quicker service. Mails are landed by its vessels thirty-two hours in advance of the contract time, while those of the Orient line cannot do more than land them twelve hours ahead of it. It is evident, therefore, that the facilities offered by the Orient Steam Navigation Company for the carriage of our mails are inferior to those of the Peninsular and Oriental Steam Navigation Company. Since the contracts have been running we have paid £2,780,000 to these companies. If that money had been gradually expended in other directions we certainly

should have had something to show for it. The answer of the Postmaster-General to our objection that the interests of Queensland are being neglected in connexion with this mail contract was that the mail service provides only for the running of steamers to Adelaide, and that the vessels are permitted to come on to Melbourne and Sydney because the Commonwealth is charged nothing on that account. Do the facts bear out that statement? For an answer, I turn to the agreement with the Orient Steam Navigation Company. I find that "mails" are there interpreted to mean and include—

all bags, boxes, baskets, or other packages of letters and other postal packets, including parcels (each parcel not exceeding the maximum weight of 11 lbs.), without regard either to the country or place to which such packages may be addressed or to the country or place in which they may have originated, and also all empty bags, boxes, baskets, or other receptacles, and all stores and other articles used or to be used in carrying on the Post Office Service.

In regard to the services to be performed, it is provided that—

(1) Subject to the provisions of this Agreement the contractors shall once in every fortnight during the continuance of this Agreement at their own costs and charges in all respects convey *via* the Suez Canal and by means of mail ships in each direction between Naples and Adelaide and between all other ports from which the mail ships shall start, or at which they shall call or arrive under the provisions of this Agreement, or for the purposes of the contractors, all mails which the Postmaster-General or any of his officers or agents shall from time to time and at any time or times require to be conveyed.

Clause 4 says—

4. (1) Each of the mail ships shall on every voyage from Naples to Adelaide as aforesaid start from a port in the United Kingdom, and after the due delivery at Adelaide of the mails intended to be delivered at that port continue her voyage to Melbourne, and thence to Sydney, and each of the mail ships shall on every voyage to Naples call at Sydney (and Melbourne on the route to Adelaide), and after the due delivery of the mails at Naples continue her voyage to a port in the United Kingdom whether any mails may or may not be required to be conveyed in any such mail ship from or to the United Kingdom, or to or from Melbourne or Sydney, on any such voyage, provided always that it shall be competent for the contractors to convey the mails other than parcels mails between Port Said and Naples (or Brindisi if substituted) by a mail ship other than the mail ship which is under obligation to proceed to and start from a port in the United Kingdom, in which event such last-named mail ship shall be absolved from the obligation to call at Naples.

But the provisions to which I wish to call special attention are these—

(4) In the event of any accident or delay which would if any voyage of any mail ship were continued beyond Adelaide or Melbourne respectively prevent any mail ship from starting on her return homeward voyage from Adelaide at the time appointed for that purpose in pursuance of the provisions of this Agreement, the contractors shall be at liberty to terminate the outward voyage of such mail ship at Adelaide or Melbourne (as the case may be), and forthwith to commence the homeward voyage of such mail ship at the same place respectively as the circumstances of the case may require.

(5) In any such case as is mentioned in the last sub-clause the contractors shall bear the cost of conveying to Sydney or to Melbourne and Sydney (as the case may be) all parcels on board the mail ship intended for transmission to those places, and also the cost of the necessary conveyance from Sydney or Melbourne to Adelaide of any parcels intended for transmission from Sydney or Melbourne to be conveyed by the mail ship on her homeward voyage.

I think that those extracts show that the contract is a contract for a mail service, under which steamers have to come, not to Adelaide only, but right through to Sydney, and we ask that their journey shall be extended to Brisbane. It is a pity that the late Postmaster-General and the present Postmaster-General have not shown sufficient stiffness in dealing with Mr. David Reid. I have shown how he tried to bluff the Commonwealth by asking first for a subsidy of £170,000 per annum, then for a subsidy of £150,000 per annum, finally agreeing to accept a subsidy of £120,000 per annum, so that what stiffness was exhibited resulted in a saving to the Commonwealth of £50,000 per annum. It is a pity that we have not at the head of affairs here a man who would be equal to the position, as the late Sir Charles Lilley proved himself to be under similar circumstances in Queensland. Our Postmaster-General should have administered an emetic to the agent of the Orient Steam Navigation Company, such as Sir Charles Lilley about sixteen years ago administered on a similar occasion to the representatives of a steam-ship company who were asking exorbitant payment for the carriage of mails.

Mr. SYDNEY SMITH.—It is strange that the honorable member did not advocate that policy when the tenders were first received.

Mr. McDONALD.—We did. We have always advocated it.

Mr. SYDNEY SMITH.—I did not hear it advocated then.

Mr. Culpin.

Mr. CULPIN.—When Sir Charles Lilley was in power in Queensland, and a steam-ship company asked him an exorbitant price for the carriage of mails, instead of toadying to them, he threatened to run a Government line of steamers, and actually bought a vessel for use in the service. Those at the head of affairs in the Commonwealth ought to be prepared to act in the same way in any emergency. We ought to have in power men of sufficient backbone to conserve the interests of the Commonwealth.

Mr. WILSON.—Does the honorable member suggest that the honorable member for Macquarie has no backbone?

Mr. CULPIN.—Has he shown in his dealings with the shipping companies that he has a backbone? Queensland will get absolutely none of the money which is spent in the ports of the Commonwealth in connexion with the visits of the mail steamers to them, though, considering its tremendous coastline, and the large number of ports which it possesses, in addition to Brisbane—such as Townsville, Rockhampton, Maryborough, and others—it ought to get as much as the rest of the States put together.

Mr. KELLY.—Does the honorable member suggest that the mail steamers should call at Rockhampton and the other ports which he has mentioned?

Mr. CULPIN.—No; I do not suggest that at present. I am very moderate in my demands.

Mr. TUDOR.—Will the honorable member advocate the extension of the Canadian mail service to Melbourne?

Mr. R. EDWARDS.—We should willingly do so.

Mr. CULPIN.—I trust that honorable members will take the view that Brisbane should be made a port of call in connexion with the proposed mail service, and that the two contracts with the Orient Steam Navigation Company will be ratified as one. If the agreement between the Queensland Government and the Orient Steam Navigation Company is backed up by the Commonwealth, we shall have a direct service from Fremantle to Brisbane, which will be of great advantage to Australia, especially if any freaks are attempted by the shipping ring to which I have referred. On one occasion the combine prohibited a certain shipping company from carrying cargo from Sydney to Brisbane, compelling its vessels to make the voyage in ballast.

That would be impossible under an agreement of this character. The Commonwealth would have a whip in its hand, which might be of great use to us.

Mr. WILKINSON (Moreton).—I intend to oppose the ratification of the contract on more grounds than have been mentioned by the honorable member for Oxley and the honorable member for Brisbane. Of course, I have the same grievance as they have in respect of the way in which Queensland has been treated; but, beyond that, I think that under this contract Australia as a whole is paying too dearly for her whistle. As the Postmaster-General himself has admitted, instead of obtaining an improved service for an increased price, we have made no progress in that regard. The honorable gentleman declared that the late Postmaster-General yielded to a pressing demand to come to terms in some way or other in order that communication with other parts of the world might be maintained on something like the same terms as have prevailed for the last seventeen or eighteen years. But an analysis of that clamour would have shown that it was not so intense after all, and that the little delay which took place through the use of the poundage system was not such as to warrant us in spending £38,000 more for a service than we had hitherto been paying. Last week the honorable member for Barrier, in a very interesting speech dealing with shipping and the mail service, used some wise and, in my opinion, rather telling arguments against yielding to the demands of the Orient Steam Navigation Company. To me it seems to be most humiliating that the Commonwealth of Australia should go on its knees to any shipping company for a service which it could obtain by adopting the suggestion of the honorable member for Barrier, and by chartering ships of its own.

Mr. WILSON.—That plan would be five times more expensive than the present system.

Mr. WILKINSON.—I have examined the figures quoted by the honorable member for Barrier, not as minutely as he himself did, but with sufficient closeness to convince me that there is a good deal of truth in his contention. He said, in the course of his remarks, that the £120,000 per annum which we are paying as a subsidy to the Orient Steam Navigation Company for a fortnightly service would have provided interest at the rate of $3\frac{1}{2}$ per cent. on a capital of £3,428,000; and he argued that for such

an annual expenditure we should be able to place on the water a fleet equivalent to that of the Orient Steam Navigation Company, and still have available for other purposes £1,800,000.

Mr. CAMERON.—Where is the money to come from if the Commonwealth is to continue its non-borrowing policy?

Mr. WILKINSON.—The amount of interest, as compared with what we now pay, would more than justify our taking the proposed step.

Mr. WILSON.—Where could we borrow for ship-building at $3\frac{1}{2}$ per cent.?

Mr. WILKINSON.—I suppose that brokerage charges and other expenses would make the amount of interest more than $3\frac{1}{2}$ per cent. on the whole.

Mr. HENRY WILLIS.—What about the sinking fund, and provision for wear and tear?

Mr. WILKINSON.—The honorable member for Barrier provided for that. He showed that he was dealing merely with the cost of the steamers. But he dealt with the expense of running the boats, and said—

We could handle a fleet representing a tonnage of 100,000 for £750,000 per annum. Included in this amount would be an allowance of 5 per cent. for depreciation.

Mr. HENRY WILLIS.—Only 5 per cent.?

Mr. WILKINSON.—That is what the Peninsular and Oriental Steam Navigation Company allows.

Mr. HENRY WILLIS.—That company puts aside a large sum every year for replacing ships.

Mr. WILKINSON.—I am taking the figures of the honorable member for Barrier, knowing that recently, as chairman of a Shipping Committee, he has been in a position to acquire a considerable amount of knowledge on these matters. He had been looking into the subject for a considerable time before, and I take his figures as being substantially correct, knowing with what earnestness and honesty he enters into an inquiry of this sort. It is possible that he may have omitted some aspects of the question; but even so, there was some margin allowed, as honorable members will see if they follow the next quotation, which I shall read—

As I have already stated, we should be able to fall back upon the £120,000 now paid by way of subsidy to the Orient Steam Navigation Company. The States Governments spend about £80,000 annually in bringing material out from

England and the Continent, and the Commonwealth line of steamers might reasonably expect to secure the whole of the Government freights.

Further on, he said—

Evidence was given before the Butter Commission that there would be no difficulty in securing a guarantee for £300,000 worth of butter freight . . . Mr. Evans, the Premier of Tasmania, has stated that there would be very little difficulty in securing a guarantee for from £50,000 to £100,000 worth of freight in connexion with the fruit export trade. If these statements be correct, a State-owned shipping service would be able to start off with the advantage of the subsidy of £120,000, and guarantees of Government freights from London representing £80,000, butter freights amounting to £300,000, and fruit freights amounting to £100,000, which would yield an assured income of £600,000 per annum.

Honorable members will observe that no allowance is made in this calculation for the export of wool, wheat, sugar, hams, bacon, and frozen meat, which are very large items that may be expected to increase in the near future. We have abundant evidence that throughout the Commonwealth the production of articles of export is very largely increasing—in some instances to a phenomenal extent. Therefore, the figures I have quoted cannot be said to exaggerate the position of affairs. I do not ignore the fact that before the Commonwealth could have procured, by charter or otherwise, a fleet of steamers, a considerable time would have elapsed; but I contend that we should not have suffered very greatly during the interval, even if it had been necessary to pay for the carriage of the mails upon the bounty system. I am sensible of the importance of having our mails delivered as speedily as possible, in order to minimize the disadvantages attaching to our remoteness from the more populous centres of the world; but we may, as in the present case, pay too much for the benefit derived. The idea of the Commonwealth becoming steam-ship owners and common carriers by sea has been scouted in some quarters; but I would point out that if the Commonwealth embarked upon the business of oversea carriers we should be merely extending the principle already adopted in the States in connexion with land carriage. The expenditure involved in carrying out such an enterprise, large as it might appear, would be a mere bagatelle as compared with the money invested by the States in the business of common carriers. According to *Coghlan*, for 1903, the States had spent upon railways £122,000,000. This outlay was incurred

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in order to provide means of transport from point to point within the Commonwealth; and I contend that if it be advisable and proper for the States to become common carriers upon land, there is nothing to prevent the Commonwealth from entering upon the business of transporting goods by sea.

Mr. HENRY WILLIS.—Was not the money spent upon the railways intended to open up the country?

Mr. WILKINSON.—Yes; and I contend that the benefits to be derived from a thoroughly efficient service for the carriage of mails and cargo would be quite as great as those which have been conferred by the railways. The working expenses of the railways of Australia represent an annual expenditure of £7,127,887, a sum far beyond the amount which would be required to provide Australia with a mail service equal to that which is now carried on by the Peninsular and Oriental Steam Navigation and the Orient Steam Navigation Companies combined. Some persons would like to see the whole of our railways handed over to private persons, but I venture to say that 99 out of every 100 citizens of the Commonwealth would be opposed to any such idea.

Mr. HENRY WILLIS.—Private railway companies would not open up the country, but would merely seek to make as much profit as they could.

Mr. WILKINSON.—Exactly. That is what is now being done in America, and the mail companies are worked upon the same principle. They do not come here for our benefit, but for the sake of the profit they can make out of us. I do not think that the Government is called upon to work its utilities for profit. The object should be to confer the maximum of advantage upon the people as a whole, and not to secure profit in the shape of a substantial cash balance in the Treasury. Those who advocate the transfer of the States railways to private ownership always point to the fact that they are being worked at a loss; but the fact that they are not returning sufficient to defray the working expenses and interest charges on the capital does not necessarily afford evidence that they have not proved a profitable investment. They have, in a hundred and one ways, conferred the greatest benefits upon the community. They have enhanced the value of land, and have rendered possible the settlement of millions of acres which

would otherwise have remained unproductive.

Mr. WILSON.—No advantages of a similar character could be conferred upon us by a Commonwealth line of steamers.

Mr. WILKINSON.—There is no doubt that a thoroughly efficient service of steamers would offer substantial advantages to our producers. The country lying at the back, inland from Cairns, would never have been occupied but for the service of steamers which connects Cairns with the larger centres of population in Australia.

Mr. WILSON.—But the honorable member does not advocate that the mail steamers should call at Cairns?

Mr. WILKINSON.—No; because the people of Queensland do not ask for anything more than is reasonable. If Queensland had been divided into two or three States—as I believe it eventually will be—we should have been entitled to ask that the mail steamers should call at each of our capitals.

Mr. KELLY.—Why should they not call at all export centres, including Rockhampton, Newcastle, Warrnambool, and so on?

Mr. WILKINSON.—If that line of argument were adopted, the mail steamers would have to call at Twofold Bay and a score of other places. We are not asking for anything of that kind. Some honorable members may think that it is not fair to ask that the mail steamers should go on to Brisbane; but we think that we are placing a perfectly reasonable proposition before the House. We do not come here to crawl on behalf of Queensland; but I hope that so long as we are of opinion, as I am, that Queensland has not been fairly treated in this matter, we shall not fail to make our views known. I agree with the honorable member for Oxley and the honorable member for Brisbane that had tenders been called for a mail service terminating at Adelaide, Queensland would have had no cause for grievance.

Mr. WILSON.—Would it not have been better to pass Adelaide, and come straight on to Melbourne?

Mr. WILKINSON.—Some objections have been raised by the representatives of South Australia to the claim made by Queensland, and it may be well to point out that Mr. Anderson, the manager of the Orient Steam Navigation Company, stated that if the subsidy were not granted, the vessels of the company would cease to call at Adelaide. It was reckoned that it would

cost the company £5,000 a year to call at Adelaide. Who is paying that money?

Mr. R. EDWARDS.—Queensland is paying part of it.

Mr. WILKINSON.—New South Wales does not pay very much, unless she gets a *quid pro quo*. Sydney would like to monopolize the whole trade of the Commonwealth, but, fortunately, other ports in Australia are now known. I wish to draw attention to a matter which seems to have been overlooked, even by the Postmaster-General. In the paper which was laid upon the table, we find copies of the tenders, and the conditions of the contract laid down, but we do not find a condition which was submitted by the honorable member for Denison when he was Postmaster-General.

Mr. AUSTIN CHAPMAN.—It is given in the papers.

Mr. WILKINSON.—The fairest invitation, I think, was the one which was issued by the honorable member for Coolgardie, when he invited alternative tenders for a purely mail service.

A. Between Adelaide and Naples, Brindisi or other suitable port in the Mediterranean, *via* the Suez Canal, fortnightly each way, calling at Fremantle, and at such other ports as may be mutually agreed upon.

Tenderers are invited to state the additional sum, if any, required to proceed further (1) to Melbourne (2) to Sydney (3) to Pinkenba in the Port of Brisbane, and (4) to all or any of these ports.

B. Between a port in Australia and a port in the United Kingdom, by such route as may be specified by the tenderer, fortnightly, each way.

C. Between Sydney and Vancouver, calling at New Zealand and Honolulu, or, as an alternative, between Brisbane and Vancouver, calling at Fiji and Honolulu, fortnightly each way.

The service to be tendered for to commence, in the case of the service between Sydney or Brisbane and Vancouver, on 1st day of May, 1905, and in the case of other services so that mails shall leave Adelaide on 2nd February, 1905, and London on 3rd February, 1905, and to be subject to the condition that only white labour shall be employed on the steamers under contract.

D. Separate tenders will be received as in A., B., and C., but including the following additional conditions:—

(a) The best known refrigerating system and plant to be provided, with adequate cold storage space for perishable products.

(b) The refund of sixpence per case on all fruit cases landed in wet condition or with any part of the fruit frozen.

I shall not weary the House by quoting the other conditions, as they have already been referred to. It was upon these conditions, or upon similar conditions, that the

contract was finally entered into by the late Government, which we are asked by the present Government to ratify. I believe that the Postmaster-General voiced the opinion of the majority, if not the whole, of the Government, when he said he did not think that Queensland had a case, inasmuch as she entered into a contract with the Orient Steam Navigation Company without appealing to the Commonwealth Government. Not only by the deputation mentioned by the honorable member for Oxley, but time after time the Commonwealth Government was appealed to, not to give Queensland any concession which was not justly her due, but to do common justice to her. By deputation, by letters, which the Minister will find in his office, and frequently by references in this House, the claims of Queensland were set forth, but, so far, they have been practically ignored. As a last resort, in order that her products might be conveyed to the other side of the world on terms of equality with those of other States, she was forced into making an arrangement with the Orient Steam Navigation Company to send their boats on to Brisbane, which they said they could not do without having another steamship built, but which they have done after having lost one of the steamships they had when they made that statement. Queensland would not expect, and I do not think she does expect, the Commonwealth to reimburse her the whole of the charges which are being made. But I contend that had the Commonwealth Government insisted upon Brisbane being made one of the ports of call when the contract for a part mail and part cargo service was entered into, the extended service to Queensland could have been obtained for very much less than the sum for which it is being obtained. The Postmaster-General said. I think, that the Federal subsidy is at the rate of about 3s. 8d. per mile. For the service between Sydney and Brisbane, Queensland is paying at the rate of 16s. 8d. a mile. At least some consideration might have been given to her position when tenders were being invited, because, even although the Federal subsidy of £120,000 might have been increased by about £5,000 for sending the boats the extra distance, Queensland, instead of giving a subsidy of £26,000 a year, with all the other concessions it gives to the company, would have saved about £19,000. The extra payment of £5,000

— *Wilkinson.*

would have been a very small item indeed, when it was divided amongst all the States. I do not think that Queensland has been selfish in her dealings with the Commonwealth. I know it will be said that she has obtained a good deal from the Commonwealth in the shape of the sugar bounty. That, however, was Australia's affair, not Queensland's. It was not given to encourage the sugar-growers of Queensland, but to get a white Australia. The sugar industry in that State was getting along all right, but Australia determined upon a white Australia. So that the bonus was not given to encourage the sugar industry. I ask honorable members not to forget that fact when they taunt the representatives of Queensland with advocating what they consider to be her just claims. Those who listened to the honorable member for Oxley must have noticed that on the deputation to the Prime Minister and the Postmaster-General of the day there were honorable members representing every State in the Commonwealth. The Queensland representatives did not stand alone on that occasion. They were supported by representatives of the other States in each House of the Parliament, because they recognised that Queensland had a claim upon the Commonwealth for consideration. The Postmaster-General leads us to believe that it will not be recognised. If some consideration be not given to Queensland in this matter, I am quite sure that not only the representatives, but the people of Queensland generally will believe that they have a legitimate grievance against the Commonwealth Parliament and Government.

Mr. HENRY WILLIS.—Why was not Brisbane included in the ports of call?

Mr. WILKINSON.—That is what we want to know.

Mr. KELLY.—Does the honorable member think that the arrangement under which the mail steamers call at Melbourne and Sydney is a bad one?

Mr. WILKINSON. — I do not envy Sydney or Melbourne any of the advantages which they now enjoy. I take no exception to the Commonwealth encouraging cargo vessels to come to Australia for the purpose of conveying our produce to the markets of the world as speedily and cheaply as possible. At the same time I think that the cost of that service should be apportioned among the different Departments, instead of being debited entirely to

the Postal Department. Even if Queensland cannot get her rights in connexion with the existing mail contract, I am not prepared to deny justice to Sydney or Melbourne. I hope that honorable members will vote for the amendment submitted by the honorable member for Oxley. During this discussion reference has been made to the Vancouver mail service. I should be glad, indeed, if it were possible, without delaying the return trip of the vessels engaged in that service to enable them to call at the chief port of each State of the Commonwealth. Unfortunately those ports do not lie in their line of route as do the capitals of the various States in that of the English mail steamers. When this matter was under consideration some time ago it was pointed out—as reference to *Hansard* will show—that the Orient Steam Navigation Company's mail steamers are compelled to lie for nine days at Sydney before they can commence their return journey. Within that period it is quite possible for them to proceed to Pinkenba to discharge their cargo there, and to take in fresh cargo.

MR. AUSTIN CHAPMAN.—The same remark would apply to the vessels of the Vancouver service.

MR. WILKINSON.—If it can be shown that the steamers of the Vancouver line can visit the ports of New South Wales, Victoria, and Tasmania, without incurring any loss of time, I am quite prepared to extend the resulting advantage to those ports.

MR. HENRY WILLIS. — Are not those ports well served already?

MR. WILKINSON.—I think so. It has been suggested by the honorable member for Oxley and the honorable member for Brisbane that the high subsidy which is demanded by the Orient Steam Navigation Company is due to the existence of a shipping "ring." I quite agree with them. Some one has said that it is easy to make a statement of that character, but difficult to prove it. To my mind we have already been afforded proof that a shipping "ring" is operating in Australia. When the Queensland Government entered into an arrangement with the Aberdeen line for the carriage of perishable produce, this "ring" brought pressure to bear upon that company, with the result that its vessels discharged their cargo in Sydney. Their cargo had to be transhipped to coastal boats at that port, and conveyed thence to Bris-

bane. It is clear that the Commonwealth is being prevented by a shipping "ring" from making the best possible terms with other companies. I am aware that there is an impression abroad that Queensland has a British-India service. That is not so. When she did enjoy the benefits of that service, she paid for the whole of it. It was a Torres Straits service, and I suppose that it helped the whole of the States to open up markets in the East. Queensland has never gone cap in hand to the other States, nor is she likely to adopt that attitude upon the present occasion. We never anticipated that the whole of this subsidy of £26,000 per annum would be borne by the Commonwealth, but we do contend that some portion of it should be paid by the other States, whose burdens Queensland shares.

MR. CAMERON (Wilmot).—I am rather surprised at some of the statements which have been made by the honorable member for Moreton. It seems to me that he has lost sight of one fact, namely, that the existing mail contract is practically a renewal of the old service. It is quite true that we are paying an increased subsidy, but it is nevertheless a fact that the present service was practically taken over by the Commonwealth when Federation was established. Under the old service, each State was obliged to pay a certain proportion of the mail subsidy, and each State now contributes as it did formerly. The honorable member for Moreton has declared that it cost the Orient Steam Navigation Company £5,000 per annum to make Adelaide a port of call, thus leaving honorable members to infer that that loss was borne by the Commonwealth. As a matter of fact, it was borne by the people of South Australia. If the present agreement be ratified, the subsidy will be paid in exactly the same way that it has always been paid. But when this House is asked to assent to an increased subsidy of £26,000 for the exclusive benefit of Queensland, we are invited to make an entirely new departure. Under the circumstances, I am bound to oppose the amendment of the honorable member for Oxley. The honorable member for Darwin desires that Hobart should also be made a port of call by our English mail steamers. I fail to see that Tasmania would derive the slightest benefit by the insertion of a provision in the contract requiring the

vessels of the company to call at Hobart all the year round. We are well served at present by vessels trading between New Zealand and England, which call at Hobart during the winter and spring, while, during the summer months—when the apple trade is in full swing—the vessels of the Peninsular and Oriental Steam Navigation and Orient Companies, as well as those of other lines, call there for our fruit, quite irrespective of any subsidy. Queensland pays nearly £16,000 per annum towards the cost of the mail subsidy, and she now very coolly asks the other States to join with her in paying an increased subsidy of £26,000 per annum. Tasmania now pays something like £6,000 towards the mail subsidy, and if the Orient Steam Navigation Company were asked to make Hobart a port of call they would probably require an additional payment of £8,000 for a service which would be absolutely useless to that State. Every penny that is wasted by the Commonwealth in this and other directions is deducted from the amount which is returnable to the States. In these circumstances, Tasmania would be in a much better position if the £8,000 to which I have referred were paid direct to her rather than devoted to a service which she does not require. Another point to which I desire to call attention is that, under the mail contract, Fremantle, Adelaide, Melbourne, and Sydney have been ports of call for a number of years. We are dealing with a proposal to continue the old service, and to include Brisbane in the port of call under the contract would be to totally alter the character of the present service.

Mr. R. EDWARDS.—It would be a sign of progress.

Mr. CAMERON.—I am pleased to see Queensland so progressive, but I object to a sign of progress that calls upon the other States to pay for something for which no adequate return would be received. The suggestion that Hobart should also be made a port of call is merely an attempt to throw a herring across the trail, and is one to which I and all other representatives of Tasmania, who have considered the question in all its bearings, must certainly object. At the present time, the English mails are landed in Adelaide, and are sent direct by rail to Melbourne, whence they are shipped to Launceston, and from there carried on by rail to Hobart. It is the quickest service that we could obtain under any circumstances. Queensland has al-

ready been granted a bonus, and as I understand that the Government contemplate the giving of further bonuses, that State might perhaps be a fit subject for the experiment.

Mr. ROBINSON.—They already enjoy the sugar bonus.

Mr. CAMERON.—We know that, as a rule, the appetite grows on that upon which it feeds, and I am sure the representatives of Queensland will be glad to take any bonus offered them. Those who are such sticklers for the maintenance of the rights and privileges of the Federal Parliament should scout the proposal that the Commonwealth should take over the Queensland contract with the Orient Steam Navigation Company. That contract is a direct interference with the privileges of the Federal Parliament. The Government of Queensland assert that they have repeatedly asked the Federal Parliament to assist them in this direction, and that their requests have been ignored. Be that as it may, they entered into a contract with the Orient Steam Navigation Company to pay £26,000 per annum for the privilege of Brisbane being made a port of call, and they now have the assurance to ask the other States to share the liability. Has not Queensland been treated liberally enough by the Commonwealth?

Mr. R. EDWARDS.—In what way?

Mr. CAMERON.—In the matter of the sugar bonus. I do not know whether the people of Queensland desire it, but the fact remains that the other States have been deprived of much revenue by reason of the sugar tariff. Queensland now wishes a further encroachment to be made on the revenue of the other States, and its proposal is not one that should commend itself to the House.

Mr. KELLY.—It is altogether too rapacious.

Mr. CAMERON.—It is repugnant to our sense of fair play. If my vote will prevent Queensland from obtaining that which she seeks, she will not succeed.

Mr. FISHER.—We know that.

Mr. CAMERON.—I am, at all events, consistent. If we insisted upon Brisbane and Hobart being ports of call, the only result would be a wanton waste of the money of the taxpayers.

Mr. FISHER.—Is the honorable member aware that Queensland gives the Commonwealth £350,000 after paying the bounty out of excise?

Mr. McCAY.—Who pays the duty?

Mr. CAMERON.—That is the point. As the result of the sugar tariff, Tasmania is losing something like £60,000 or £70,000 per annum. The weakest State of the whole Union is always being called upon to stand by the others.

Mr. KELLY.—The people of Northern Tasmania did well out of New South Wales in the matter of fodder.

Mr. CAMERON.—We kept many of the flocks of New South Wales from starvation. We are consequently hearing in this House of the grievances of New South Wales. Some honorable members speak of New South Wales, and nothing else. I think I have shown conclusively, in reply to the honorable member for Moreton, that Adelaide, at any rate, is under no compliment to the other States for having been made a port of call. This, however, is not the proper time to deal with such proposals. If the people of Queensland are desirous of getting another bonus, they will, no doubt, not be forgotten when this kindly Government has under its consideration again the subject of bonuses. I ask the representatives of the State, however, not to press the amendment to a division, because it would be unfair to the other States to try to bring it into force. We are always willing to help Queensland when we can, but there is no reason why the other States should be roasted on this occasion.

Mr. HENRY WILLIS (Robertson).—In the course of his speech, the Postmaster-General stated that the £120,000 which is to be paid to the Orient Steam Navigation Company under this contract is in consideration of services rendered, not only in connexion with the conveyance of mails, but also for purposes of trade. The postal service really terminates at Adelaide, because there the mails are put ashore or taken on board, their transportation between Adelaide and the Eastern States being made by train. As, however, the company's vessels go on to Melbourne and Sydney every voyage for the purpose of trade, it seems to me that some provision should have been made for securing the extension of the service to Brisbane, seeing that Queensland contributes her share to the subsidy paid by the Commonwealth. But we know that no company would tender for a service to Brisbane, and, therefore, the late Government had no alternative but to take the tender which was

offered to them. In the future, I hope that whoever may be in office as Postmaster-General will insist upon a clause being inserted in the mail contract providing that the tenderer's vessels shall proceed to Brisbane. A great deal has been said during this debate about the advantages gained under the contract by New South Wales. That State, however, has always treated the Commonwealth fairly, and has contributed largely to the heavy exactions made on behalf of the other States, and notably on behalf of Queensland.

Mr. FISHER.—To what does the honorable member refer?

Mr. HENRY WILLIS.—To the sugar bounty, for instance.

Mr. FISHER.—New South Wales gets more from it than Queensland gets.

Mr. HENRY WILLIS.—New South Wales pays one-third of the large sum which is spent in maintaining the Queensland sugar industry.

Mr. BAMFORD.—Most of the dividends of the Colonial Sugar Company are paid in Sydney.

Mr. HENRY WILLIS.—New South Wales would not object to pay one-third of the £26,000 which is to be expended in extending the Orient Steam Navigation Company's service to Brisbane, inasmuch as it is a trade service as well as a postal service; and, as I have said, I hope that when there is a new contract, a clause will be provided requiring the vessels performing the service to go on to Brisbane.

Mr. BAMFORD (Herbert).—I am opposed to the ratification of the contract, for several reasons. In the first place, I shall oppose it because the contract introduces a system in connexion with our postal service which, I think, should not have been introduced. I have always been of the opinion that the Postal Department should not incur expense for the conveyance of produce. If it is desirable, as I think it is, that bonuses shall be given for the transport of perishable produce from Australia to the markets of the world, they should be paid by the Government out of the general revenue, and should not form part of the postal expenditure. To my mind, a serious mistake was made by the Governments of the States, and has been continued by the Government of the Commonwealth, in providing for the carriage of perishable produce in a contract for the carriage of

mails. Such an arrangement is unfair to the Postal Department. I thought that the present Postmaster-General, being a man of so much experience, and of such broad and liberal views, would not have asked the House to ratify this contract. My second reason for objecting to its ratification is that I do not think that the vessels performing the service should be compelled to come beyond Adelaide. The Postmaster-General says that the arrangement under which they come on to Sydney is something for which we have not to pay, and that the steamers would have come on to Sydney in any case. That being so, it was a serious blunder for the honorable member for Macquarie to insert in this agreement a provision requiring the company's steamers to come beyond Adelaide. Tenders were originally asked for services to Adelaide, Melbourne, Sydney, and Pinkenba—to all or any of these ports. It was distinctly required that the mails should be conveyed between Naples and the Semaphore, at Adelaide, and *vice versa*, in 696 hours, including stoppages, and the contract was to be for three years. I do not know why the late Postmaster-General offered an affront to Queensland by unnecessarily inserting the condition that the vessels of the company should come on to Melbourne and Sydney, and not to Brisbane, though, of course, his object was to bolster up the trade of Sydney. His chief, the right honorable member for East Sydney, was never tired of telling us that he above all others, was the man who would try to create good feeling between the States; but the first, or, at any rate, the most important, act of his administration was to make this invidious distinction between Brisbane and the southern capitals. It was a blunder on the part of the honorable member, and one for which he ought to blush.

Mr. SYDNEY SMITH. — It is a wonder that the Government which the honorable member supported did not provide for all these things.

Mr. BAMFORD.—It had no power.

Mr. SYDNEY SMITH.—Yes; it called for fresh tenders, having refused to accept the first tender.

Mr. BAMFORD.—If that Government had remained in power, everything would have been done in a proper manner. The honorable member for Coolgardie, who held the portfolio of Postmaster-General in the Watson Administration, never made a

single mistake during his term of office, and to imagine that he would make a blunder of this nature is simply inconceivable. I am totally opposed to the ratification of the contract, and intend to move an amendment, in case the amendment of the honorable member for Oxley is not carried. I shall propose that the words "and other ports," after the word "Adelaide," be deleted. That will make Adelaide the terminal port; and, as has been pointed out by other honorable members, if that were done, there would be no cause for complaint on the part of Queensland. So far as concerns the contract entered into by the Queensland Government to pay £26,000 to the Orient Steam Navigation Company, I may state at once that I am not in favour of the extension of the service to Brisbane on those terms. I think that the Queensland Government has made a grievous mistake. The old Torres Straits route, which served Queensland admirably for years, would have been better for her purpose, instead of this new service, which serves only the southern portion of the State. I hope that the Queensland Parliament will not ratify the agreement with the Orient Steam Navigation Company, just as I hope that this Parliament will refuse to ratify the agreement now under consideration. The honorable member for Moreton has said that, whilst the contract for the service averages 3s. 7d. a mile, and might have been extended to Queensland at the same rate, according to his figures, Queensland will have to pay for the extended service 16s. 8d. per mile. According to my figures, however, the amount which Queensland will pay will be £1 per mile. In addition to that, the agreement provides that the company shall not be charged with lighterage, wharfage, and pilotage rates. If the late Postmaster-General had been wise, I am satisfied that the service could have been extended to Brisbane for 3s. 7d. per mile.

Mr. SYDNEY SMITH.—The company refused to do it. This is a very different contract.

Mr. BAMFORD. — If the honorable member had stood out a little longer, he could have exacted better terms. I consider that the late Government was very much to blame, and that the ex-Prime Minister certainly did not show his usual tact in dealing with the Orient Steam Navigation Company. His Postmaster-General comes under the same condemnation. The

honorable member is usually most tactful, and, though I admit that he would not willingly do anything to offend any State, I must convict him of a very grave mistake in respect to this matter. The ex-Prime Minister repeatedly stated that his object was to create a good feeling between the States, but there is no evidence of it so far as this subject is concerned.

Mr. JOHNSON (Lang).—I cannot agree with the honorable member who has just resumed his seat that the previous Government was wholly to blame for the terms of the contract with the Orient Steam Navigation Company which is now proposed for ratification by the House. The honorable member has accused the late Postmaster-General of making an egregious blunder; but it must be remembered that the late Government was taken at a great disadvantage, owing to the failure of two previous Governments. The first of them—of which the present Postmaster-General was a member—neglected to advertise for tenders before the termination of the old contract. When tenders were called for, the time available for making the necessary arrangements for a new service was so limited that the late Government were placed at a considerable disadvantage, and found themselves forced to agree to terms, which, under more favorable circumstances, they would probably have rejected. It must be remembered that the Orient Steam Navigation Company first asked for £150,000. That amount was subsequently reduced to £140,000, but the Government declined to grant such a high subsidy, and, after further negotiations, the Orient Steam Navigation Company agreed to accept £120,000 per annum. Whilst I have no objection to Brisbane being made a port of call for the Orient Steam Navigation Company's steamers, I do not think that any extra expenditure should be incurred by the Commonwealth. The contract entered into by the Queensland Government was made on their own responsibility, and without reference to this Parliament, and it seems to be rather cool on the part of Queensland to now ask us to assume their self-imposed financial responsibility. If we were to comply with their request, we should establish a most undesirable precedent. The States Governments might go behind the back of the Commonwealth Parliament, and enter into all kinds of contracts, in the belief that they had only to ask us to take them over.

Therefore, we have to be very careful in dealing with this matter. If the Orient Steam Navigation Company are willing to extend their service to Brisbane without asking for an addition to their subsidy, I see no objection to such an arrangement being made. We must recollect that the extension has not been arranged for with a view to facilitating the carriage of the mails, but merely with the object of offering the producers of Queensland greater advantages in connexion with the export of their produce. This is purely a commercial consideration. I should certainly object to the Commonwealth being called upon to pay any more money in respect of the services rendered by the Orient Steam Navigation Company. The addition of £26,000 per annum to the present subsidy would increase it to an amount £6,000 in excess of the £140,000 which the late Government declined to pay for the carriage of the mails.

Mr. FISHER.—Would the honorable member agree to the contract being referred back, with a view to its being ascertained whether the Orient Steam Navigation Company would extend their service to Brisbane without asking for an increased subsidy?

Mr. JOHNSON.—I have no objection to that course being adopted; but I should certainly protest against the Commonwealth being saddled with any further expenditure. I regard the £120,000 demanded by the Orient Steam Navigation Company as excessive, but I recognise that the late Government found themselves in a very tight place, and had to accept the terms of the company or run the risk of reducing the whole of the commercial affairs of the Commonwealth to a state of chaos.

Mr. FISHER.—According to the reasoning of the honorable member, there is nothing to prevent him from voting for the amendment.

Mr. JOHNSON.—Except my objection to the increased cost. No harm could be done by referring the contract back in order to ascertain if the service could be extended to Brisbane without incurring further expense.

Sir JOHN FORREST.—The honorable member must know that that cannot be done. Does he suppose that the company will extend their service for nothing?

Mr. JOHNSON.—Perhaps not, unless the Government are able to touch some tender chord which the late Government found it impossible to reach. I shall keep my mind open upon the question of referring the contract back until I hear what the

late Postmaster-General has to say. Perhaps he will tell us that every effort has already been made in the direction desired.

Mr. DAVID THOMSON (Capricornia).—I shall regard it as a national calamity if the contract entered into with the Orient Steam Navigation Company is ratified in its present form. The increase in the subsidy from £85,000 to £120,000 seems to me to be outrageous. I have no doubt that if an arrangement had been made for a mail service between Naples and Adelaide, a much smaller subsidy would have been accepted. The Orient Steam Navigation Company took advantage of the absence of competition, brought about by the influence of the shipping ring, and were practically able to make their own terms as to ports of call and everything else. Repeated efforts have been made to secure the extension of the service on to Brisbane, but without success, until the Queensland Government took the matter into their own hands. So far as I can see, the Government have not tried to include Brisbane.

Mr. KELLY.—That is £7,000 to be paid by each State, as opposed to the £26,000 which the honorable member is asking for.

Mr. DAVID THOMSON.—I think that £26,000 a year is too much to pay for the service from Sydney to Brisbane, and that £120,000 a year is too much to pay for the service from Great Britain to Sydney. I am not very much in favour of the mail service from Brisbane by the Orient Steam Navigation Company. I believe that a mail service *via* Torres Strait would suit Brisbane far better than that service. In Northern Queensland we have ports which from the commercial standpoint are of far more importance than other ports in Australia. We may not have the population at the present time, but we have a country with potentialities far greater than those which may be discerned in the southern States. Honorable members from Tasmania say that it does not want this or that, and speak about the sugar bounty. But Queensland is suffering more from the payment of that bounty than is any other State. The price of sugar was far cheaper before the bounty was authorized than it is now, and yet we hear very much talk about the little island's apples and jam factories.

Mr. JOHNSON.—Why does not Queensland ask for the repeal of the sugar bounty?

Mr. DAVID THOMSON.—That has nothing to do with the mail contract which

we are asked to ratify. The representatives of Tasmania recognise that its mail service is suitable, and would not be benefited by the Orient Steam Navigation Company's boats calling at Hobart; but in Brisbane we have produce, such as butter, for which cool chambers are required by the exporters. For that reason a mail service by that company might be of some benefit to Queensland exporters. The Aberdeen line used to take away this produce, but it has been cut out by the ring. There is no greater evidence of the existence of a ring amongst the shipping companies than the fact that when tenders were called for the northern mail services in Queensland the prices asked by the shipping companies were all about the same. When we find the shipping companies combining for the purpose of "taking down" the Commonwealth it is time that it established its own shipping, and did not ratify this mail contract. It would be far better for the Commonwealth to resort to the poundage system. A few persons in Flinders-lane talked about the insufficiency of the mail service, because they did not receive their letters at the stroke of the hour. That is not of very much importance to the bulk of the people of Australia, who do not notice when the mails arrive. It is only from a few commercial men in the great cities, and a few Chambers of Commerce, that we hear all this talk about the insufficiency of the mail service. I feel quite sure that the people of Australia would not suffer if the mails were carried under the poundage system. I intend to oppose the ratification of this mail contract because it is my opinion that Queensland has been treated very shabbily by the Commonwealth. It has been the greatest sufferer, not only in this matter, but in every other way. It would be far better out of the Commonwealth than in it.

Sir JOHN FORREST.—How has Queensland been badly treated?

Mr. DAVID THOMSON.—The State which has been treated best has been Western Australia. I give the right honorable gentleman credit for what he has done for that State, which has always had a mail service.

Mr. CARPENTER.—We have never had a penny from the Commonwealth yet.

Mr. DAVID THOMSON.—It is remarkable to hear that statement from the representative of a State which has the distinction of having the greatest surplus in

the Commonwealth. I wish that it would contribute a portion of its surplus to Queensland. In that event, Queensland would not ask the Commonwealth to contribute any money towards the subsidy of £26,000 a year which it is paying to the Orient Steam Navigation Company.

Sir JOHN FORREST.—What about the sugar bounty and the Vancouver mail service?

Mr. REID.—Has the honorable member heard about the guns and the post-office at Fremantle?

Mr. DAVID THOMSON.—I know all about the guns and the post-office. We are always hearing about the sugar bounty. The Commonwealth gets £400,000 or £500,000 a year out of the Excise duty, but if we had free-trade in sugar it would get nothing.

Mr. PAGE (Maranoa).—I am sorry that the Government of Queensland did not ask the Reid Government to do the same thing for that State that it did for Victoria and New South Wales in connexion with this mail contract. It is laid down in the Constitution that there shall be no differentiation between States by the Commonwealth. How the ex-Postmaster-General can reconcile the provision of mail steamers for carrying perishable produce from Victoria and New South Wales and not from Tasmania and Queensland I do not know. Queensland has not been treated in a princely fashion by the Federation, and therefore I can understand the strong remark made just now by the honorable member for Capricornia, who, perhaps, was an anti-Federalist.

Mr. HENRY WILLIS.—In what way has she been badly treated?

Mr. PAGE.—Take, for instance, the case of this mail contract. It is all very well for honorable members to laugh at my remark. If the representatives of Queensland did not come into the House and fight for its interests, who would? That is what they were sent here to do. It is from no provincial spirit that I am speaking. While I represent a Queensland constituency, I shall do my best to see that the interests of that State are not neglected. Queensland is such a good place, in my opinion, that I hope to live and end my days there. The Postmaster-General to-night, when submitting this motion, complained that the Queensland Government did not give the Commonwealth Government any notification that the contract with the Orient Steam

Navigation Company was to be entered into; and I now ask the honorable gentleman whether that is why the repayment of this subsidy, or part of it, is refused by the present Government?

Mr. AUSTIN CHAPMAN.—That is one reason, but I gave many other reasons.

Mr. PAGE.—I admit that the case of a person who enters into a contract and then asks another person to pay the cost may be regarded as weak; but I may be allowed to put the Queensland side of the question. If the Queensland Government had asked the Commonwealth Government to enter into this contract so as to extend the service as far as Brisbane, on the condition that the State should pay all the out-of-pocket expenses which the Commonwealth incurred, does any honorable member mean to say that the arrangement would have been made as quickly as it has been? My own idea is that months would have been occupied in negotiation, and possibly yards or miles of correspondence would have followed, before anything was done; and in the meantime the Queensland producers would have been left out in the cold. The honorable member for Oxley and the honorable member for Brisbane have to-night referred to the fact that the vessels of the Aberdeen line were not allowed to carry cargo to Queensland direct, but had to take all to Sydney, where it was dumped down on the wharfs, and thence transhipped to the northern ports by coastal boats, while the Aberdeen vessels themselves actually went on to Brisbane empty. That, of course, is one of the effects of the system of the shipping "ring." Mr. Bierne, a Queensland merchant, when in London, asked the manager of the Aberdeen Shipping Company why cargo was not allowed to go direct to Brisbane, and the reply given was, "Damn Queensland! What do we care about Queensland? We run these ships on commercial lines, and, if you do not like to use them, you can use other ships, but the cargo will be dumped down at Sydney all the same." What sort of a Government would it be that permitted such a state of things to continue? Would the Commonwealth Parliament or Government have taken any notice of the circumstances? It was really necessary that the Queensland Government should act quickly in this matter. When a clause was put into the mail contract, making Melbourne and Sydney ports of call, why was not the same step taken in

regard to Hobart and Brisbane, which are equally ports of the Commonwealth?

Mr. HENRY WILLIS.—The Government could not get tenders which embraced those ports.

Mr. PAGE.—The ex-Postmaster-General, through the newspapers, announced that a tender had been received under which Brisbane would have been made a port of call, but that it was not accepted because the charge was excessive.

Mr. HENRY WILLIS.—The ex-Postmaster-General informs me that that is not so.

Mr. PAGE.—Then the ex-Postmaster-General ought to inform the Committee exactly what was done, and not leave us to vote this £120,000 blindfold.

Mr. SYDNEY SMITH.—I intend to speak.

Mr. PAGE.—I suppose the ex-Postmaster-General wishes all the Queensland representatives to speak first, so that he may then sail in and swamp the lot.

Mr. SYDNEY SMITH.—That would be rather a big contract.

Mr. PAGE.—It may be very well for the ex-Postmaster-General to treat this matter in a jocular spirit, but there is nothing jocular about it for Queensland. That State is in the throes of another big drought, and an annual payment of £26,000 is a big consideration. There is no desire on the part of the Queensland Government to come cap in hand to the Commonwealth for relief; all we ask is the same fair and square dealing that is meted out to other States.

Mr. SYDNEY SMITH.—Queensland was acted fairly by in reference to the Vancouver mail service.

Mr. PAGE.—That is only for twelve months.

Mr. SYDNEY SMITH.—It may be longer, because, unless notice is given, the contract is extended for two years.

Mr. PAGE.—If the contract of the Queensland Government with the Orient Steam Navigation Company lasts for three years, that means three times £26,000, and the *quid pro quo* offered is £7,000 for the Vancouver service. If there is to be equality as between the States, I ask the representatives of New South Wales and Victoria to extend to Queensland the same treatment that has been extended to their own States.

Mr. FISHER.—And we must remember that the Vancouver service starts from Sydney.

Mr. PAGE.—That is so. The Commonwealth contract with the mail companies provides for the termination of the mail service at Adelaide, and, that being so. I should like to know why it was stipulated that Sydney and Melbourne should be ports of call. Then, again, the mail companies have to provide refrigerating space for so many thousand tons: and what is the meaning of that unless it be to either force or induce the vessels to visit Melbourne and Sydney? We certainly do not require refrigerating plant for the carriage of our mails. Queensland is paying her share towards the mail subsidy, and is quite willing to pay a share of the extra cost which would be incurred in making arrangements to carry perishable products from Brisbane. I hope the House will act in that true Federal spirit which I am sure would have been shown by the Reid Government. If the case had been put to that Government as it has been put to this House to-night I am sure that the right honorable member for East Sydney, as Prime Minister, would have returned to Queensland, if not the whole of the £26,000, at least a part of it.

Mr. REID.—Half of it, I think.

Mr. PAGE.—I have given support to the present Government almost to breaking point since I came to this side of the House, and, considering the political principles I have swallowed, I ought to receive some consideration in this matter. I ask the present Postmaster-General and the Minister of Home Affairs if they will not go as far as the right honorable member for East Sydney would have gone, and return Queensland one-half of the amount, to, at least, return some portion.

Debate (on motion by Mr. FISHER) adjourned.

APPROPRIATION (WORKS AND BUILDINGS) BILL.

Assent reported.

PAPER.

Sir WILLIAM LYNE laid upon the table the following paper:—

Coasting trade amended regulation 148 and regulation 148A, and amended form 49 and form 49A (Customs Act 1901)—Statutory Rules 1905, No. 61.

CENSUS AND STATISTICS BILL.

Motion (by Mr. GROOM) proposed—

That the report be now adopted.

Mr. KNOX (Kooyong).—Last night I think there was some little misunderstanding as to the particulars which will be collected under clause 13A of the Bill. The Minister has already assured me that under the term "prescribed matters" very much additional ground may be covered. I have no desire to delay the progress of this Bill—I merely wish to emphasize the necessity which exists for ascertaining who are the owners of property, how their property is held, and what is its value. I quite recognise that a householder may say, "I am not qualified to make a valuation of my property." But I would point out that he has the municipal valuation to guide him. It seems to me that it is much more necessary to secure information in regard to the distribution and ownership of property than it is to obtain particulars of the materials of which a house is constructed, and of the number of rooms which it contains. I am of opinion that it would be wise to set out in this Bill the form of a householder's schedule. Last night, however, the Minister offered some practical objection to the adoption of that course, and consequently I did not press the matter to a division.

Mr. JOSEPH COOK (Parramatta).—The last speaker has raised a question of considerable importance. Unless the Minister can assure the House that he already possesses power to secure the information which the honorable member for Kooyong desires, some definite provision should be made for it in this Bill. It is of the utmost consequence that we should have the particulars to which he referred. I do not at all under-rate the importance of numbering the houses, and counting the rooms which each dwelling contains. I know of no broader and fairer test of the general comfort and standard of decency of the population of a country than an estimate of the character of the houses in which its people dwell. I had occasion to refer to a table of this kind only a little while ago for the purpose of showing that in Australia there are about 50,000 people living in houses of two rooms each, and all the rest in houses having more accommodation. I do not at all under-rate that kind of enumeration, but I do not think it should be set up in competition with the information that my honorable friend is seeking—that is, as to the value of house property and the value of land in par-

ticular. It is of the utmost consequence that we should make it imperative upon the Statisticians to ascertain accurately the value of land in the Commonwealth. It is of the very essence of a good computation that there should be uniformity in assessing the value of the lands of the Commonwealth. It may be that this power is latent in the Bill; but even if it is, no harm can be done by expressing it definitely and clearly in clause 16. We have already, in that clause, provided for a schedule covering a number of matters, but as to the value of land and what might be called real property there is no stipulation whatever. It is true that we take power to estimate all kinds of industrial occupations in respect of the numbers engaged in them and their value, but there is no provision in any part of this Bill making it obligatory upon those who will have charge of this business to estimate the value of the realty of the community. As I have already said, it looks as if we shall more and more have to do with the question of direct taxation throughout the Commonwealth. Taxation is being differentiated in the various States. In some a tax is imposed on land; in others on land values; in others a general wealth or a general property tax. It is, therefore, very necessary, in estimating the taxable resources of the Commonwealth that we should know what the lands of the Commonwealth are worth, what they are in extent, and what are the possibilities of direct taxation in that direction. For this purpose, as well as in the interests of a fair estimate of the wealth of the community, we should incorporate some such provision in the Bill. I shall be glad to hear the Minister on this point. It is, I think, rather unfortunate that the honorable member for Kooyong was not present last night when clause 16 was discussed.

Mr. KNOX.—I was present, and I drew attention to the matter.

Mr. JOSEPH COOK.—Then it is unfortunate that the honorable member did not propose what he now suggests, by way of amendment to the clause.

Mr. KNOX.—I explained that I did not do so as the result of a misunderstanding.

Mr. JOSEPH COOK.—That in itself is a good reason for a recommitment of the Bill. I suggest that the Minister should allow the Bill to be

recommitted for the purpose of including a provision to secure the information which the honorable member for Kooyong has referred to. I can conceive of nothing of more importance than the taking of a strict account of the lands of the Commonwealth and their value, and of the value of the general property held in the Commonwealth. We are told now that, roughly speaking, there is in the Commonwealth £1,000,000,000 worth of property. That may be only the very rudest guess, but whether it is a guess or not, it is only arrived at by an attempt on the part of somebody to assimilate various means of computing this wealth in the various States. At the present time, as I pointed out last night, nearly every man who essays to do this work has a method all his own, differing from that of every other Statistician in the Commonwealth. It might turn out that a very different estimate would be the result of a uniform method of arriving at these values throughout the Commonwealth. We cannot be sure that it is being done accurately and properly until we have one authority operating throughout the whole of the States in regard to this very important matter. I therefore support the remarks made by the honorable member for Kooyong. I think it is a pity that the honorable member did not formally move the recommittal of the Bill for the purpose of including in clause 16 some such amendment as he has outlined.

Mr. REID (East Sydney).—It will be recollected by the Minister in charge of the Bill that with the concurrence of the Attorney-General he agreed to a recommittal of clause 12.

Mr. GROOM.—No; I agreed to postpone it. It was postponed, and then brought on after consultation with honorable members of the Opposition.

Mr. REID.—I think that is so. My first impression was that there was an agreement to recommit, but really what was agreed to was a postponement of the clause.

Mr. ISAACS.—We met the right honorable gentleman to that extent.

Mr. REID.—That is so. Unfortunately I was not here when the clause came on for reconsideration, and I see that the difficulty which was raised by the honorable member for Maranoa and by myself has not been met. One difficulty referred to by the honorable and learned member for Corinella, in the case of city premises occupied

as offices where there is a caretaker, has been met. As the Bill stood yesterday, in such cases every office would be a dwelling. That has been remedied by the insertion of the words "and used for the purpose of human habitation." But another serious difficulty pointed out by the honorable member for Maranoa has not yet been met. Throughout Australia there is an enormous number of hotels in which persons lease a room for weeks or months. They are practically lodgers, and hold their rooms in the hotel; and under sub-clause 2 of clause 12 every one of those rooms is made a dwelling. By this Bill, if there are fifty such rooms in a large city hotel they will become fifty dwelling-houses. The tendency of such a law is to misrepresent the condition of the people of Australia, because when the total number of tenements is compared with the total number of householders, our statistics will point to a state of discomfort and poverty which will not actually exist. We know that in New York and in many other places it is a reproach that there are so many families in the occupation of one tenement house. That is looked upon as a sign of the utmost poverty, and of the absence of comfort. Take the enormous building that is being erected not very far away in Collins-street, which will probably contain 100 or 200 rooms to be let in residential flats. If fifty different people occupy those rooms, by the wording of sub-clause 2 of clause 12 that one building will be held to be fifty dwelling-houses, requiring fifty different returns under this Bill. That is altogether wrong. Surely, in the case of an hotel, the licensee is the proper person to furnish one return in regard to all the inmates, whether they be inmates for one particular day, or reside there under an arrangement to remain for weeks at a time. The tendency of this provision is to place the conditions of the people of Australia in a wrong light. I admit that it would be somewhat difficult to so amend the clause as to overcome the objection which I have mentioned; but if we exempted licensed premises, one serious objection would be removed. Coming to the part of the Bill which deals with annual statistics, I would point out that, in reply to the request made by the honorable member for Kooyong, the Minister may say, "That is a matter that we have power to add to the Bill." But unless we provide for it in the Bill itself,

it will be left entirely to the discretion of the Minister. One Minister may require that information shall be annually collected with reference to the tenure and occupancy of land holdings, but another may remove the item from the list. I do not know of an item which is more valuable as giving an insight into the development of rural industries. I suppose that most of the burning questions in Australia, and of most other countries in the future, will concern the tenure of land, and the size of landed estates. These are subjects respecting which information will be sought to a greater degree than in regard to any other statistical matter. Clause 16, which deals with the annual statistics, is framed with considerable ability. Paragraph *a*, for instance, is put so well as to cover an enormous range of subjects; but, unfortunately, the question of land tenure and land occupancy is omitted.

Mr. ISAACS.—The right honorable member also desires that information shall be collected as to the values of land.

Mr. REID.—I do not press that request. If the values were appraised by an expert they might be of some service; but the value which each man would put upon his holding would not be reliable.

Mr. ISAACS. — And enormous expense would be incurred in collecting the information.

Mr. REID.—The point is that it would not be sufficiently reliable; but the information collected with reference to land tenures would be not only reliable, but useful. It could be readily obtained, because every occupier of land could state the nature and extent of his holding. We have practically finished with the Bill, and I do not wish to press my views in regard to clause 12 very strongly, as there would be a certain degree of difficulty in giving effect to them. But it would not take the Committee five minutes to insert an amendment in clause 16, providing that information shall be collected as to the tenure and occupancy of land.

Mr. CARPENTER. — That information could be obtained more readily from the States land offices.

Mr. REID.—But the point is that unless we provide in the Bill itself for the collection of such information, the matter will be left to the whim of the Minister. A Minister who is a land reformer, might be very anxious that the public should get information on this question; but another

might say that it was unnecessary. I certainly think that the Labour Party should attach some importance to my proposal, because, so far as I have followed many of their public utterances, questions concerning the tenure and occupancy of the land seem to have ranged in their minds to a very high degree. Whatever our views upon the land question may be, no one could object to the fullest information being elicited. Is it not more important that we should obtain a bird's-eye view of the land tenure and occupancy of Australia than that we should know whether a man is a Baptist, a Wesleyan, or a Presbyterian?

Mr. WEBSTER.—Infinitely more important.

Mr. REID.—I should say so. Compared with the information that is to be collected, with regard to place of birth, length of residence in Australia, and the material of the dwelling and the number of rooms contained therein, surely details as to land tenure are infinitely the more important.

Mr. GROOM.—The particulars to which the right honorable member has referred are obtained at every census, in order to arrive at an estimate of social conditions.

Mr. REID.—Quite so; but what a flood of light would be thrown upon the land problem, if every member of the community could obtain a bird's-eye view of land occupancy and tenure in Australia. I am sure that the present Minister of Home Affairs would make provision for the collection of such information; but my point is that when we are passing a measure which is likely to stand for years, we should not leave such matters to the whim of a Minister.

Mr. TUDOR.—Does the right honorable member think that the amendment he suggests would enable us to find out anything about the land agents of New South Wales?

Mr. REID.—I do not know that it would; but it is just as well that we should see what is to become of the country after they have done with it.

Mr. WEBSTER.—We shall find how little land is left for the submerged tenth.

Mr. REID.—I do not know how many millions of acres of land there are in New South Wales not yet in occupation.

Mr. WEBSTER.—There is not much unoccupied land there which is any good.

Mr. REID.—It is surely good enough for the submerged tenth. To persons who

are accustomed to being submerged a removal to our drier, plain country might be an agreeable change. I look upon this as one of the most important lines of statistical information.

Mr. WEBSTER.—Is not the matter *sub judice*?

Mr. REID.—If that be so, I have nothing more to say on the subject. I think, however, that the information asked for is valuable, and should be supplied.

Mr. WEBSTER.—Cannot what the right honorable member suggests be done in the Senate?

Mr. REID.—Are we getting "that tired feeling" in this House? When an alteration which could be made in two minutes is proposed, we are told to leave it to the Senate. It is not well to leave our work unfinished, because if we send our Bills to the Senate in slipshod language, and full of defects, we do not know what use may be made of it by-and-by. If there is a difference between the two bodies, it will be flung in our faces that our Bills are sent up in such a way that they must always be amended to improve them. Besides, it is our duty to do our best in connexion with every measure that comes before us. I will not press my suggestions in opposition to the general feeling of the honorable members, but I think that it is worth while to spend five minutes in giving effect to them in the Bill.

Mr. PAGE (Maranoa).—I think that the leader of the Opposition has made a very wise suggestion in proposing the insertion of the words "licensed houses excepted," in sub-clause 2, of clause 12. I raised the point last night, and I think the difficulty to which I then drew attention will be overcome if that is done. With regard to clause 13A, I should like to explain that, when I divided the Committee on my amendment to leave out the words "length of residence in Australia," I did not know that in so doing I should preclude the honorable member for Kooyong from making a proposal for the collection of other statistics. I agree with the leader of the Opposition that we cannot have too much information, especially in regard to land matters. We are all desirous of knowing what land is available for settlement; what is occupied, and what is not occupied, and what are the various kinds of tenure.

Mr. REID.—And the size of the various holdings.

Mr. PAGE.—Yes. The information should be made as complete as possible. I hope that the Minister will recommit clauses 12 and 13A.

Mr. WILSON.—It would be better to recommit clause 16 than to recommit clause 13A.

Mr. REID.—Yes; so that information in regard to land tenure may be collected yearly.

Mr. PAGE.—Whatever may be the proper clause to recommit, I should like to see a provision put into the Bill requiring the collection of information in regard to land tenure. Such information will be no more troublesome to collect than information regarding religion, age, length of residence in the Commonwealth, and so on.

Mr. BATCHELOR (Boothby).—I ask rather that the Minister should hold his hand in connexion with the creation of a Commonwealth Statistical Department than suggest that the number of subjects on which statistics should be collected be increased, because it seems more likely that we shall have a very large Commonwealth Statistical Department than that any branch of statistics will be neglected. Surely the words "any other prescribed matters" are wide enough to cover the information which the honorable member for Kooyong wishes to have collected.

Mr. REID.—Yes; but under those words different Ministers might order different information to be collected.

Mr. BATCHELOR.—The same objection might be applied to the clause which says that—

The Statistician shall, subject to the regulations and the direction of the Minister, collect, annually, statistics in regard to all or any of the following matters.

That provision gives the Statistician a discretion.

Mr. REID.—But it is not intended to have the effect of annulling the provisions of the Bill.

Mr. BATCHELOR.—It is just as likely that the collection of statistics in regard to some of the matters specified will cease as that there will be any change in regard to the collection of statistics in regard to "other prescribed matters," once any matters have been prescribed. It is, of course, advisable that we should know how the lands of the Commonwealth are held, and I do not suppose that there will be any difficulty in collecting information as to tenure. All that would be necessary would

be to have a compilation made of the information in the possession of the officials of the States; but it would be a huge business to try to get information in regard to the value of the land in private occupation.

Mr. PAGE.—Only the rateable value is asked for.

Mr. BATCHELOR.—In those States where there is land taxation, and assessments of value have been made by capable experts, the difficulty would not be so great; but the information obtained would relate only to the unimproved value of land. In cases where there is no land tax, it is necessary to take the estimates of the owners.

Mr. WILSON.—Where there is a shire rate the valuation can be obtained.

Mr. BATCHELOR.—The honorable member surely knows that shire rates are extremely unreliable. Furthermore, they are not on a uniform basis. I have been told that in some cases in Victoria it is notorious that some shires undervalue to an extreme degree. They have local taxation of, say, 2s. in the £1, but the return does not represent the real value of the property in the shire. I know that this matter has been looked into by previous Governments. Estimates of the cost of establishing a Commonwealth Statistical Department are to be found in the office. The result of the inquiries made was to show that there would be a considerable increase in the cost of collecting statistics if they were to be obtained on a uniform basis throughout the Commonwealth. Mr. Coghlan estimated a large increase of cost as compared with what is being paid by the States. Of course, it is advisable to take power under the Bill, but the Minister should by no means create a huge Statistical Department.

Mr. REID.—Surely land tenure is more important than social statistics?

Mr. BATCHELOR.—I quite agree with the right honorable member in regard to the importance of collecting information as to land tenure. But I am talking about attempting to get land values or rateable values for the whole Commonwealth on a uniform basis.

Mr. REID.—I quite agree with the honorable member there.

Mr. BATCHELOR.—The whole subject is covered by paragraph 4, which gives power to prescribe.

Mr. REID.—Why have any details in the Bill? Why not say "all prescribed matters"?

Mr. BATCHELOR.—Of course, this is only a skeleton Bill. Everything depends on its administration.

Mr. REID.—It would be a reflection on us to have eight lines of details, and not to include land tenures.

Mr. BATCHELOR.—I am quite prepared, if the Bill is recommitted, to agree to insert a provision in regard to conditions of land tenure. But I do not think there is any advantage in attempting to lay down every possible line under which it may be found advisable hereafter to collect statistics.

Mr. REID.—I agree; but this is a big line.

Mr. BATCHELOR.—I urge the Minister to hold his hand, and not attempt to make the whole of the information absolutely uniform at once, as to do so would add very much to the cost of collection.

Mr. REID.—The land tenure information is already in existence; there will be no expense as to that.

Mr. BATCHELOR.—That is, comparatively speaking, a very small matter, but if there is to be information uniformly computed there must be special agents appointed by the Commonwealth.

Mr. REID.—That would be going too far.

Mr. BATCHELOR.—I hope that the Minister will not be in a hurry to take over the collection of information on all these subjects. However advisable it may be to have our statistics on a uniform basis, and however inconvenient it may be that the statistics for various States do not always mean the same thing, a uniform system at present would be very expensive.

Mr. JOHNSON (Lang).—I am sorry that I cannot follow the argument of the honorable member for Boothby. I cannot see how any reasonable objection can be urged against the recommitment of certain clauses for the purpose of making them more complete in character, and obtaining more information at no additional cost to the Commonwealth. The proposal of the honorable member for Kooyong is very important. I know that he intended last night to bring the matter forward, but, unfortunately, he was too late. He voted for the clause as a whole, under the impression that he was voting for the omission of certain words only. I knew that he intended to

bring forward another amendment. I was surprised at the way in which the question was put by the Chairman. Not only the honorable member for Kooyong, but other honorable members also, myself included, were under the impression that we were voting on the question of omitting certain words from this clause, and not upon the clause as a whole. As the result of this misapprehension, the opportunity to bring forward the amendment was lost. Having in view these facts, I hope that the Minister will see his way to recommit the clause. Last night, when speaking on clause 12, the leader of the Opposition pointed out certain defects in clause 12, and I also directed attention to imperfections in sub-clause 2, which provides that—

Where a dwelling is let, sublet, or held in different apartments and occupied by different persons or families, each part so let, sublet, or held shall be deemed a dwelling house.

I indicated that if each occupant of a separate room in a dwelling—and there might be a hundred in one building—were expected to fill in a complete schedule relating to the occupants of the building, the result would be an absolutely misleading set of statistics, because information as to the same set of facts would be multiplied by the number of separate occupants in a building. I recognise to the full the value of the suggestion made by the honorable member for Kooyong, which I think, however, should be embodied in clause 16, and not in clause 13A, and I think also that both that clause and clause 12 should be recommitted.

Mr. GROOM.—I cannot consent to the amendment of clause 12, because we have adopted the words of other Acts which, under administration, have been found to be sufficient as recently as on the occasion of the last census. No words that would effect an improvement have yet been suggested.

Mr. JOHNSON.—We should guard against making provision for an erroneous statement of facts; but in this case we not only do not so guard against error, but insert provisions which must inevitably lead to error.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The honorable member for Kooyong has suggested that we should include among the matters upon which statistics are to be collected the question of land tenure. I quite agree with the honorable member that that is an exceedingly

important matter, upon which information should be obtained, but I am afraid that it will be difficult to avoid making the inquiry very expensive. If, as the honorable member has suggested, we were to inquire into land values in every State, and we were to adopt the values furnished by each individual according to his own method of valuation, apart from any uniform principle, we should land ourselves in all sorts of difficulties.

Mr. KNOX.—I did not suggest anything so absurd.

Mr. GROOM.—I am sorry that I misunderstood the honorable member. The only valuations we could accept would be those arrived at under the assessments made by the local government bodies, and I would point out that such bodies are not constituted throughout the whole of the States. Then, again, even where such information is available, the valuations are arrived at according to differing principles. For instance, in Queensland the properties are assessed upon their unimproved value. It is a question of raising revenue, and if values decline a heavier rate has to be levied. Therefore, owners of property very often do not trouble to appeal against excessive valuations. Moreover, owners of property very frequently agree to excessive valuations, because they think that thereby the market value of their properties may be enhanced. With regard to the matter of land tenure and occupancy we shall need to proceed very cautiously, otherwise we shall land the Commonwealth in great expense. I think that the matter can be dealt with in clause 16, in which I am prepared to insert the words "land tenure and occupancy." Even if those words are inserted we can only express the pious hope that those who are entrusted with the administration of the Act will have due regard to the expense of collecting such statistics as are suggested. Even in regard to land tenures serious difficulties will have to be faced. The conditions under which land is classified differ considerably in the States, and varying names are applied to areas of a similar character. Therefore, when it comes to a matter of making comparisons a knowledge of the local land laws will be required. I understand, however, that the honorable member desires to obtain information as to the area of land in each State, the area which has been alienated, the area which is held generally on leasehold, the

area which is held on freehold, the area which is held on mining tenures and so forth. That is useful information which may be gathered from State Departments, in consequence of annual returns being required to be furnished by them. I can see that it may be collected without very much trouble if the Act is administered with care and economy. On the other hand, if there is much "double-banking," the Commonwealth may be put to unnecessary expense. At the same time, under the clause as it stands, land tenures could have been included in the matters prescribed.

Mr. KNOX.—I am quite aware of that. I do not want to increase the expense.

Mr. GROOM.—I understand that the honorable member does not want to incur additional expense.

Mr. KNOX.—Then why talk about it?

Mr. GROOM.—The Bill already gives power to include land tenures, but if the honorable member desires the power to be given in black and white amongst the discretionary powers which we already possess, then, with a view to facilitating business, I am quite prepared to add the necessary words. I move—

That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clause 16 in regard to the addition of a new paragraph, "(gg.) Land tenure and occupancy."

Question resolved in the affirmative.

In Committee:

Clause 16—

Motion (by Mr. GROOM) agreed to—

That the following new paragraph be inserted:—

"(gg.) Land tenure and occupancy."

Bill reported with a further amendment; report adopted.

Ordered—

That the Standing Orders be suspended so as to allow the Bill to be read a third time this day.

Bill read a third time.

ADJOURNMENT.

VISIT TO MILDURA.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. JOSEPH COOK (Parramatta).—I understand that on Friday next a large

number of honorable members intend to make a trip to Mildura, which, by-the-by, I should very much like to visit if I had the opportunity. It is one of the places which I think honorable members ought to see, because the information to be obtained there would greatly assist our future dealings with industries which are characteristic of the place. In view of the large number of honorable members who propose to go away on Friday, I apprehend that the Prime Minister will have some difficulty as regards a quorum. But, apart from that, would it not be well for the honorable and learned gentleman to let us know at once whether he contemplates having a sitting of the House on that day. I certainly think it would be better for him to let honorable members know his intention, so that they may be able to make their arrangements accordingly. I should be glad indeed to see the opportunity to make the trip largely availed of by honorable members, and, if possible, I would go myself, because I think it is an opportunity not to be lightly set aside.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—My feeling in regard to the visit is that which has been expressed by my honorable friend. It is a visit of an educational character, which we should all be glad to undertake; but I have regarded the proposal with somewhat mixed feelings, and certainly if I had the power to stop it, I should do so in order not to lose a day's sitting. I find that practically a third of the House is engaged to make the visit, and that, taking into account the unavoidable absences at this period of the year, it would leave us, if with a quorum, at all events with so small a House that we could scarcely ask that decisions on important questions should be arrived at. Most reluctantly, therefore, I am compelled to forecast no sitting for Friday; but trust that honorable members opposite will recognise the position in which we are placed by enabling us to do to-morrow evening as much as we should otherwise have done with an extra sitting.

Mr. JOHNSON.—I do not think that the Prime Minister has found us very unreasonable.

Mr. DEAKIN.—Not to-night.

Question resolved in the affirmative.

House adjourned at 10.27 p.m.

Senate.

Thursday, 5 October, 1905.

The PRESIDENT took the chair at 3.30 p.m., and read prayers.

SPECIAL ADJOURNMENT.

Motion (by Senator PLAYFORD) agreed to—

That the Senate at its rising adjourn until Wednesday next.

CENSUS AND STATISTICS BILL.

Bill received from the House of Representatives, and (on motion by Senator KEATING) read a first time.

PAPERS.

Senator KEATING laid upon the table the following papers:—

Notification of the acquisition of a site for a post office at Mosman, New South Wales.

Repeal of Public Service Regulation 64, and substitution of new regulation—Statutory Rules, 1905, No. 5.

MEDALS FOR RIFLE CLUBS.

Senator MATHESON asked the Minister for Defence, *upon notice*—

1. Is it true, as stated in the *Age* (August, 1905) that an application was made to the British Government to grant medals to members of Rifle Clubs, and was refused.

2. If so, by what Minister of Defence was the application authorized.

3. From whom did the suggestion emanate that such an application should be made. Was it, for instance, on the initiative of the Minister, the Council of Defence, the Military Board, the Commonwealth Council of Rifle Associations, or of some private individual.

4. Is it true, as further stated, that a suggestion has since been made to some authority in the Defence Department that the Federal Government should themselves issue medals to members of Rifle Clubs.

5. Is this suggestion still under consideration, or, if not, has it been settled in the affirmative or negative.

6. From whom did this suggestion emanate.

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1, 2, and 3. No.

4 and 5. No.

6. I know of no such suggestion.

COMPULSORY MILITARY DRILL.

Senator DOBSON (Tasmania).—I move—

That, in the opinion of this Senate, the Defence Act 1903 should be amended so as to provide for a system of Compulsory Military

Drill, including rifle practice, of all youths in the Commonwealth between the ages of twelve and eighteen years, and also for the universal military training of all male persons of nineteen years of age for a period of five years thereafter, or such other term as may be deemed necessary so as to secure the services of a Citizen Army, efficiently trained, in times of emergency.

It will be admitted that this motion deals with a subject of vast importance. It strikes at the very root of our system of defence, and suggests the question whether we have any sure foundation upon which to build a scheme of defence worthy of the name. It deals also, to some extent, with the question of Imperial defence. Whilst I think the question of naval defence is of the very greatest importance, I do not see why we should not now consider the question of Imperial defence from a military point of view. The motion also suggests vast possibilities for the improvement of the physique of our youth and manhood, and that we may, by a change in our system of education, improve and increase the moral and mental vigour of our citizens.

Senator DAWSON.—The honorable senator does not suggest gymnastic exercises for the physical improvement of cadets.

Senator DOBSON.—That would be a part of the scheme. I desired the Senate, last session, to affirm the principle of compulsory drill for youths, but I asked that a Select Committee should be appointed to inquire particularly into the cost and practicability of such a scheme. Honorable senators will notice that in the present motion I do not ask for the appointment of a Select Committee, but I ask the Senate to affirm the principle not only of compulsory drill for youths, but also of some compulsory system of training for men between the ages of eighteen and twenty-three. The motion is, therefore, an affirmation of the principle of universal military training. I had a conversation with the Prime Minister before I tabled this motion, and he suggested that I should leave out any reference to a Select Committee, and ask the Senate merely to affirm a principle. I am glad I have done so, because I believe that is the right course to adopt. If I were to obtain the appointment of a Select Committee, it is true that it might examine a number of military men, and obtain exceedingly valuable evidence as to whether universal military training is desirable. But the Legislature is specially called upon to deal with principles; and if we affirm the principle of universal training, our military

men will, no doubt, have very little difficulty in preparing such a scheme, based on the conditions of life in Australia, as will meet with the approval of Parliament. It is, of course, essential that we should take local conditions into consideration. I consulted with the Prime Minister because, to my great delight, I found that he was very much in favour of the scheme which I advocate. At the outset I direct the attention of the Minister of Defence to the words which the Prime Minister has uttered in this connexion. He said—

Speaking as a member of the public, without any pretence to expert knowledge, it appears to me that our achievements to-day are the establishment of a defence force inadequate in numbers, imperfectly supplied with war material, and exceptionally weak on the naval side.

He then went on to say—

I was about to say that, although we spent £600,000 a year on our military affairs, we have in the ranks less than one-third of the number of those capable of bearing arms that we ought to have, if we take New Zealand as a standard. New Zealand enlists 10 per cent. of her able-bodied youth, we have only 3 per cent. in our ranks ready for war.

The honorable and learned gentleman was asked—

Do you think it the duty of all able-bodied men to fit themselves for defence work?—

and he replied—

Putting aside exceptional cases and exceptional circumstances, emphatically yes.

So I begin my remarks by directing the attention of the Minister of Defence to the fact that the Prime Minister absolutely believes in the system which my motion advocates.

Senator PLAYFORD.—Why did the honorable senator ignore the Minister of Defence?

Senator DOBSON.—I have not ignored the Minister of Defence. I have asked him privately to support my motion, and I understand that whilst he is in favour of it he thinks that the people will not stand it, and will be inclined to object to the cost, and also to give their time to the service of their country. I hope, before the debate terminates, to persuade the honorable senator that what the Prime Minister has said is wholly right, and that no system other than that which he advocates can possibly be adopted in Australia. Let us look for a moment at the opinions expressed by the foremost military men of the time, and some of the foremost politicians, statesmen, and writers, and we shall

then gain some idea of the importance of the subject. The first public document from which I propose to quote is the report of a Royal Commission appointed by the Imperial Government to inquire into the conduct of the war in South Africa. The pith of the report is contained in the following sentences:—

But the true lesson of the war in our opinion is, that no military system will be satisfactory which does not contain powers of expansion outside the limit of the regular forces of the Crown, whatever that limit may be.

If the war teaches anything it is this, that throughout the Empire, in the United Kingdom, its colonies and dependencies, there is a reserve of military strength which, for many reasons, we cannot and do not wish to convert into a vast standing army, but to which we may be glad to turn again in our hour of need, as we did in 1899. In that year there was no preparation whatever for utilizing these great resources. Nothing had been thought out either as to pay or organization, as to conditions of service, or even as to arms. Even here in England it was to be "an experiment." The new force was not to be discouraged, but it was allowed to equip itself, and it was denied anything beyond the barest complement of trained officers.

We regret to say that we are not satisfied that enough is being done to place matters on a better footing in the event of another emergency.

Then Sir George Goldie, who agreed with the report of the Commission, and signed it, thought it wise to add a note of his own, in which he said—

Although prepared to furnish a detailed scheme, it is not possible in this brief note to do more than roughly sketch a general outline, as follows:—After two or three years' interval to allow of the perfecting of existing volunteer cadet corps, and the general creation of others throughout the country, every physically sound boy of 17 years of age, not serving in the Navy or the merchant service, and unprovided with a certificate (from the appointed military authority) that he is an efficient member of a volunteer cadet corps, would have to serve for a term in National Cadet Schools.

I quote now from a far more important report, that of a Royal Commission appointed to report to the Imperial Parliament upon the militia and volunteers. In their report, these Commissioners say that the first essential is more efficient officers. They then state—

The training given to the Swiss officer may be taken as the minimum received in any country by the officers who form the framework of an army. . . . But no provision is made for the careful progressive military education before and after receiving a commission which is conspicuous in all armies, although a small number of volunteer officers attempt to acquire it for themselves. . . . We are agreed in the conclusion that the volunteer force, in view of the unequal military education of the officers, the limited

training of the men, and the defect of equipment and organization, is not qualified to take the field against a regular army.

Then, under the head of militia, they say—

For an increase of efficiency in the militia we must look in the first instance to an increase in the period of training. The evidence satisfies us that the principal part of this increase must be given during the recruit stage, and in view of the opinions expressed by a large majority of those officers who have appeared before us, we cannot recommend less than six months' continuous training for the militia man in his first year of service. This should be followed in the second, third, and fourth year by not less than six weeks' training. We have adopted these periods of recruit, and subsequent training, because we believe that a further extension would diminish recruiting, and deplete the force.

The members of this Commission regarded the training provided for in Switzerland as insufficient, but I hope to see a scheme adopted under which we shall be able to do with less training than is required under the Swiss scheme, and at the same time increase to a wonderful extent the efficiency of our Military Forces. Under the head of volunteers, the Commissioners say—

The governing condition is that the volunteer, whether an officer, non-commissioned officer, or private, earns his own living, and that if demands are made upon him which are inconsistent with his doing so, he must cease to be a volunteer. No regulations can be carried out which are incompatible with the civil employment of the volunteers, who are, for the most part, in permanent situations. . . . The cardinal principle must be adopted that no volunteer, whether officer, non-commissioned officer, or private, should be put to expense on account of his service. The cost of all instruction, of all exercises, and of all necessary travelling, should be defrayed by the State, so that no volunteer may be out of pocket in consequence of his endeavour to train himself as a soldier.

Honorable senators will see from these extracts that the members of the Commission found that the volunteer, by reason of his avocation in life, is unfitted to form the backbone of a military force. They go on to say—

All volunteer corps should be allowed to train up to fourteen days in camp in each year, with adequate allowances. This appears to the Commission to be the longest period practicable. Ranges and grounds of exercises for all corps should be provided at the cost of the State, and adequate financial provision should be made for the necessary cost of movement to and from them.

Then they say—

The volunteer force has had a great effect in educating the people of Great Britain to think of the army as a national institution, and at the same time it has enlarged the ideas of professional soldiers on the subject of the means and

methods of military training. We deprecate any changes which would modify the spirit which this force has cherished, or any fundamental change in its position, except as a part of some comprehensive measure, which would replace both the militia and volunteer forces by an organization which, while giving greater military efficiency, and at least equal numbers, would also render permanent that sympathy between the nation and the army which, before the rise of the modern volunteer force, was undoubtedly defective.

Senator PLAYFORD.—That has nothing to do with compulsion, which the honorable and learned senator's motion favours.

Senator DOBSON. — The quotation shows that, in the opinion of these officers, it is impossible to make volunteers the backbone of an army, because their avocations prevent them from receiving proper training. The report proceeds—

We are unable to recommend the adoption of the Swiss system as regards the initial training, which is not, in our judgment, sufficient for the purpose.

Senator PLAYFORD.—Yet the honorable senator tells us that he proposes to do less than the Swiss system does.

Senator DOBSON.—Because I recognise that I could not carry the people and Parliament of this country with me. But here are officers who are amongst the first soldiers of the British nation, and who were appointed to inquire into this very subject immediately after the South African war, and they distinctly say that if ever we have to meet a trained army of one of the European nations, or an enemy like the Japanese, we shall certainly go under unless we improve our methods of training. The document proceeds:—

The principles which have been adopted, after the disastrous failure of older methods, by every great State of the European continent, are, first, that as far as possible the whole able-bodied male population shall be trained to arms; secondly, that the training shall be given in a period of continuous service with the colours, not necessarily in barracks, and thirdly, that the instruction shall be given by a body of specially educated and highly trained officers. We are convinced that only by the adoption of these principles can an army for home defence, adequate in strength and military efficiency to defeat an invader, be raised and maintained in the United Kingdom. To make detailed recommendations under this head appears to us to be beyond the scope of the task entrusted to us, especially as the principles which we recommend cannot be adopted without producing an effect on the regular army. But we submit the following general observations. We believe that the necessary thorough training could be given within one year, after which only one or two annual periods of a few weeks exercise or manoeuvre would be needed. The condition of such a short training

being sufficient is that the instruction should be given by professional officers and non-commissioned officers.

Then they conclude by saying that they submit to His Majesty—

That a home defence army capable, in the absence of the whole or a greater portion of the regular forces, of protecting this country against invasion, can be raised and maintained only on the principle that it is the duty of every citizen of military age and sound physique to be trained for the national defence, and to take part in it should emergency arise.

Senator PLAYFORD.—That is the Continental system.

Senator DOBSON. — My honorable friend has not been listening, I think. It is the system which the Royal Commission appointed to report upon the militia and volunteers recommend for Great Britain.

Senator PLAYFORD.—Undoubtedly, but it is the Continental system.

Senator DOBSON.—It is not the Continental system; it is a system of universal military training as against conscription.

Senator PLAYFORD.—It is conscription under another name.

Senator DOBSON. — My honorable friend proceeds to condemn what I propose before he has heard the argument. I understood that he was in favour of some system of compulsory training, but thought that the people would not stand the cost and the sacrifice of time.

Senator PLAYFORD.—I say that if we are going to have an ideal army, we must have a compulsory system, and every citizen must be trained.

Senator DOBSON.—If the honorable senator says that, I want him to give effect to his own common-sense views and not to be led away by the thought that the people will not stand it. I ask him to recollect that leaders of men are supposed to point the way and not to follow after. Leaders of men are supposed to give emphasis to their convictions, and to carry them out. I am perfectly certain that we shall have to adopt some system of compulsory military training. But as the Minister seems to be rather averse to the motion—although I really do not understand what he means—I shall quote a few more opinions. English opinion in favour of some system of compulsory training has increased wonderfully since I brought forward the subject last session, and as I have before me the opinions of some of the first military men in the world, as well as of

other leaders of opinion, I think it would be a mistake for me to try to put their ideas into language of my own rather than to quote from them. Therefore I do not apologize to the Senate for quoting pretty freely. Lord Roberts says—

I maintain it is the bounden duty of the State to see that every able-bodied man in this country, no matter to what grade of society he may belong, undergoes some kind of military training in his youth, sufficient to enable him to shoot straight, and carry out simple orders if ever his services are required for the national defence. I believe that such a training would be of the greatest benefit to the nation, inculcating as it would a spirit of sober self-reliance in the individual, and raising the standard of physical efficiency. Moreover, there does not seem any other way by which it would be possible to obtain the very large reserve of officers (amounting to some thousands) that is essential to our success in war, no matter under what system our army may be organized.

We know that Lord Roberts now proposes to take active steps to direct attention to the importance of this subject. At the age of seventy-three he is undertaking an extensive platform campaign, and is to deliver addresses in many of the principal towns of Great Britain on the subject. Lord Wolseley says—

Besides our great and splendid fleet, we require for national defence a highly trained standing army, supported by great reserves of trained soldiers, always ready to take the field, with every necessary warlike appliance. And this we can never have without some form of compulsory military service.

Sir Evelyn Wood, Sir T. Kelly-Kenny, Sir Edmund Barrow, Sir Ian Hamilton, and Sir John French have all, time after time, given public utterance to their view that some system of compulsory military training is necessary if the nation is to have an army on a national basis to meet every possibility in time of war. I now come to a quotation, which I think is exceedingly apt, and I will ask the Minister to pay attention to it—

Had we had a system of general military service, no such calamity as the Boer War need have occurred. There would have been no Majuba, and had there been any conflict between Boers and English, the individual Englishman's consciousness of his well-trained physical power and military efficiency, and the knowledge possessed alike by English and Boers, that this country could at any moment place a large army of well-trained men in the field, would have enabled both races to live side by side, as self-respecting neighbours who respected each other. A system of national service may cost much money, but it gives in return vast gain of health and strength, of self-respect and sense of safety from wanton attack and wanton insult. Our system has cost all the lives lost, and the constitu-

tions ruined, in the South African War; the loss of all those two hundred and fifty millions of money; all that weakening credit and loss of reputation which came of the war.

Senator MILLEN.—Simply because we have not a bigger Army?

Senator DOBSON.—Simply because we have not a larger Army, and because the citizens of the old country and of the Colonies had not been trained to shoot and to military exercises. I find that even Sir Oliver Lodge writes as follows:—

I am one of those who are beginning to contemplate the possibility of a national or citizen army, each one in his youth devoting a certain time to the acquisition of drill and discipline, and the use of weapons for national defence. I believe it will make for peace, inasmuch as it will bring home the danger and the responsibility of war to every hearth in the kingdom; for a people whose ordinary avocations are upset by active service will not rush into war as rashly as do people who maintain a professional fighting class.

I should like to read what Mr. Amery says. He is the author of the *Times* history of the war in South Africa. He says—

The army we want for Imperial purposes is not likely to be as serviceable for the defence of England as a far cheaper force raised separately for that special purpose.

If we wish to avoid conscription on the Continental plan, we must instil something of the military spirit and of the rudiments of military training into the youth of the country.

The whole boyhood of the nation, between the ages of sixteen and seventeen, should receive a military education. This would be universal service, but except for the short periods of field training (the youth) would not have to leave his home.

Some steadying influence, some discipline, which will implant in our citizens' nature the habits of self-restraint, order, obedience to law, and co-operation, is an indispensable complement to our system of universal education.

Is compulsory education or compulsory taxation a violation of liberal principles?

Where "compulsory" is synonymous with "universal" there is no injustice.

The more universal and the more thorough the training of our nation for home defence, the higher will be the military qualities, &c., &c.

The separation of home defence from the task of the Regular Army is necessary alike from the point of view of strategy, from the point of view of training, of economy, and of the possibility of a great development of military power in times of serious crisis.

Then I turn to a German authority. Professor Dewar says—

The standard of education of the German people is two generations ahead of us. Their extraordinary commercial expansion and success is admittedly due mainly to the mental development of the whole nation, and this has been largely caused by the stimulus to education produced by certain military advantages, including

partial exemption from service given to all who have reached a given standard of education.

He adds—

It is difficult to estimate the immense value which this direct and strong inducement to the youth of the country to work and educate themselves has been to the manufacturing and commercial interests of our continental competitors.

Senator DAWSON.—I rise to order. I should like to know whether it is competent for the honorable senator to quote outside opinions to such an extent?

The PRESIDENT.—Certainly.

Senator DAWSON.—Under what standing order?

The PRESIDENT.—A senator can always quote opinions for what they are worth.

Senator DOBSON.—A Defence League has been formed in New South Wales for the purpose of urging upon the people of the Commonwealth the necessity for the adoption of some system of compulsory training on the basis, I think, of the Swiss system. In this respect the New South Wales people are following the good example of the National Service League of the United Kingdom, the objects of which, as I think I pointed out on a former occasion, are—

1. Physical training on scientific principles and military drill should be made compulsory as part of the educational course in all schools.

11. Between the ages of eighteen and twenty-two, every youth not enlisted in the Regular Army or Navy, or serving in the Mercantile Marine, or joining some branch of the Auxiliary Forces, in which the standard of training shall be higher than that proposed, should be liable for training as below.

- a. For those electing to be trained in the land forces:—

Two months' training in a camp of exercise under canvas in the first year.

Fourteen days' training in the second, third, and fourth year.

All who have been through this training to be offered a retaining fee for an extra term, on condition that they complete an annual course of musketry.

It stands to reason that the compulsory training of our youth would have a very marked beneficial effect upon the physique of the nation. The opinion of experts is that the physique of the English nation is degenerating, whilst that of other nations that have adopted compulsory military training is improving.

Senator MILLEN.—Does not the statement that the physique of the English nation is deteriorating refer to men who

volunteered for service in the English Army?

Senator DOBSON.—I do not think so. I have here, for instance, a statement by Lt.-Col. W. Hill Climo, M.D., brigade surgeon, referring to the evidence obtained in relation to the South African war. He points out the result of his observations of men belonging to the Regular Army, the Militia, the Volunteers, and the Yeomanry. He says—

In one expedition, when a regiment was inspected to take part in an advance, over 300 of them—380, I think—were sent for examination as to their physical fitness, and 212 of that part of the regiment so sent for examination were rejected as unfit to sustain the toils of the march, and as being liable to disease.

Those were men who presented themselves in London for service in South Africa; and honorable senators see the results. The vast majority were so physically unfit that they were rejected.

Senator MILLEN. — That supports my statement that the assertions as to physical unfitness apply only to men who presented themselves as volunteers for the Imperial Army.

Senator DOBSON.—That part of the statement bears that construction, but I come to another part of it—

The average measurements of the male population, according to the Anthropometric Committee of the British Association in 1883 were—

Then follows some statistical information, with which I need not trouble the Senate; but Surgeon-Colonel Climo goes on to point out the following deplorable results:—

The average recruit of 1900, whose age was nearly 20, was:—

Two inches shorter, 1 in. narrower in the chest, and 15 lb. lighter than the average youth of 19. And he was 1 in. shorter, .29 in. narrower in the chest, and 6 lb. lighter than the average youth of 17 years.

I think that Surgeon-Colonel Climo's words are correct.

Senator MILLEN.—That deals with men who offer themselves for the Army.

Senator DOBSON.—It does not say so. It refers to the average male population of the United Kingdom, according to a committee of the British Association, which certainly has nothing to do with the British Army.

Senator HIGGS.—How are these particulars obtained? They are not obtained from the census.

Senator DOBSON.—I do not know how they are obtained, but it is evident that

a committee at Home has gathered the facts; and they show that in every way the physique of our people is deteriorating.

Senator PLAYFORD.—The honorable and learned senator ought to show that in Australia the people are deteriorating.

Senator DOBSON.—I cannot show that.

Senator PLAYFORD.—Because we have not deteriorated.

Senator DOBSON.—Does the Minister of Defence think that the statistics of the old country have no analogy with the statistics relating to the Australian youth?

Senator PLAYFORD.—Precious little; none at all, so far as I know. The present generation of Australians are bigger than their fathers.

Senator DOBSON.—If the Minister will walk down Bourke-street and observe the boys who are selling race-books and newspapers, he will see that they are narrow-chested, shrivelled individuals who would have been all the better for a little compulsory training. Let me now give a quotation from the observations of a Socialist, Mr. H. Quelch, in his *Social Democracy and the Armed Nation*:—

It may be asked, in what this system of compulsory military training differs from conscription. It differs in the most essential features. Under conscription, generally speaking, the service is not universal; it does not fall on all classes alike. A certain number of conscripts are drawn each year, and any well-to-do youth, who may happen to be drawn, can escape service by paying for a substitute. Moreover, the officers are almost entirely drawn from the "superior" classes. With the armed nation no one, unless he were physically incapacitated, would be exempt from the compulsory training. . . . Above all, there is this vital difference, that with the armed nation there would be compulsory military training, but no military service, except in time of war, when all would be liable to be called on in proportion to their age, training, &c. This system would not mean, as conscription means, the maintenance of huge bodies of men, divorced from civil life, in comparative idleness, at the expense of the industrial community. Every citizen would be a soldier, but every soldier would be a citizen.

Then I have a quotation from the remarks of a working man on the subject of *Universal Compulsory Training for Home Defence*:—

The universal compulsory training of all healthy adult males for the purposes of home defence, is, in my opinion, desirable, necessary, and likely to be beneficial to all concerned.

It is *desirable*, on the grounds of patriotism. One who loves his country must, if he be genuine in his profession, devote himself to the service or benefit of his country.

In Australia we have the permanent forces, militia, volunteers, cadets, and rifle clubs. A committee of officers have suggested a scheme for the training of cadets, and in this they provide for 22,956 cadets, at a cost of £13,606 per annum for allowances, and a total cost of £30,700. That committee recommend that effective cadets should be allowed 10s. per annum for uniforms, and senior cadets 20s. for the same purpose. But Lt.-Col. McCay, the late Minister of Defence, regards the scheme as altogether too limited and costly. Lt.-Col. McCay, in a *Memorandum on Cadet Training and University Training in Naval and Military Forces*, written when he was Minister of Defence, says:—

It is proposed that there be established in all the schools of the Commonwealth, both primary and secondary, classes of instruction for the male pupils above a minimum age of twelve years, at which attendance shall be compulsory. These classes will occupy two or three school hours in every week.

Senator PLAYFORD.—That is compulsory training.

Senator DOBSON.—It is compulsory, but it applies to those boys who are attending schools, and only during two or three school hours in every week. We all know how various citizens, from time to time, suggest that certain subjects should be taught at the State schools; and the curriculum has become so enlarged as to be almost beyond control. I should object to the boys being taught drill, gymnastics, and rifle shooting during school hours, because I think that sort of tuition ought to be given during play hours. Another fatal objection to the scheme is that, while it may be applicable to the boys attending grammar schools and colleges, it would not meet the case of State school boys, who generally leave at the age of thirteen, or thirteen and a half years, not one being found at school after he has reached fourteen. What is the use of making the system compulsory only in regard to boys attending schools? The compulsion ought to be applied to all boys between certain ages, and not merely to scholars.

Senator TRENWITH.—The training ought to be given after the boys leave school.

Senator DOBSON.—But surely an hour and a half or two hours might be applied to this training during the week. I should like to give honorable senators some statistics as to school attendance, so that they may see, as I hope they will, the weak spot in Lt.-Col. McCay's scheme. The

total number of males attending the schools is 361,404, with an average attendance of 237,451, so that 123,953, or one-third of the whole number, do not attend regularly. It would, therefore, appear that under this scheme boys would not be at school to be trained. The statistics of the Commonwealth with regard to the ages of our youths, apart from the attendance at school, are as follow:—Between the ages of fifteen and twenty there are about 189,472, and about 218,308 between ten and fifteen. These are the boys to whom, of course, I wish to apply the system of compulsory training. Lt.-Col. McCay goes on to say in the memorandum:—

No uniform will be provided for, or required of, any Instructor or boy; no money allowance will be made to any boy.

I think that is quite right.

Senator PLAYFORD.—Uniforms ought to be provided.

Senator TRENWITH.—Uniforms are a mistake in a system of the kind.

Senator DOBSON.—The point I wish to drive home is that, in return for the privileges and advantages conferred by the State, the men and boys of the community ought to assist in the defence of the country. But it is idle to ask them to do so unless they are trained.

Senator TRENWITH.—But we do not desire to supply them with "millinery."

Senator DOBSON.—Certainly not. Lt.-Col. McCay says—

After the scheme has been in operation for not less than two years, it will be possible to form Voluntary Cadet Corps, composed solely of youths who have been instructed, and have left school.

How can we possibly inaugurate a system of this sort, and apply it only to the boys at school, when we know that boys leave school at the age of thirteen? It has been found, both in the United Kingdom and in Australia, that the voluntary system, although good and admirable in its way, will not give us the numbers we require. It is monstrous for us to shrink from the idea of saying at once to the youth of the Commonwealth—"You are bound to serve the State, in return for the privileges and advantages which the State gives you." Lt.-Col. McCay has thought out his scheme exceedingly well so far as it goes; but it appears to me to stop just where it ought to begin. Let me give honorable senators some information as to the ages at which boys attend school. In

Victoria, boys attend school between the ages of six and thirteen; in New South Wales, between five and fourteen; in South Australia, between seven and thirteen; in Queensland, between six and twelve; in Western Australia, between six and fourteen; and in Tasmania, between seven and thirteen. In view of these figures, we cannot avoid the conclusion that the scheme of Lt.-Col. McCay would fail in getting hold of the youth of the Commonwealth. Lt.-Col. McCay goes on to point out that it is very essential to have well-trained officers; and there I quite agree with him. He also says that all boys attending colleges and grammar schools should be compelled to undergo a certain amount of military training. But while there are 361,000 boys attending the State schools there are—14,680 between six and thirteen, and 5,000 over thirteen, who attend private educational establishments in Victoria. The particulars as to the number of boys attending private schools in the other States of the Commonwealth are not available. I contend that no system will be complete unless it be compulsory, whether a boy leaves school at fourteen years of age or eighteen years of age.

Senator GIVENS.—The honorable and learned senator advocates universal military service?

Senator DOBSON.—I advocate universal training, but not conscription. I should now like to direct attention to the armies of the world, and the figures may be regarded as the very latest, seeing that they were given in reply to a question asked in the House of Commons only a few weeks ago.

EUROPEAN ARMIES, 1904-5.

	Peace.	War.
British ...	217,000	300,000
German ...	600,000	3,224,000
Austrian ...	325,245	2,000,000
French ...	602,120	3,200,000
Italian ...	225,637	1,900,000

PEACE BUDGET.

British ...	£28,830,000
German ...	31,880,455
Austrian ...	17,493,633
French ...	27,053,196
Italian ...	11,277,556

I have many quotations which show that it would be quite impossible for the British nation to go to war with any of these continental nations, if the war were of a military rather than of a naval character; simply because England has not the required

numbers of efficiently trained officers and men.

Senator PLAYFORD.—But any war would be of a naval character, considering that nice little ditch between the old country and the Continent.

Senator DOBSON.—I should now like to quote from an article written by the Earl of Errol in the August number of the *Nineteenth Century*, on *The Nation and the Army; the Responsibility of the Individual Citizen*—

I maintain that the present state of the army is not the fault of this Government or that, nor of this Minister or that.

It is the fault of a system acquiesced in by successive Governments, and supported by the people, and their representatives in Parliament. The secret of failure lies deeper down below the surface. It is not the War Office, but the citizen who is to blame, because he will not make the necessary sacrifices to maintain an army adequate to the needs of the Empire; and it is to him we must look to provide the necessary driving power for that object.

In the present state of public opinion, the condition of the army cannot be satisfactory, and I do not believe it can ever be made efficient till the whole trend of public opinion is altered.

There was a moment, just after the South African war, when I believe the country would have accepted, and gladly accepted, some radical scheme for putting its military house in order.

That moment has passed, and is unlikely to recur until another crisis arises, like that of the early days of December, 1899.

God grant that we may have time to rectify our shortcomings, as we had then, and may not have to face an up-to-date and enterprising enemy at an hour's notice! It makes one shudder to think what would have happened if, instead of the Boers, we had had to face the Japanese in 1899.

What would have happened at Mafeking, at Kimberley, at Ladysmith? Is it to be supposed that Japanese soldiers would have quietly sat down till these places were relieved, or have waited till reinforcements came from England, before overrunning the colony? Is it likely that thousands of Japanese would have wasted their time outside Mafeking for seven months? And is it likely we could have met their highly-trained and experienced warriors with our half-trained auxiliaries?

Senator MILLEN.—Does that help the honorable and learned senator's case? If it had been a war with a nation like Germany, Great Britain would not have acted as she did in South Africa.

Senator DOBSON.—I think the quotation helps my case, because it shows that England met with many disasters in South Africa, merely because her citizens were not trained.

Senator TRENWITH.—The disasters were the result of insufficient information.

Senator DOBSON.—We know that numbers of yeomen and other English citizens started for South Africa during the war, but hundreds of them were discarded because they were physically unfit, and thousands had to be drilled in South Africa before it was thought safe to allow them to go to the front.

Senator GRAY.—That was because England did not adopt the modern system of warfare.

Senator DOBSON.—To adopt that system, we must have our citizens trained. The article proceeds—

We are told the country is not ripe for any system of universal service. I believe this is so, but it does not prove the wisdom of the feeling. The politicians are, no doubt, bound to take it into consideration, or their calling would be gone; but deep down in their hearts they must know that something of the sort is bound to come sooner or later, and that the only question is, will it come before or after a disaster?

That is plain speaking, and I do not think that honorable senators can deny the statements made. Then another writer, the Rev. H. Russell Wakefield, Mayor of Marylebone, in a companion article to that of the Earl of Errol, says—

Many people are deterred from supporting universal military training, because they hold that it is morally indefensible. This is surely a most mistaken judgment, and those who are desirous of seeing the Empire's sons at their best, not only in body but in character, would do well to consider the assistance which the suggested power of universal service would afford to this end.

Some good results in this direction seem evident, and can hardly be gainsaid.

The general well-being must depend largely upon the healthy condition of the body of the individual citizen. England is awakening slowly to the fact that the physical state of the people is unsatisfactory.

Conditions, now happily disappearing, have forced some classes in our country to dwell almost exclusively upon their own rights, and a selfishness, very pardonable, but not desirable, has been engendered. "What does he know of England, who only England knows?" is the expression of a great truth, but some would emphasize this, and say, "What does he know of Empire, who only slum-life knows?" We shall find readiness to serve country grow with a better realization of the benefits of belonging to our land.

The universality of the teaching will cause the bonds of union between Englishmen to be better realized and more highly valued. The fact that the whole of our male population is one in its ability to be of use to the Empire may do much to draw together those separated by many circumstances which cannot be got rid of, while a truer conception of duty as citizens, exemplified by bodies well trained for service, will be an object lesson to other lands, valuable as proving

not only England's strength, but also her high moral conception of national responsibility.

Then I find in the *National Review* an article on *Army Reform on National Lines*, by Major-General Sir Edmund Barrow, commanding Peshawar District, India, who says—

The blame for all this rests neither on the War Minister nor on the chiefs of the army, but on an emotional and unreasoning public, which is swayed by every passing whim, but has neither the patriotism nor the self-denial to insist on efficacious measures, or to accept the personal obligations which they entail. A public ever ready to catch at some cheap or novel expedient, such as voluntary rifle clubs, or even *Ju Jitsu*, ever ready to acclaim feeble platitudes about "our stupid officers," or, the "need for war training," but also ever unwilling to suffer either in purse or in person for those great objects which we one and all profess to desire.

Then there is a splendid article here in the *Nineteenth Century* by Lord Methuen, in which he says—

The Commission on the Militia and Volunteers has drawn attention, in a way it has never been drawn before, to the difficulties attendant on our maintaining our present system of voluntary enlistment.

We may say what we like, or shut our eyes to the evidence given before this Commission, but here we have facing us the deliberate opinion of a certain number of impartial men, eminently qualified to form a sound judgment, who see no solution except some form of compulsory service.

Field-Marshal Lord Wolseley, Lord Roberts, Lord Kitchener, Lord Rosebery, and the Association of the Head Masters, have united in recognising the importance of the Lads' Drill Association, and said very much as follows:—

Mental without physical training is a lop-sided experiment; there should be a curriculum of elementary training in all our schools. We ought to follow the example of our colonies, and introduce cadet corps.

The hopes of the future are that the rudiments of military training may be brought within the reach of every able-bodied subject, and that the Government may fully recognise the cadet system as the basis of home defence.

If later on the British public recognise that, for the proper protection of our country, the least we should content ourselves with is the training of our lads in drill, and in the use of the rifle, then, of course, the problem is solved: but so long as the country does not consider it advisable to tax the youth of this country to this extent, then we have to do our best to fill up the gap.

The gap is being filled in the old country by lads' drill associations. That, it seems to me, is a terrible mistake. We should at once grapple with the subject, and have compulsory drill for all youths, and to a certain extent for the manhood of the country. Lord Methuen points out that in New

Zealand all expense connected with the training of cadets is borne by the Education Department, and the cadet corps are solely under the control of that Department. Then he says—

The cadet system has been thoroughly reorganized in Canada. Arms and equipment are loaned by the Militia Department, and instructors are detailed from the permanent force whenever possible.

I must, before I close my article, call in Sir George Goldie as my last witness :—

In his remarks at the end of the report of the Commission on the South African War, he proposed that every physically sound boy of seventeen years of age, who is not serving in the Navy, merchant service, or as an efficient member of a volunteer cadet corps, should serve for a term in national cadet schools, the officers being provided from the regulars.

It is said that the money given to these cadet corps increases the expenses of the Army, but Sir George remarks that the reverse is the truth, for his scheme would enable the country to reduce the number of men now serving with the colours.

I said in my opening remarks that I thought the motion opened up, to some extent, the question of Imperial Defence. The time may come when we shall have to flock to the standard of the Empire, as we did in the South African war. The time may come when other nations may be jealous of our paramount position in Egypt, and we may have to fight a European combination. There may be a great uprising in the Balkan Peninsula, and the action of the Sultan of Turkey may bring about complications in which we shall have to intervene, and a great European war may be the result. We all know that Russia has been foiled in her aggressive policy in the Far East, but she may now devote her attention to Persia, and Great Britain may have to defend her rights in that country, and her interests in the Euphrates Valley. Again, the time may come—though God forbid that we should ever have to fight our Anglo-Saxon cousins in the United States—when we may have to defend Canada for all we are worth. The time may come also when there will be a revolution in India with which the former revolution cannot be compared.

Senator HIGGS.—The honorable and learned senator does not mean to say that our "Indian brothers" would turn against us.

Senator DOBSON.—Everything is possible in this world. In any of these contingencies, it would be found that we should have been wise had we considered the question of Imperial Military Defence, as well as the question of Imperial Naval

Defence. All these considerations go to show that we ought to establish some system for the training of our raw material. Nothing is so deplorable as to see the raw material of life going to waste. We have enormous possibilities for the training of men. We should be able to turn out as fine a body of militiamen, riflemen, and mounted infantry as any nation in the world.

Senator PLAYFORD.—If we will pay for them.

Senator DOBSON.—We need not pay very much for them. The honorable senator has a "bee in his bonnet" on this question. I do not desire that we should pay too much for them.

Senator PLAYFORD.—The difficulty is that the honorable senator does not desire that we should pay anything.

Senator DOBSON.—I say that we have a right to call upon our manhood to defend the Commonwealth. Senator Playford has a notion, and nothing I can say will knock it out of his head. I cannot help that. I am sure that the honorable senator will be left in the lurch; that he will find that he must follow his Prime Minister; and that, instead of leading the people, the people will lead him. I have read certain articles in which suggestions are made on the subject of preferential trade, and the question of naval defence. One writer suggests that we shall give preferential trade to the mother country, although she will be unable to reciprocate because she cannot afford to tax food or raw material. He points out that we are deriving the very greatest protection from the Imperial Navy, and that we cannot afford to pay as we should like—and I hope honorable senators are agreed on that point—our fair share of the expense of it, either on the basis of population or of revenue. On the basis of population, the Colonies of Great Britain should pay £7,000,000.

Senator PEARCE.—Is that a fair basis?

Senator DOBSON.—On the basis of revenue the Colonies should pay £9,000,000, and I believe that our proper share of the expense involved in Imperial naval defence would be between £2,000,000 and £3,000,000. I have a suggestion to make which may be thought worthy of consideration. If we adopt some form of compulsory military service, although we may not be in a position to pay our proper proportion of the cost of Imperial naval defence, we may be able to say that we shall be ready

when the necessity arises to supply 25,000 men for foreign military service.

Senator TRENWITH.—Compulsory enlistment for foreign service? I do not think we will ever stand that.

Senator DOBSON.—I am suggesting that we might be prepared to supply 25,000 men for foreign military service, and 5,000 of these might be mounted men.

Senator MILLEN. — I thought that the basis of the honorable senator's motion was home defence.

Senator O'KEEFE.—The honorable senator will not get Australians to follow him unless for home defence.

Senator DOBSON.—I have been dealing with home defence, but I am trying now to show that there is a way in which we might help the Empire, and at the same time meet the debt we owe to the Imperial authorities in respect of naval protection and defence.

Senator GIVENS.—The honorable senator is spoiling a good case.

Senator DOBSON.—I do not think so; I am using the argument for what it is worth. Honorable senators seem to forget that in the South African war 5,000 of our men volunteered for the service of the Empire.

Senator MILLEN. — They were purely volunteers.

Senator DOBSON.—My answer is that, under a scheme providing for compulsory training, there is no reason why we should not have 100,000 men or more who will have been trained to some extent, and I undertake to say that out of that number 25,000 might be expected to volunteer for foreign service, as our men did before.

Senator MILLEN. — That is their own look-out.

Senator DOBSON.—From one point of view it is. But we cannot deal effectively with the question of defence if we leave everything to voluntary effort. We must know the means by which we are going to defend the Commonwealth and, if need be, assist in defending the Empire. If we are to give assistance to the Empire when it is in trouble, we must have some system laid down, and some definite plan on which the Imperial authorities can depend. Are they to be refused adequate compensation for the naval defence of the Commonwealth, and at the same time to be told that we cannot guarantee the offer of 1,000 men, or of one man, in the hour of England's trouble?

Senator HIGGS.—Trouble for doing what?

Senator DOBSON.—I need not answer that question, except to say, as Senator Higgs must know, that history repeats itself. We are not now subscribing anything like an adequate contribution to our naval defence, and I am suggesting that we might make up for an inadequate naval contribution by a military contribution. Do honorable senators mean to say that out of 100,000 or 200,000 trained men, 25,000 could not be found to volunteer for foreign service in aid of the Empire?

Senator O'KEEFE.—That would not be compulsory service.

Senator DOBSON.—No, but we might agree to supply 25,000 men; and if we called upon 100,000 or 200,000 men to volunteer, I have no doubt that we should get the number required. If we named our contribution at a moderately low figure. I believe that by voluntary offers we could get the number required.

Senator MILLEN.—The honorable senator advocates, as a part of his scheme, that we should offer to contribute 25,000 men in case such a necessity as he suggests should arise?

Senator DOBSON.—That is not a part of the scheme dealt with in my motion.

Senator MILLEN.—If the honorable and learned senator advocates a scheme which ultimately contemplates that we shall undertake to supply a certain number of men for foreign service, I shall vote against him.

Senator DOBSON.—My scheme does not provide for anything of the sort. I am making an alternative suggestion to one in connexion with preferential trade to which I have already referred.

Senator MILLEN.—The honorable senator should make that the subject of a separate motion.

Senator DOBSON.—I will drop that subject now.

Senator DE LARGIE.—Why drag in that question, when the honorable senator knows that it is objectionable?

Senator DOBSON.—I have done so, because the writer to whom I have referred has said that we might make up for our deficient contribution to Imperial naval defence by giving preferential trade to the mother country, and asking nothing in return. The objection to that is that it would probably be disastrous to our local manufacturers. I am submitting a national

scheme for the compulsory training of men and boys, and I suggest—and the men might be consulted beforehand—that a certain proportion of our trained men might be invited to offer themselves for foreign service under certain conditions. I am merely endeavouring to point out a way by which we could make up to the mother country for our niggardly contribution towards the naval defence of the Empire.

Senator TRENWITH.—I do not know that we are making a niggardly contribution. We are making a considerable contribution. We do not contribute as much to the dangers of the Empire as do other portions of it.

Senator DOBSON.—Surely the honorable senator will not say that ours is not a niggardly contribution?

Senator TRENWITH.—It is, if we reckon the liabilities of every section of the Empire to be equal, but they are not, and we do not contribute as much as do other British Possessions to the dangers of the Empire.

Senator DOBSON.—I cannot agree with Senator Trenwith. I think it is a blot on our policy that we contribute so little for the protection we receive from the British Navy.

Senator HIGGS.—I am sorry to raise a point of order, but I must ask whether the honorable and learned senator is in order in discussing on this motion the contribution which we pay under the Naval Agreement Act? The honorable and learned senator is reflecting upon that Act, and under our Standing Orders he is not entitled to do so, unless he moves for its repeal.

The PRESIDENT.—I think the honorable senator is wandering somewhat from the motion. The question of the Commonwealth contribution under the Naval Agreement Act does not appear to me to come within the terms of the motion.

Senator GIVENS.—The honorable senator is spoiling his case.

Senator DOBSON.—I am sorry to hear the honorable senator say so. This is only a very small portion of my case. I am urging that all boys should, while in school, receive some military training, and be taught the use of the rifle; and the latter part of the motion proposes that after they have left school they shall still be liable to some kind of compulsory training. I have been told by a layman that I would do much better to limit my mo-

tion to the training of boys in school, but I have been advised by military men that we should affirm the principle of the compulsory training of men, because, whilst we may not make a soldier of a boy by training him at school, we shall make a soldier of a man by training him between the ages of seventeen and twenty-three. I hope the Senate will not shrink from affirming the principle that, no matter how little drill or training may be imparted, our youths and young men shall make some sacrifices to prepare themselves for the defence of the Commonwealth. We have a right to ask this of them in return for the advantages they derive as residents in Australia. I recollect reading a letter by Mr. Kipling, in which he referred to the enormous contribution universally levied on boys in the pursuit of football, cricket, and other games. Whoever heard of a boy attending school, and not taking part in these games? I suppose that in most schools boys are compelled to take part in them. Mr. Kipling, in his letter, pointed out that if a youth is at school between the ages of twelve and seventeen years, he will have been compelled practically to put in 2,500 hours at football, cricket, and other games, and if he is at school from ten to eighteen years of age, he will have been compelled to devote about 4,000 hours to such recreations. He adds, that if we took 10 per cent. of that time and devoted it to military drill and rifle practice, our school-boys would be fitted to some extent to take their part in defending the country. I should think that we might take more than 10 per cent. of this time; a third, or a fourth, would be well employed if devoted to some kind of military training.

Senator TRENWITH.—We should not allow our boys to play at all!

Senator DOBSON.—I think my honorable friend is joking. We want the boys to play at football and cricket; but I am suggesting that a certain portion of their time should be devoted to military drill and rifle practice, which would be quite as fascinating as any game. The time devoted to such exercises should not be taken out of school hours, as Lt.-Col. McCay suggests. Mr. Rudyard Kipling has two lines which are to the point—

Let us admit it fairly as a business people should,
We have had no end of a lesson, it will do us
no end of good.

Then he goes on to anticipate the report of the Committee which I have quoted, and writes these lines—

Each man born in the island to be broke to the
matter of war,
As if it were almost cricket—

Senator PEARCE.—Will the honorable senator quote those lines of Mr. Kipling's about "Fifteen thousand Chinamen going to Table Bay"?

Senator DOBSON.—No, I cannot. But the whole question is contained in the sentiment that each man born in the land should be "broke to the matter of war."

Senator GIVENS.—Is that the poet who spoke about "The flanneled fools at the wicket, the muddled oafs at the goal"?

Senator DOBSON.—In addition to the cadet scheme, we also have our rifle clubs, which number 686, and comprise 30,342 men. They cost about £50,566. In Canada the rifle clubs number 400; 270 of them being civilian clubs, and the remainder military. They have 34,000 members, as against our 30,000. In Switzerland there are 200,000 riflemen.

Senator PLAYFORD.—But in Switzerland there is a compulsory system right through.

Senator DOBSON.—It is a compulsory system to some extent. There are four possible systems of defence for Australia. The first is to perfect the present system—to enlarge it if you like, and make it as complete as you will; but it is a very costly system, involving an expenditure of about £560,000 per annum. The second possible course is to perfect the present system, and to add to it the compulsory training of youths. The third possible course is to perfect the present system, and to add to it compulsory rifle practice, so that every young man in the country may learn to shoot straight; and we could combine with that the compulsory training of youth, if that be thought desirable. The fourth system is that mentioned in the motion, namely, compulsory military training of some sort. That includes numbers two and three, and would provide for such military training between the ages of twelve and twenty-three. I ask my honorable friend the Minister of Defence which system he is going to adopt. He can adopt the first system if he likes.

Senator PLAYFORD.—It is adopted now.

Senator DOBSON.—Surely the honorable member is not going to stop there?

Senator PLAYFORD.—I have to administer it.

Senator DOBSON.—What the honorable senator has to administer is a system in which there are 22,000 paid men, costing about £550,000 per annum, and Lt.-Col. McCay has suggested that in time of war 40,000 is the least number of men required to protect the Commonwealth in case of a raid or a small invasion. Thus my honorable friend, in addition to the 22,000 men, has to provide for 18,000 more men, and I contend that there are not in this Commonwealth 18,000 men sufficiently trained to add to the 22,000, and to make up an efficient army.

Senator PLAYFORD. — Yes there are—men who have passed through the militia and volunteers.

Senator DOBSON.—I tell my honorable friend on military authority that it would cost him about £200,000 a year to get those 18,000 men to make up the 40,000 which the late Minister tells us are necessary. For that sum we could introduce a system for the compulsory training of all our youths, and to a great extent of our manhood. I urge, therefore, that this system of universal training—not compulsory service—is by far the best to adopt. I do not know what arguments I shall have to meet in opposition. I have a great many more arguments and opinions, but I will reserve them for my reply. I wish to hear what Senator Playford has to say with regard to the motion. I have pointed out the views of his Prime Minister, and when I have heard his own opinions. I shall be able to produce more arguments. But I am perfectly satisfied that if the Minister will adopt some sort of compulsory military training the greatest possible benefit will accrue from it. There will be, first, greater security. It will give us a guarantee of peace; because if all the world knows that we have trained citizens throughout the Empire other nations will be very loth to go to war with us. Secondly, there will be an improvement in the physique of our people. In the third place, there will be the advantage that the system will give our people a training in sacrifice, and will bring home to them the duties and responsibilities of citizenship. In the fourth place, it will give thousands of people a valuable training in methodical habits, punctuality, cleanliness, order, and discipline, which will have a beneficial effect upon the commercial and industrial life of the Commonwealth. In the fifth

place, it will bring all classes together for their mutual benefit, and will teach them the lessons of national duty and human brotherhood in a common service under the Union Jack. If my honorable friend can show that we can adopt any other scheme than this, and secure an efficient force, I shall be glad to listen to him. But I do not think he can. I would suggest to him that he should take a leap ahead, and adopt some form of universal service. There is the Swiss scheme and the Japanese scheme to choose from. Under her scheme, Japan has shown how it is possible for a people to jump to the front rank in nationhood. Her army has been an admirable success in every way. Count Oyama says that that success is owing to compulsory education and compulsory service. Under the system which prevails in the Swiss confederation beneficial results have also followed. I do not know whether my honorable friend has a copy of Lt.-Col. Campbell's pamphlet.

Senator PLAYFORD.—Yes; I have read every word of it.

Senator DOBSON.—It is an admirable document, and gives a mass of valuable information. I shall be interested to hear what my honorable friend has to say.

Senator DE LARGIE (Western Australia).—I beg to second the motion. In supporting it I have to say that I think that if Senator Dobson had omitted his unfortunate reference to recruiting for service abroad he would have earned the thanks of every honorable senator for bringing the question forward. But notwithstanding those remarks which I am proud to say are out of touch with the feeling of the majority of the members of this Parliament, and of public opinion. I think that his motion is a very useful one, and is brought forward at a very opportune time, when the public mind has more or less been fastened on to the subject of a complete system of defence for Australia. There are times in the history of peoples when questions of this kind are much more acceptable than at others, though the necessity for considering them may always be pressing. For instance, during the South African war, I believe that the public mind of Great Britain was very much inclined towards a system of compulsory training, or of universal service. Public attention was directed to the necessity of having a more effective means of defence and a better trained army. Since

then public feeling has been allowed to cool down, with the result that, to-day, if universal training were proposed in Great Britain it would probably be a much greater task to convert the public to that way of thinking than it would have been had action been taken when the iron was hot. There is no doubt that the late war between Russia and Japan contained valuable lessons for Australia. We have seen how an Asiatic nation, which most of us considered to be merely a second or third rate power, has sprung at one leap into the first rank of world powers. Japan to-day stands in a position that no one can dispute. It would be futile and foolish on our part to shut our eyes to the lessons of the war. There is no people in the world that stands in such danger from that Asiatic people as we do in Australia. I am attributing to the Japanese no more than the natural tendencies that I should attribute to a European people, when I say that the military laurels they have gained in the war will have at least as great an effect upon their imagination as military victories have had upon the imagination of European peoples. If we take the most advanced countries in the world—the energetic, progressive people of the United Kingdom, the cultured people of France, the far-sighted and deep-thinking people of Germany—we shall find that their military victories have always had the effect of making them jingoistic, and too prone to make war.

Senator STEWART.—Inclined to swagger.

Senator DE LARGIE.—Inclined to get swelled head, if I may use a vulgarism, and to swagger over others. And if that has been the effect upon Europeans, I am quite satisfied that the same will be the case with Asiatics, who have been looked down upon for generations as inferior to white men. Considering our geographical position, we have, therefore, every reason to take to heart the lessons of the war, and to begin to prepare our country for that defence which I hope we shall never need to put into requisition. If ever we do, I trust that we shall have a defence worthy of the name. I believe that we shall be able to put up a gallant fight, and we shall certainly be better able to do it if our men are given such a training as military science can furnish. This is not a party question in Australian politics. I had the honour to propose a motion similar to this at a political Labour Conference a few

months ago, and, although it was not adopted, it was defeated by such a small majority, that I have reason to think that in time the Labour Party will adopt compulsory training as one of its principles. The movement is growing in every State, and I think it is bound to extend. But, while I am a supporter of the motion, I wish it to be clearly understood that I, individually, and the party to which I belong, have no sympathy whatever with wars of aggression. Such wars are totally opposed to our principles. Wherever our party has a footing, in any part of the civilized world—and it is, I hold, a world-wide party—it has absolutely condemned all wars of aggression. But it has always been most enthusiastic in supporting wars of defence that are forced upon a country. No people have rallied more fervently to the defence of a country attacked by a foreign foe than those holding democratic opinions, though we have no sympathy with anything in the nature of jingoism. I support this motion, first, because I believe that the proposition it contains is forced upon us by the necessities of our situation. The adoption of compulsory military training in Australia would be a safeguard to our country. It would not only be a safeguard against aggression from without, but I hold that it would also prove the best defence that a democracy could have. One of the most truly democratic peoples in the world, the Swiss, have adopted this system, and consequently are not afraid of attack from any quarter. But they know that, if they had a standing army, their democracy would be threatened by a grave danger. We, in Australia, have less to fear than any people in the world in that respect, as our democracy is free from the taint of militarism. That being so, we ought to make ourselves as free as possible from the danger of aggression from without. People who are not prepared to defend their country cannot, in the right sense of the word, be described as free. If a country is worthy of defence—and I know none more worthy than Australia—that defence cannot be in better hands than those of the inhabitants; and this is a duty which should be compulsory on all who exercise citizen rights. Considering that the rights and privileges of citizenship are so general in Australia, I cannot see how any one who enjoys them could refuse to perform the accompanying duties. We cannot get away from the fact that there may be forced upon us at any

Senator de Largie.

time the duty of defending Australia, and if we are not prepared to offer that defence by having a thoroughly trained citizen force, we shall certainly not show to advantage. I have no doubt whatever as to the abilities of the average Australian, who is quite as capable of taking care of himself as the citizen of any other country in the world. In our athletic sports, and in the fistic arena, where a man's endurance and skill are thoroughly tested, a young Australian is always capable of giving a good account of himself; and I have no doubt that if military knowledge and training be placed within reach, he will, in this connexion, compare with any other citizen in the world. We have an enormous area and a very small population, but if we have the training Senator Dobson has indicated, I have no doubt that should the day come when we are called upon as a people to take action in our own defence, we shall have no reason to be ashamed of ourselves. I see no other way than that of compulsory military training to escape the institution of a standing army, which would not only be a menace to the democracy of the country, but would impose an unbearable burden of taxation on the people generally. We know that the Australian does not care to pay too dear for his defence, and time and again the Defence Estimates have been severely cut down. Our military defence is not adequate under the present system, and to extend it to the extreme limit that our finances would bear would be objectionable. Certainly the very utmost we could afford to spend on a defence scheme would not provide a standing army sufficient to guard a country so enormous as Australia. Under the circumstances I see nothing before us but a scheme like that submitted in the motion, which would give us an adequate force at a minimum cost, and cause no danger to our democratic institutions which we have laboured so hard to build up. Adam Smith, the great political economist, cannot be charged with having been a "jingo," and he laid it down as a basic principle that a citizen army is the best of all armies for a free people. Adam Smith's words are—

In a citizen army the character of the labourer or tradesman predominates over that of the soldier, but in a standing army that of the soldier predominates over every other character.

In that view I agree. My acquaintance with military men, both at Home and in Australia, leads me to believe that once a

man makes the Army his profession, it monopolizes all his thoughts and energies. To such a man the institutions of the country, other than military, are as nought; he looks on the military as the beginning and end of all things. We have endless lessons in history which show the lengths to which individuals deeply imbued with the spirit of militarism are prepared to go in order to uphold the system. That sort of character is not developed in a citizen army; and the way in which to make the character of the labourer and tradesman predominate over that of the soldier is to cause every man in the community to be a citizen soldier. This is the price we have to pay for our independence—the price we are obliged to pay in order to maintain and defend our country. I have already referred to the citizen army of Switzerland, and I should like to make some quotations from a recent and very instructive book on the subject. I find that the soldiers of Switzerland are scarcely observable to any one travelling through the country; that there is no country where militarism is less in evidence, though the whole place is practically an armed camp. The system adopted in Switzerland, which is similar in principle to that outlined by Senator Dobson, is known as the compulsory-voluntary system. That may appear to be a contradiction in terms.

Senator PLAYFORD.—And so it is.

Senator DE LARGIE.—However that may be, it has been adopted in Switzerland, and, perhaps, there is no institution that is more firmly established in the country. A standing army has scarcely ever been known in the history of Switzerland; if such an army were ever established there, it has been unknown for many generations. In Switzerland, notwithstanding treaties which make her territory neutral, it has been found necessary to organize the whole of the people for defence; and, considering that we have no treaties which guarantee our neutrality, and that we are open at any time to attack, close as we are to Asiatic peoples who regard Australia with an envious eye, the necessity for a similar system here would appear to be much greater. The population of Switzerland is a republic made up of people who speak German, Italian, and French; they are not what may be called a distinct people. But, notwithstanding the fact that the population is composed of people of the surrounding nationalities, they do not consider themselves free from aggression

unless prepared to defend themselves by means of their citizen army. Our danger is not from people of European race, but from the hordes of Asiatics that are our nearest neighbours. The book to which I have referred is an American production, entitled *Government in Switzerland*, and is written by Mr. J. M. Vincent, associate professor in the John Hopkins University. In that book I find this statement—

The organization of the Federal Army is carried out with elaborate exactness. As stated above, every able-bodied citizen, not otherwise engaged in specified government service, must be enrolled in the militia, and continues in some form, to the age of fifty, a part of the national defence.

Senator PLAYFORD.—A man, by paying a special tax, can get himself exempted from service.

Senator DE LARGIE.—I fancy that the Minister of Defence is in error. No doubt there are exemptions, as in the case of a man whose mother may be a widow, but I have never seen it authoritatively stated that a man may purchase his freedom from service. Mr. Vincent, in his book, goes on to say—

On coming of age, every young man is entered on the list of recruits, and if, after medical examination, he is found available, is sent to one of the schools of instruction for about six weeks of his first year. After that he is liable to be called out two weeks every other year (cavalry, ten days every year) during his term in the active army, to go into camp for military drill.

We can give that amount of time in Australia during holidays, so that there need be no interference with trade or industry.

On reaching thirty-two, the militiaman is mustered into the reserve, where he is no longer subject to annual drill, but must present himself one day in the year for inspection, and is called out once in four years for practice courses of five or six days. The regulations differ for officers. Those who desire promotion in the various branches of the army, must follow courses of higher military instruction, and spend considerable time each year in conducting drill and manoeuvres. . . . Education for military duty begins, in reality, when a boy has reached his tenth year;—

That is much younger than the age proposed by Senator Dobson—

for gymnastic training under competent teachers is obligatory upon all sound youths, whether attending school or not, until fifteen years of age. The method and scope of instruction is carefully presented by Federal law, and is carried out by the cantonal administrations.

Senator PLAYFORD. — The cantons find most of the money, and carry out the work to a great extent.

Senator DE LARGIE.—The force is under the supervision of the Federal Government, and I have no doubt that, under such a scheme as that proposed by Senator Dobson, some of the work would have to be left to the States.

Senator PLAYFORD.—The States would laugh at the Commonwealth Government, who have not the power to call upon them to do this work.

Senator DE LARGIE.—I do not think so. The States would, I believe, recognise this duty just as readily as does the Commonwealth. Indeed, many of the schools in Australia carry on gymnastic and physical training at the present time. At the Eight Hours' Demonstration in Sydney the other day I saw a very large number of scholars from the State schools give gymnastic exhibitions, including drill with field guns as well as with rifles. Surely if this work is being carried out at the present time, there would be no objection to extending it under Federal legislation. Mr. Vincent goes on to say:—

This, without maintaining a large standing army, great care is taken in the instruction and exercise of the militia, a record being kept of every available man, and where he may be found, so that when troops are wanted, they may be instantly called together. . . . Switzerland's mode of defence is thus in striking contrast to that of the great powers surrounding her. No great army is apparent to the eye in time of peace. No draft upon the youthful strength of the nation withdraws for terms of years a large body of working men into an unproductive occupation, yet by careful organization and short periods of drill, the whole able-bodied male population has been made into an army. We are carried back to the old Germanic idea of the folk as "the people in arms."

According to this writer, the system in Switzerland causes very little interference with the industrial life of the community. At any rate, the time devoted to drill and training has not called for any adverse comment. And I think a similar system could be carried out here with just as much ease. Much of the training could be given in the evenings, on Saturdays, and at holiday times, and, as in every industry there are dull periods, a camp training could then be arranged. I have taken the trouble to collect some figures showing the cost of the Swiss system as compared with the cost of the systems of other European powers. In Switzerland the cost per armed man, namely, £7 per annum, is the lowest in Europe. In Great Britain the cost ranges as high as £64 per annum per armed man; in Austria £52; in France, £46; in Ger-

many, £46; in Italy, £43; and in Russia, £22 per armed man. The financial aspect of this question is most important; and I have already referred to the severe criticism which has at times been levelled at the Defence Estimates in this Parliament, and which indicates the necessity for the most economical administration. In order to secure efficiency with economy, there is no system which we can adopt with any chance of success, except that of making every individual take his part in the defence of his country. I should like to read some extracts from a letter written by an Australian military man who took part in the South African war, and who, with a thorough knowledge of Australian characteristics and institutions, has given the subject under discussion much attention. This gentleman recognises the need for economy, and holds that it would be foolish to dress up our lads in what he calls "millinery." He also points out that the Boers fought in civilian dress quite as well as they would have fought in the most gaudy uniform; and he suggests that a badge on the arm or a number on the hat or cap is all that is necessary for military purposes. I will read an extract from the letter. The writer says—

Drill at present day consists of about four movements, which any schoolboy can learn in a week, and has little tactical effect on fighting. Physical training, which should be begun at school, and carried out daily until a boy leaves it, is the groundwork of every army.

To add rifle-shooting, not at short and well-known ranges (good enough for the Martini-Henri), but up to the full extent of the rifle in use, at unknown ranges, and in all lights and weathers, will have the boy out of school far fitter than his ancestors to tackle daily life, and always ready to fall in to his place on the first note of war.

To use the present electoral districts as regimental areas, and to be able to rally every man at the polling-booth to resist an invasion by batteries and regiments of his own electorate as he now goes to the poll to record his vote is but the work of a day, with a proper system of skeleton army in time of peace.

The Boers were quite as invisible as the British; they fought as well, man for man, in their everyday working clothes, and to say that we cannot do the same is giving us very little credit.

We cannot afford to dress up the entire male population of Australia, and yet nothing short of these numbers can be looked upon as effective to guard an area equal to the United States of America.

Nor can we provide ponies for them all; and I advisedly say ponies, for horses are absolutely out of place for this purpose.

Firstly, they cannot do the work of ponies on short rations; their own weight tires them much sooner; they offer a much larger target to the enemy; are not so handy in any shape or form.

Taken month after month, good marching infantry will go as far. When in the firing line, 25 per cent. of the effective force have to be detached to hold the horses, and during the second Boer war it was found that about 25 per cent. were permanently dismounted, from horses running short, going back for fresh ones, &c., &c.

To lead a horse into the firing line is to court disaster; the machine-guns of an opposing force would mow down or stampede the lot, to say nothing of drawing a deadly fire on to the men who were trying to fire and hang on to their bridles at the same time—about as impossible a thing for any number of men as can well be imagined.

Again, we are defending our coast, not raiding an adjacent power; and if the trains and carts cannot bring the men approximately to their posts, well, it will be a bad day when entire dependence is placed on marching a regiment from Sydney to Brisbane.

If the men in the rifle clubs cannot ride now, well, they will be better on their feet, for their own comfort and that of the horse, in the day of battle; if they can ride, it is waste of time drilling riflemen like cavalry in peace.

Honorable senators will see that the writer of this letter seems to understand the system which was followed in the South African war. There can be no doubt that many valuable lessons for use in Australia can be drawn from the experience gained in that war. This gentleman took part in the war from the beginning to almost the close, and, as he is an Australian, he is able to give sound advice on this matter. He points out that the dressing of men in fancy uniforms is of very little use to them in actual fighting. The Boers found it no disadvantage not to have a red coat in the firing line. It should not be forgotten that the training imparted under these schemes, wherever they have been adopted, has greatly benefited the health of the youths who have undergone it. On this point Senator Dobson has quoted many valuable figures which further reading on the subject would, I am sure, substantiate. We have heard that want of exercise is telling on the race at Home, and, perhaps, this applies to some extent in Australia.

Senator STEWART.—Hunger has had something to do with it.

Senator DE LARGIE.—It has no doubt had some effect. We cannot expect men or boys to be healthy if they are not well nourished and well fed. We know that leading statesmen in Great Britain have said that there are something like 12,000,000 of people in the United Kingdom who are always on the verge of starvation, and no

doubt hunger has had a very injurious effect on many of the youths in the mother country. I am sure that the race in Australia would be the better physically for the adoption of the scheme proposed; and, once it were properly understood, I have little doubt that our boys and young men would take it up with enthusiasm. There would be no need to force it upon them; and I may say at once that if I thought that this motion meant anything in the nature of conscription, I should be opposed to it. I believe that that will not be its effect, but that it would lead to our boys and young men learning many useful lessons which would be beneficial to them in after life. It should be remembered that we have already legislated in such a way that the young men who would be effected by this motion could be called upon for service in defence of the Commonwealth. In the Defence Act we have laid it down that every male between the ages of eighteen and sixty shall be liable for service. What greater folly could there be than to provide that every man in the country should be liable for military service, if we did not also make provision for their necessary training? It will be of no use to call to the defence of the country men who will have had no military training whatever, and who will not know one end of a rifle from the other. We cannot expect men to be capable soldiers without some training. A mob of untrained men in the field would be a greater danger to themselves than to the enemy. Having laid down the principle of compulsory service in our Defence Act, the logical sequence is that we should provide our youths and young men with the means of learning something of the duties which they may be called upon to perform. The system outlined by Senator Dobson is one which, in my opinion, should meet with the approval of the Senate.

Senator PLAYFORD (South Australia—Minister of Defence).—I wish to say only a very few words on the motion, because I look upon the question as practically in the academic stage at the present time. Senator de Largie has argued on the assumption that we have not a citizen army now, and that, unless we adopt some proposal of this kind, we shall by-and-by have an army which will not be a citizen army, but which will be under the control of a certain section of the community, and will be used, possibly,

to the injury of the rest of the community. That is altogether a mistaken idea. With the exception of a few men forming a permanent force, which we cannot do without, and which we must have, even though we adopt the Swiss system, the army we have at present is a citizen army. The whole of our troops are citizen troops—militia, volunteers, riflemen, and so on.

Senator WALKER.—Their numbers are inadequate.

Senator PLAYFORD.—I do not know that they are. I have only lately received a communication from the Defence Committee of Great Britain, in which the opinion is held that they are adequate, if not more than adequate, for any duty they are likely to be called upon to perform. Senator Walker, in saying that the numbers are inadequate, is setting his opinion against that expressed by some of the highest British military authorities. They say, with regard to Major-General Hutton's scheme, that the force provided for is quite adequate for all requirements, taking into consideration the opposing force it would be likely to meet in case of war.

Senator PEARCE.—Do they understand the wonderful distances which our forces might have to cover?

Senator PLAYFORD.—They have every information on the subject. They have maps and plans, and they understand the question, practically, as well as do military men here. In commenting upon Major-General Hutton's scheme, and the force he suggested on a peace and on a war footing, they say that it is adequate. After all, what do we require a military force for? It is for the purpose of protecting ourselves. Then the question arises: What force is likely to be brought against us? Estimates in such matters are of course arbitrary; that cannot be helped; but military authorities have laid it down that a force of a certain strength might be expected to invade our shores. They say that no force of less than 20,000 men would ever think of attacking us, and the chances are that an invading force would not exceed 50,000 men. It is held that we have made adequate provision to meet an attack by such a force. I agree with Senator de Largie and with others who contend that the most perfect system of defence would be one under which every able-bodied man in the com-

munity would be trained to bear arms and to shoot straight. That would be a perfect system undoubtedly, but the question is what would it cost, and would the people of the Commonwealth stand the expense that would be involved? It is all very well to refer to the Swiss system, and to say that we could take men away from their ordinary avocations and compel them to undergo military training, but is it proposed that they should serve without pay? If the proposal is that the men should be paid for the time devoted to training, a very little consideration will be sufficient to convince honorable senators that the cost will be enormous. To attempt to enforce this system without pay would be to inflict the grossest injustice on the poorer members of the community, who would be taken away from their ordinary avocations, perhaps, at times which would be most inconvenient to them, and who would lose their wages when engaged in military training. It would mean precious little to the richer members of the community, but to the rest it would mean a very great deal.

Senator GIVENS.—It would mean that the poorer members of the community would have to defend the property of the rich, without recompense.

Senator PLAYFORD.—They would have to give their time, which, to them, means money, without recompense. What the motion proposes is an unpaid force, and that is practically what the Swiss force is, and the wealthy man would have his property protected whilst the poor man would be called upon to pay for its protection.

Senator DOBSON.—We would not agree to that rotten system.

Senator PLAYFORD.—I do not know; but it appears to me that that is what the honorable senator proposes. If he proposes that the men should be paid he must count the cost, and I should like to know what he thinks it would be.

Senator DOBSON.—We would not pay.

Senator PLAYFORD.—Then the honorable senator would make the poorer members of the community pay by the loss of their time and wages for the protection, not only of themselves, but of the richer members of the community.

Senator DOBSON.—They would have to give up their time, but not their wages.

Senator PLAYFORD.—Does the honorable senator mean to say that a man

might be away from his employment for six weeks at a stretch, as they are in Switzerland, engaged in military training, and that his employer would pay him his wages for that time?

Senator DE LARGIE.—That would only be in the first year.

Senator PLAYFORD. — It does not matter. So far as the Swiss force is concerned there can be no doubt that the training imparted is absolutely inadequate. It is so very small that it is extremely doubtful whether, with the exception of a few of the *elite* of the active army, they could be depended upon as being anything more than irregular troops. It can hardly be assumed that man for man the Swiss forces could stand against properly-trained and drilled troops.

Senator DE LARGIE.—That is not the opinion generally held on the Continent of Europe.

Senator PLAYFORD. — All kinds of men hold all sorts of opinion on questions of defence. If a Lord Roberts stands up in England and supports a certain scheme of defence, you will have a Lord Wolseley stand up and condemn it. We have appointed a Council of Defence, and have done away with the commander-in-chief, as they have in England, and Lord Roberts and others contend that that is a wrong principle altogether.

Senator DOBSON.—All are agreed that universal training is a right principle.

Senator PLAYFORD.—I admit that to establish a perfect system of defence we should make it compulsory that every man should undergo a military training, but in order to establish such a system, we should have to bear the expense of paying the men while they were being trained, and if they were to be properly trained the cost would be enormous. Under the Swiss system, when men are being trained for a lengthy period, they receive an average payment of 6d. per day. Recruits get 4½d., and men who have been some time in the service get 7d. per day. We should have to pay our men considerably more than that. We could not, I suppose, pay them less than 5s. or 6s. per day while they were being trained. Our population is practically the same as that of Switzerland. The population of Switzerland is about 3,900,000, whilst the population of the Commonwealth is 3,500,000. The annual cost under the Swiss system is £1,120,000; and if we were to pay our men under the scheme pro-

posed we should have to multiply that by twelve, and the expense would run into £12,000,000 or £13,000,000 a year.

Senator MULCAHY.—Does the honorable senator mean to say that it would cost £13,000,000 a year to carry out this scheme?

Senator PLAYFORD.—If we reckon the pay which men of the Swiss forces receive as one-twelfth of what we should have to pay our men, seeing that their annual expenditure on this account is £1,120,000, we should require over £13,000,000 a year. My contention is that if we insist on compulsory service, we must pay our men fairly for the time they are compelled to devote to military training. I say that that would involve the expenditure of an enormous sum of money. I admit that the system by which a country can hope to defend itself to the best advantage must be one of compulsory military training for every able-bodied man in the community, but, so far as I can see, we are not in a position to carry out such a system.

Senator DE LARGIE.—Why does the honorable senator base his calculation on a payment of 5s. a day? We do not pay 5s. per day now to men of the permanent force.

Senator KEATING.—I think we pay that to our naval men.

Senator PLAYFORD.—I think we pay 5s. per day to our men at the encampments. At any rate, the expense will be considerably increased, and it is questionable whether there is any necessity for it. I should be willing to alter our present system if I could see my way to find the money, because I admit that compulsory military service is the best system a country could adopt. But in the first place I do not know that we could afford it, and, secondly, I do not know that the people of this community would agree to it. If there is one thing more than another about which the Anglo-Saxon race has held a strong opinion, it is the refusal to bow the knee to conscription in connexion with military and naval affairs. The people have refused it in the United States, in Canada, in Great Britain, and in Australia.

Senator MULCAHY.—What about the press gang in former days in Great Britain?

Senator PLAYFORD.—That was a system adopted under great pressure, and in peculiar circumstances, when the very life of the nation depended on maintaining the strength of the fleet. Great Britain then resorted to measures

which would not be justified under other conditions. "Self-preservation is the first law of nature," and a country under fear of foreign aggression may resort to a system that would not be justified under normal circumstances. But there is a great difference between the situation of Great Britain at that time and our situation today. There is also a great difference between compulsory service and conscription. Conscription is compulsion, but compulsion is not necessarily conscription. A grey mare is a horse, but a horse is not necessarily a grey mare. Conscription prevails in France, where the authorities go into a village, and take by ballot a certain number of young men of certain ages to serve in the army. In Germany, however, every young man is compelled to serve for two years with the colours. The period used to be three years. After that period of service men become members of the reserve, and may be called upon to serve in case of necessity. That is compulsory service.

Senator DOBSON. —My system is compulsory training.

Senator MULCAHY. —Is there any hardship in compelling our young men to do what some of them do voluntarily now?

Senator PLAYFORD. —Yes, I think there is. If they are compelled to serve they are taken away from their ordinary work, and lose their wages. I can see no objection on principle to a paid compulsory military service, because under it the poorer class cannot complain that they lose money, whereas the richer class, who have their property protected, are well able to pay for the service rendered. If the men are paid for their service, and there is a proper system of taxation that compels the richer classes to contribute more towards the revenue than the poorer, and therefore to bear their fair share of the military expenditure, it is a proper system.

Senator WALKER. —Is the honorable senator in favour of the training of cadets?

Senator PLAYFORD. —I am, but as far as my experience goes, after looking into the subject, there is no necessity for making that system compulsory. Every young lad who goes to a school is only too pleased to join a cadet corps.

Senator DOBSON. —There are only 8,000 cadets in the Commonwealth, and there ought to be 200,000. The honorable senator has not looked into the subject. He is only bluffing us.

Senator PLAYFORD. —Senator Dobson is exceedingly rude, and would complain if I retorted upon him in his own terms. I have looked into the matter, and I find that there is only one State in the Commonwealth in which the cadet system flourishes to any extent, namely, Victoria. But I have made inquiries amongst school masters and others, and I find that there is not the slightest trouble in getting lads to join the cadet corps. They are only too pleased to shoulder their arms and "show how fields are won." Senator Dobson was very unfair to the late Minister of Defence in reference to the cadet system. That gentleman took an immense amount of trouble, and, I believe in the principles that he had laid down, on the whole. I am willing to extend the cadet system, with the co-operation of the States Governments. It is useful to teach the boys to handle rifles, and a little drilling does them good physically. If ever the country was attacked, the training they received as cadets would be extremely useful. This is just like learning to swim. I learned to swim when quite a little boy, and found that after twenty years, when I jumped into the water, I could swim just as well as ever. Similarly a boy who learns to shoot as a cadet would, no matter how long he lived, be able to shoot later in life if his country required his services. We cannot, however, increase the number of cadets without the assistance of the States. I have left upon the Estimates the sum of £7,000, which the late Minister placed there for the purpose of encouraging the system. I have also under my consideration the idea of having for the cadets an inexpensive uniform, because I have found that nothing pleases a boy more than to have a nice little military cap, and a uniform, decorated with a few bits of braid to show it off. But we do not want any compulsion applied to the cadet system. I did not approve of that part of the late Minister's scheme, not only because it is not necessary, but also because it would involve the passing of a special Act of Parliament. We could not compel these boys to join cadet corps.

Senator DOBSON. —Yes, we could.

Senator PLAYFORD. —We could not compel them to handle rifles, and to go through drills as part of the ordinary school curriculum.

Senator O'KEEFE.—There is power to compel service under the Defence Act.

Senator PLAYFORD.—Not to compel little boys at school to undergo drill; and the provision with regard to men is not intended to apply in times of peace. We shall provide proper drill instructors, and do all that we consider to be necessary to bring up the cadet corps to something like the strength that the late Minister of Defence mentioned in a special memorandum. I do not agree with what Senator Dobson has said with regard to the deterioration of the English race. I have been living in this country over fifty years, have had a considerable family of my own, and know my neighbours and their families. I have kept my eyes open, and, as far as I can see, the rising generation compare very favorably with their parents, so far as size and physique are concerned. I do not pretend to be an Australian, having been born a Cockney, but I have five sons of my own, every one of whom is over 6 feet high, while one stands over 6ft. 3in. They do not compare very unfavorably with past generations. Similarly, when I look at the children of my neighbours, I see little men about 5ft. 6in. in height with sons 6 feet high. There is no physical deterioration there. As for the females amongst our people, it seems to me that for a considerable time past the younger generation have been growing taller and stronger.

Senator DOBSON.—What about the Prime Minister's opinion?

Senator PLAYFORD.—The honorable senator has dropped the Prime Minister on to me once or twice, but he does not frighten me. As a matter of fact, I do not know what the Prime Minister's opinions in this particular matter are. I have heard Senator Dobson say that he is in favour of compulsory military training. So am I if we can find the money. To say that we are in favour of it is one thing, but it is quite another to get the people of this country to agree to it. I am afraid that if this matter were to be brought before the country we should find that the majority of the people entertained the old-fashioned feeling of our forefathers, that no matter what might come they would never have anything but the voluntary system if possible.

Senator DOBSON.—It has broken down in every part of the world.

Senator PLAYFORD.—I do not see that it has broken down, and the statement

of a few military officers that it has does not prove it. The people of the United States will not have compulsory service.

Senator STANFORTH SMITH.—They have an army of 80,000.

Senator PLAYFORD.—They can bring their army up to a million men if required, as they did during the great civil war. Because in Australia we have only 23,000 men enrolled it does not mean that we could not put a very much larger force in the field. We could bring that army up to 40,000 men, and there are 30,000 members of rifle clubs. We could probably, in an emergency, put in the field 70,000 men.

Senator O'KEEFE.—70,000 efficient rifle-men?

Senator PLAYFORD.—Some of the members of rifle clubs might be too old for service, but I think we could certainly count upon 60,000 troops that would be fit to go into a campaign; and an army of that strength would be quite sufficient to meet any invasion that I can conceive as likely to occur. I trust that Senator Dobson will withdraw his motion.

Senator DOBSON.—Certainly not; the Senate will have to vote upon it.

Senator PLAYFORD.—Even as it stands, the motion does not accomplish what the honorable senator desires. It does not go far enough to be effective, and its adoption would mean the abandonment of our present system.

Senator DOBSON.—Its adoption would not alter the present system, but merely add to it.

Senator PLAYFORD.—It would increase the numbers to such an extent that we should require a much larger force of officers than we have at the present time. I do not think that the motion is opportune, and I ask the honorable senator to withdraw it.

Senator DOBSON.—I certainly shall not withdraw the motion.

Debate (on motion by Senator STEWART) adjourned.

"WHITE AUSTRALIA" POLICY.

Senator PEARCE.—As the time allowed for private business is about exhausted. I should like to know whether, in the event of my submitting the motion of which I have given notice, in reference to the "White Australia" policy, the Government will permit me to continue my remarks after the dinner hour.

The PRESIDENT.—That cannot be done unless the sessional orders are suspended. The honorable senator may obtain leave to continue his remarks on another day.

Senator PEARCE.—Then, I ask that the motion be made an order of the day for the 2nd November.

PUBLIC SERVICE.

Senator STANFORTH SMITH (Western Australia).—I move—

1. That the female employes in the Civil Service possessing equal qualifications and aptitude should be placed in the same class and receive equal remuneration as male Civil Servants doing similar work.

2. That at least one-half of the total number of telegraphists should be in the fourth class.

3. That the three grades in the General Division should be abolished, and increments substituted up to at least £150.

4. That district allowances should be more in conformity with those previously allowed by the States, and should constitute a more equitable compensation for increased cost of living, isolation, and climatic conditions.

5. That the composition of the Appeal Board should be altered so that one member should represent the Government, one member the Civil Servants, to be presided over by a Judge or Stipendiary Magistrate.

It is not necessary for me to elaborate the arguments which I advanced on this question, when I referred to it on the motion for the adjournment of the Senate some time ago. I then dealt fully with every aspect of the question, and I think that, in view of the facts which were then laid before the Senate, any impartial person must come to the conclusion that much injustice has been done under the classification scheme. I showed that rights enjoyed by public servants previous to Federation had not been continued, and that the emoluments received now are much less than were the rule under the administration of the States. With a view to affording an opportunity for discussion I now simply submit this motion, which sets forth the amendments that I consider necessary in the classification scheme.

Debate (on motion by Senator KEATING) adjourned.

PARLIAMENTARY EVIDENCE BILL.

In Committee (Consideration resumed from 28th September, *vide* page 2910):

Amendment (by Senator KEATING) agreed to—

That the following new clause be inserted:—

17. Nothing in this Act shall derogate from any power or privilege of either House, or of

the members or committees of either House, as existing at the commencement of this Act.

Provided always that no person shall be liable to be proceeded against a second time in respect of any offence or breach of privilege, for which he has been proceeded against, and convicted or acquitted, or punished.

New preamble agreed to.

Title consequentially amended and agreed to.

Clause 1 reconsidered and consequentially amended.

Bill reported, with amendments and an amended title.

ADJOURNMENT.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator GIVENS (Queensland).—This seems an extraordinary procedure, considering that we have decided to adjourn from to-night until Wednesday next. There is a fairly full attendance of honorable senators, who are, I believe, prepared to go on with business at a time of the evening which ought to be the most profitable. If we have these continual adjournments for the convenience of the Government, or the convenience of some honorable senators, we shall find the notice-paper filled with important business towards the close of the session, when we shall be called upon, probably, to meet four or five days a week, and sit until a late hour. There is now plenty of time to give proper consideration to the various Bills set down; and we have yet to deal with the second reading of the Electoral Bill and the Representation Bill, while the Copyright Bill is still in Committee. As to the last measure, when it was introduced the Government thought that it could be disposed of within a few hours, and the Senate then adjourned for a week; but experience has shown that the measure contains many most contentious clauses, not the least important amongst which is clause 4, the consideration of which ought to have been resumed to-day. Then, again, there is another most contentious measure in the Commerce Bill. So long as I occupy a seat in this Chamber I shall continue to protest against these repeated adjournments, and I shall call for a division on this motion.

Senator WALKER (New South Wales).—It is not often that I agree with Senator Givens, but I am fully in accord with him on the present occasion. This week I have

travelled all the way from Sydney, in order, as I find, to do seven hours' work in the Senate. I consider an adjournment now to be a great mistake, and it is to be regretted that the Government, in their kindness of heart, have been induced to agree to it at this early hour.

Senator HIGGS (Queensland).—I shall vote against the motion for the adjournment at this time of the evening. One might almost be led to imagine that the Government have not sufficient intelligence to see that now they have an opportunity to get on with the business; but, of course, no such suggestion can be made. There must be some reason for the adjournment which I cannot understand, in view of the business on the notice-paper.

Question put. The Senate divided.

Ayes	11
Noes	4

Majority	7
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AYES.

Baker, Sir R. C.	Macfarlane, J.
de Largie, H.	O'Keefe, D. J.
Dobson, H.	Playford, T.
Drake, J. G.	Trenwith, W. A.
Findley, E.	Teller:
Keating, J. H.	Mulcahy, E.

NOES.

Henderson, G.	Teller:
Higgs, W. G.	
Walker, J. T.	Givens, T.

Question so resolved in the affirmative.

Senate adjourned at 6.34 p.m.

House of Representatives.

Thursday, 5 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PETITIONS.

Mr. BATCHELOR presented a petition from the Women's Christian Temperance Union of South Australia, praying for the enactment of stringent legislation to prohibit the importation of opium for smoking purposes into the Commonwealth.

Mr. HUME COOK presented two similar petitions from certain residents of Victoria.

Mr. MAUGER presented two similar petitions from certain residents of Victoria.

Mr. BATCHELOR presented a petition from the Women's Christian Temperance

Union of South Australia, praying for the enactment of legislation to prohibit the sale and consumption of alcoholic liquors in military camps, canteens, and army transports.

Petitions received.

POLITICAL SPEECHES AT SOCIAL GATHERINGS.

Mr. KELLY.—I desire to ask the Minister of Trade and Customs whether his attention has been drawn to a paragraph published in this morning's *Age*, stating that the Bendigo branch of the Amalgamated Miners' Association, which proposes to hold a social gathering on the 30th inst., has decided not to invite members of Parliament to the function, as it is contended that they monopolize the greater part of the time, inflicting speeches on men who are seeking an evening's enjoyment. Does he think this action is the result of his now celebrated one hour and twenty minutes' oration at Henty?

DEFECTIVE RIFLES.

Mr. CHANTER.—I wish to ask the Minister representing the Minister of Defence whether his attention has been called to a report relating to the bursting of a rifle whilst being fired at the rifle range at Echuca, and whether steps will be taken to replace the faulty weapons now in the hands of riflemen?

Mr. EWING.—A report has been furnished to the Minister, and I am informed that a technical question has arisen, which will require some scientific investigation. When this has been completed, the House will be duly informed of the result—probably in a few days.

PAPERS.

Mr. GROOM laid upon the table the following papers:—

Notification of the acquisition of a site for a post-office at Mosman, New South Wales.

Amendment of Public Service Regulation No. 64 (Overtime, General Division), Statutory Rules, 1905, No. 57.

ALLOWANCE POST-OFFICES.

Mr. TUDOR asked the Postmaster-General, *upon notice*, for the following information:—

1. What is the amount of allowance paid to the man in charge of the post-office at North Brighton, Victoria.

2. What amount of business has to be done by an allowance post-office before it is turned into an official post-office.

3. How many post-offices are worked on the allowance system in Victoria.

4. How many post-offices are worked on the allowance system in each of the other States.

Mr. AUSTIN CHAPMAN.—The answers to the honorable member's questions are as follow:—

1. £240 per annum.

2. The revenue derived from the business done must, under the ruling already laid down, amount to at least £400 per annum before an allowance post-office is made an official post-office.

3. 1,435.

4. In New South Wales, 1,320; in Queensland, 326; in South Australia, 526; in Western Australia, 101; in Tasmania, 320.

IMPORTATION OF OPIUM.

Debate resumed from 31st August (*vide* page 1781), on motion by Mr. JOHNSON—

That, in the opinion of this House, the importation of opium for other than medical purposes should be prohibited.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—As honorable members may recollect, I stated some time ago that I had placed myself in communication with the States Governments with reference to this matter. Replies of a more or less favorable character have been received from three of the States. The response from Victoria is specially gratifying. Two States have not yet answered the inquiry addressed to them, and I should like to have their responses before the matter is finally dealt with.

Mr. JOSEPH COOK. — I rise to a point of order. Do I understand the Prime Minister to be speaking to the question?

Mr. DEAKIN.—Yes.

Mr. JOSEPH COOK. — I think that he has already spoken to the motion—in fact, I have a very distinct recollection of it, and I desire to know whether he is now in order?

Mr. SPEAKER.—When the Prime Minister rose I was under the impression that he had already spoken on the motion, but I was informed by the officers of the House, who keep a very careful record, that he had not done so.

Mr. DEAKIN. — I have no desire to speak twice on this or any other question, if I can avoid it. In August last I called the attention of the States Governments to the resolution adopted at the Hobart Conference, and requested them to give an assurance that they would undertake to prohibit the manufacture of opium, as well as to provide for its being sold for medicinal

purposes only, under the conditions agreed upon. The Victorian Government replied, stating that it was contemplated to legislate with regard to the restriction of the use of opium, and the prohibition of opium dens, and that they were prepared to include the manufacture of opium in the proposed legislation. Apparently, they are prepared to adopt a measure to prohibit opium smoking in Victoria. The most important State of all, however—Queensland—in which the consumption of opium is the largest, representing, as it does, one-half of the total consumption in Australia, has merely replied that a Bill dealing with the subject is being prepared by the Parliamentary Draftsman. As to the provisions of that Bill, I am not yet informed. The loss of revenue from the prohibition of the importation of opium would be greater in Queensland than in any other State, and I was particularly anxious to satisfy myself as to the intentions of its Government before any steps were taken by us, so that we might feel that we were not trespassing upon their resources without their approval.

Mr. JOHNSON. — The value of the opium imported into Queensland last year was £22,137.

Mr. DEAKIN.—The Government of Western Australia state that legislation of an extremely restrictive character with regard to the sale of opium and other poisons is already in operation. No person is entitled to sell poison without a licence, and such licences cannot be granted to other than registered chemists, except in places distant at least five miles from the nearest place in which a registered chemist has an open shop. With regard to the second resolution, it is stated that provision will be made in the Consolidating Bill to be prepared shortly.

Mr. SPEAKER.—On looking at the records, I find that the Minister has already spoken on the motion.

Mr. DEAKIN.—Perhaps I may be permitted to conclude my short statement. With regard to New South Wales, the Poisons Bill now before the Parliament of that State contains provisions intended to restrict the sale of opium to pharmacists registered under the Pharmacy Act of 1897, but any dealer in poisons who resides four or more miles from a place in which a pharmacist has an open pharmacy, and produces a certificate signed by a medical practitioner and police magistrate, can

obtain permission to sell poisons. The Police Offences Amendment Bill shortly to be introduced proposes to make it unlawful for any person, not being the holder of a certificate, to have in his possession more than 2 grains of opium in any form at one time, and powers are to be given to the police to search premises and arrest any person in whose possession opium may be found. The possession or sale of opium for medicinal purposes is specifically excepted from the provisions of the Bill. No replies have yet been received from the other States. In the case of Tasmania, the matter is of no great importance, because the Chinese population is small, and the consumption of opium limited. In South Australia, however, there is a Chinese population, especially in the Northern Territory, which consumes a good deal of this drug. As I have already stated, I do not wish to oppose the motion, but should prefer, before it is finally dealt with, to have an opportunity to consider the replies received from all the States.

Mr. SPEAKER.—The Minister is now arguing the question.

Mr. DEAKIN.—Perhaps I may be permitted to add a few words.

Mr. SPEAKER.—Is it the pleasure of the House that the Prime Minister be permitted to complete his statement?

HONORABLE MEMBERS.—Hear, hear.

Mr. DEAKIN.—It is specially desirable that we should receive a definite reply from Queensland in order that we may, without any hesitation, arrive at an absolutely unanimous conclusion. I am entirely in accord with the honorable member for Lang in the object he has in view, and the Government, as a Government, have no opposition to offer to the proposal. I think, however, that before depriving any State of the revenue which it gains from the duty upon opium, we should give it an opportunity to voluntarily make the sacrifice. It is very easy for us to pass the motion, because we shall lose only one-fourth of the revenue—a consideration which would not weigh with honorable members for one moment in a matter of this kind. But I think, before we take final action, that it would come with better grace from us if we were to await the decision of the States, which will lose three-fourths of the revenue.

Debate (on motion by Mr. R. EDWARDS) adjourned.

DEFENCE REGULATIONS.

Debate resumed from 14th September (*vide* page 2316) on motion by Mr. CROUCH—

That a Select Committee be appointed to consider and report upon the advisability of amending the Regulations issued under the Defence Acts; the Committee to consist of Mr. Batchelor, Mr. Hutchison, Mr. Maloney, Mr. Mauger, Mr. Page, Mr. Wilks, and the mover, with power to send for persons, papers, and records, and to sit at any time.

Mr. EWING (Richmond—Vice-President of the Executive Council).—I am quite sure that neither the mover of this motion, nor any other honorable member, wishes to discuss it from a party standpoint. The defence of Australia is a question in which honorable members are specially interested, and they will regard it only from the stand-point of its importance. The honorable and learned member for Corio must know that if the Government could agree to his proposal, it would be a pleasure for them to do so. They value his support very highly, and they cannot fail to appreciate the interest which he has exhibited in military affairs generally. They feel, however, that our defence regulations ought not to be made the business of a Select Committee. If the present Minister of Defence is not fit to control his Department, the matter assumes a very serious aspect. During the course of his remarks, the honorable and learned member for Corinella animadverted upon the action of the honorable and learned member for Corio in bringing this matter before the House. I take the earliest opportunity of placing on record my opinion that the late Minister of Defence, from his stand-point, administered his Department competently and fearlessly. I make that statement despite the fact that the honorable and learned member is sitting in opposition to the present Government. With regard to defence matters generally, the Ministry desire the aid and sympathy of every honorable member. They welcome the sympathy of the honorable member for Maranoa, who, from his experience as a private in the Imperial service, is possessed of knowledge which must be valuable to the country, and which will be appreciated by the Government. Similarly, the assistance of honorable members, who have devoted much of their time to the volunteer or militia service, will be welcomed.

Mr. KING O'MALLEY.—But an attempt is being made to establish a military caste.

Mr. EWING.—Does the honorable member imagine that Senator Playford is likely to tolerate the existence of any such caste? I shall endeavour to prove that the Minister has done almost everything for which the honorable and learned member for Corio has asked. He has taken action, not because he has been asked to do so, but because he recognised the rightness of so doing. If I can prove that his ideas are in harmony with the most democratic thought, in regard to military matters, I think that the House should leave him to manage his own Department. If I can show that the statements of the honorable and learned member for Corio are based, not upon conditions which exist to-day, but upon a pre-historic state of things, surely honorable members will recognise the un-wisdom of tying the hands of the Minister.

Mr. MALONEY.—“Pre-historic”! The honorable member will go back to the glacial epoch soon.

Mr. EWING.—All that the House desires is to be just to the service, just to the officers, and just to the Ministry. The speech of the honorable and learned member for Corio was mainly in the nature of a charge of incompetency against the Minister. He alleged that favoritism and incompetence are rampant in the service. He mentioned also that every private should feel that he carried a marshal's baton in his knapsack. Singularly enough, after I had ascertained what position I was to occupy in the present Ministry, I had a conversation with Senator Playford, who made use of exactly the same expression. He declared that he would so arrange the military service that every private should feel that he carried a marshal's baton in his knapsack. He laid it down as a fundamental principle that men who were possessed of ability should be afforded an opportunity to rise to the highest positions which their qualifications entitled them to fill. Seeing that he has set his face in that direction, surely he may be left alone to continue his work. But even if I knew nothing about the views of the Minister, as communicated to me verbally, is there any member of the House who believes that Senator Playford would tolerate regulations which had any respect for caste?

Mr. MALONEY.—Can he insure that a ranker shall have opportunities to rise?

Mr. EWING.—Undoubtedly. Senator Playford is entitled to all the consideration that a representative in this House can give to a Minister. Let honorable members pause for a moment and consider the difficulty that is experienced in procuring good officers. An officer requires to be a man of considerable intelligence, and possessed not only of physical, but of moral, courage. I think it was Napoleon who said upon one occasion that no general could bear more than a few years of active work, because the strain upon him was so heavy. An officer requires to be a man who is appreciated for his high character, his ability, his tactfulness, and his generosity in time of peace, so that he may be followed fearlessly by his men in times of war.

Mr. HUTCHISON.—Are those qualifications always insisted upon?

Mr. EWING.—If they be not considered, the military affairs of the nation would soon get into a state of hopeless confusion.

Mr. KING O'MALLEY.—Our military service is in a state of chaos.

Mr. EWING.—Evils cannot be cured in a few weeks. If the Minister of Defence is allowed to continue in office, he is determined, I am quite convinced, that everything will be put upon a satisfactory footing. Senator Playford has already given instructions that there shall be no extravagance in dress. That in itself seems to be a small matter, but it shows he recognises that if the son of a wealthy man be permitted by regulations to wear a uniform costing a hundred guineas, the son of a poorer individual will be placed at a disadvantage. The honorable and learned member for Corio should have pointed out that the examinations to which he referred were those of the Royal Australian Artillery, and the Permanent Engineers. These constitute what may be called the “scientific” branch of the service.

Mr. CROUCH.—That was pointed out by the Prime Minister.

Mr. EWING.—The honorable and learned member might have gone a little further, and stated that the members of the instructional staff were not hampered by any examination of that kind.

Mr. CROUCH.—I said so, and it is upon record in *Hansard*.

Mr. EWING.—To pass an examination in other than the scientific corps requires only a plain English education, in addition to the competitive test, which is based upon military knowledge.

Mr. CROUCH.—Does the Vice-President of the Executive Council say that Latin, French, and German constitute a "plain English education"?

Mr. EWING.—The honorable and learned member ought to know that French and German are optional subjects, and in the scientific corps only.

Mr. CROUCH.—That is not correct. I have a copy of the regulations here.

Mr. EWING.—They certainly cannot be the latest regulations.

Mr. CROUCH.—I have a copy of the regulations, which belongs to the Secretary of the Defence Department.

Mr. EWING.—Were those regulations handed to the honorable and learned member by the Minister of Defence?

Mr. CROUCH.—No.

Mr. EWING.—If the honorable and learned member for Corio had made his speech five years ago, before Senator Playford was Minister of Defence, there might have been a great deal in it. The House has to deal with the Department as we know it to-day, and not with anything that may have happened years ago. I do not desire to deal unfairly with the honorable and learned member for Corio, but I would point out that the Minister handed him a copy of the amended regulations, and that he should have quoted only these regulations to the House.

Mr. CROUCH.—That is what I did.

Mr. EWING.—I understood the honorable and learned member a few moments ago to say that he did not do so. I am aware that the honorable and learned member for Corio had interviews with the Minister of Defence, and could have inquired what he intended to do with regard to the form of examination. The Minister had seen the examination papers, and had come to the conclusion that they were such that a literary man must undoubtedly possess an advantage over a practical man. What did the Minister do? We know, of course, that it would have been impossible to immediately alter the present syllabus, which, in fact, shows these languages to be optional.

Mr. PAGE.—What does the honorable gentleman mean by his reference to the ability of a literary man to defeat a practical man?

Mr. EWING.—That the examination which had to be passed by an applicant for admission to the two scientific branches of the service was of such a nature that a university graduate, or a smart, intelligent young fellow who had just left school would always be able to beat, if a contest were possible, an experienced and, may be able soldier. The Minister came to the conclusion that it was wrong to set such an examination, and I think that the honorable and learned member for Corio could have been in a position to inform the House that Senator Playford had arrived at that conclusion, and had the whole matter under consideration.

Mr. CROUCH.—I was not aware of it, nor am I aware of it at the present time.

Mr. EWING.—I shall point out later on that there are one or two other matters with which the honorable and learned member is apparently unfamiliar. I take it for granted that the House has no desire to deal with ancient history, but is anxious to ascertain what action is being taken by the Minister in regard to the regulations. I do not say that the honorable and learned member for Corio was aware of the fact when he spoke, but I certainly knew that the Minister was not satisfied with the form of examination set for the scientific branches of the service, and would have so informed him. He had arrived at the conclusion that, notwithstanding that it was desirable to obtain the ablest men, the examination was too literary, and that a more practical turn might be given to it. He was taking steps to make an alteration in that direction when this matter was first brought before the House, and I think that the honorable and learned member for Corio should have given him credit for his action.

Mr. CROUCH.—The amended regulations were prepared by the late Minister of Defence.

Mr. EWING.—I have already said that I have had various opportunities of noting the good work done by the late Minister of Defence; but I would point out that the regulations have been altered since he retired from office.

Mr. McCAY.—Very little alteration has been made. Had I remained in office, the whole of the amendments would have been completed in a fortnight.

Mr. EWING.—It is impossible to say exactly where the work of one Minister ends and that of another begins; but I am satisfied that the honorable and learned member for Corinella, notwithstanding that he sits in opposition, would, under any circumstances, do good and faithful work. There are many points in reference to the case of Corporal Watts which have been overlooked by the honorable and learned member for Corio. Corporal Watts was a gunner, and apparently an intelligent man, who desired to submit himself for examination for a commission. The regulations provided for the appointment of a special board, which must not be confused with the ordinary military board, to deal with applications, and as the result of the action taken by that board, Corporal Watts was not permitted to go up for examination. The statement made by the honorable and learned member for Corio is that there is at present a man named Corporal Watts living at Queenscliff—

Mr. CROUCH.—I can see that the honorable gentleman knows nothing about the case.

Mr. EWING.—I shall show the honorable and learned member that I do. The statement made by him was that Corporal Watts desired to go up for examination, but was not permitted to do so. That assertion was enlarged upon, and it was said that no one but an aristocrat could obtain a commission—that the working man did not have a chance of doing so. It was inferred further that the social conditions maintained by that great aristocrat, Senator Playford, who was always on the side of the plutocracy, were such that a poor man could not obtain a commission.

Mr. MALONEY.—Whoever said that Senator Playford was an aristocrat?

Mr. EWING.—The honorable member, I am sure, has a sufficient sense of humour to appreciate the satire. This, however, was the charge made in regard to the case of Corporal Watts, and the House was led to believe that it was absolutely true. But what are the actual facts? Immediately after the present Government came into office, the honorable and learned member for Corio spoke to me with reference to the case, and I came to the conclusion that any man, no matter how humble his position might be, was entitled to go up for examination. I informed the honorable and learned member, however, that it

would be wise for him to consult the Minister of Defence. He did so.

Mr. CROUCH.—I did not consult the Minister of Defence. I put a question to the honorable gentleman in this House, and was informed that Corporal Watts would not be permitted to go up for examination.

Mr. EWING.—I can give the House the assurance of the Minister of Defence that the honorable and learned member for Corio did consult him. I have further private knowledge of the matter that I do not wish to mention; although I certainly desire to place the House in possession of all the facts.

Mr. CROUCH.—The honorable gentleman told me privately that the Minister of Defence would allow Watts to go up for examination, but that I was on no account to mention that fact.

Mr. EWING.—Even if the honorable and learned member heard only from me, can he justify his statement? I do not wish to disclose private conversations, but the Minister of Defence told me—and he reiterated the statement yesterday—that the honorable and learned member for Corio interviewed him, and was informed that consideration would be given to the case. The Minister went on to say that he informed the honorable and learned member that not only was Watts to be allowed to go up for examination but that the special board would be abolished. We can imagine what would happen in such circumstances.

Mr. McCAY.—And what will happen to the Forces?

Mr. EWING.—I am dealing with only one aspect of the case. The Minister of Defence informs me that he told the honorable and learned member for Corio that Watts would be permitted to go up for examination. In accordance with that determination, he issued a regulation that under no circumstances should such a board be appointed to report with respect to applicants for a commission. I presume that the honorable and learned member for Corinella is aware of that fact; but if the honorable and learned member for Corio left the House under the impression that Corporal Watts could not go up for examination—notwithstanding that he was aware of the decision arrived at by the Minister of Defence—he certainly acted in an unjustifiable way. If he knew, as he could have known, that the Minister had arranged that under no circumstances should a special board again sit

to deal with applicants for a commission, and that therefore, so far as this case was concerned, the whole trouble was cured for all time, he was in duty bound to tell the House of it. I am sure that honorable members are with me in this respect. It would not be fair to the Minister—

Mr. MALONEY.—Poor Minister !

Mr. EWING.—If the Minister is doing his duty, he ought certainly to be supported.

Mr. MALONEY.—The present Minister certainly saw that fair treatment was meted out to a man who was denied justice by his predecessor.

Mr. McCAY.—That statement is absolutely incorrect.

Mr. MALONEY.—It is absolutely true, and the honorable and learned member knows it. He would not do justice to the man to whom I refer.

Mr. McCAY.—That is not true.

Mr. SPEAKER.—The honorable and learned member must withdraw that remark.

Mr. McCAY.—I do so, sir ; but ask that the honorable member for Melbourne be called on to withdraw the statement that I denied a man justice.

Mr. SPEAKER.—Conversations across the Chamber are most irregular, and must be very disconcerting to the honorable member who is addressing the Chamber. I hope that the honorable member will withdraw the statement objected to, and that these conversations will cease.

Mr. MALONEY.—As the honorable and learned member regards it as offensive, I certainly withdraw it.

Mr. EWING.—It now appears that, in the opinion of some, the person at fault was not the present Minister of Defence, but one of his predecessors. The Minister has done exactly what the honorable and learned member for Corio desired, and therefore the need for a committee, so far as the case of Corporal Watts is concerned, entirely disappears.

Mr. JOSEPH COOK.—Does the honorable member say that justice has been done to this man ?

Mr. EWING.—Absolutely. It is difficult to conceive that the honorable and learned member for Corio could not have known of this when he spoke. Let me quote a definite statement made by him.

In the course of his speech, the Prime Minister interjected—

Under another regulation a man who has served in a campaign may also go up for examination. It seems that Watts would be eligible under two of the new regulations.

To this the honorable and learned member replied—

That seems to be so, but the point is that he has not been permitted to go up for examination.

If the Minister had informed the honorable and learned member that Watts was to be permitted to go up for examination—and I may say that I informed him of that fact—the statement I have just quoted was unjustifiable.

Mr. CROUCH.—The honorable gentleman's statements are grossly inaccurate, and he knows it.

Mr. EWING.—The Minister of Defence is prepared to tell any member of the House that he informed the honorable and learned member of the course he had decided to adopt, and that the honorable and learned member was perfectly cognizant of the true position of the case. That being so, the Minister is entitled to the support, and not to the censure, of my honorable and learned friend. In the course of his speech, the honorable and learned member said that Corporal Watts—

was asked what his father did, what his mother was before she married, to whom were his sisters married, what position in life did his brothers-in-law occupy, and what occupation was followed by his brothers.

When I read this statement I felt that it was certainly a remarkable one, and a report was obtained in regard to it. From this report I gather that the questions originated from the fact that Corporal Watts was unable to produce a certificate of birth, and could not say definitely what was his age. The board then asked him whether his father, or his sisters, or brothers could furnish them with some confirmatory evidence in regard to what he believed to be his age.

Mr. CROUCH.—That is a shocking piece of bluff, and the honorable gentleman is aware of it.

Mr. HUTCHISON.—Was any other applicant asked similar questions ?

Mr. EWING.—Under the regulations an applicant is required to prove his age.

Mr. HUTCHISON.—Has any one who has proved his age been asked similar questions ?

Mr. EWING. — No. General Gordon and Colonel Stanley go further, and assert

that they did not ask any questions that could bear the construction placed upon them by the honorable and learned member for Corio. Colonel Stanley states that if such questions were asked they were simply put with a desire to secure confirmatory evidence with regard to his age.

Mr. WATSON.—That is a piece of bluff, because similar questions have been put to other candidates.

Mr. EWING.—I am making merely an incidental reference to this matter. The broad facts of the case are that, according to the honorable and learned member for Corio, a system is in force which prevents certain candidates for a commission from going up for examination.

Mr. CROUCH.—What could the position of Watts' brother have to do with the place of his birth?

Mr. EWING.—It is absolutely denied that such a question was put.

Mr. WATSON. — I understand that the Minister has abolished that board.

Mr. EWING.—Yes, and I think that the honorable and learned member for Corio knew when he made his statements that it had been abolished.

Mr. CROUCH.—I knew that the board had been abolished?

Mr. EWING. — The honorable and learned member will not admit that the Minister of Defence told him anything.

Mr. CROUCH.—The Minister is making not a defence of the regulations, but an attack upon me.

Mr. EWING.—Notwithstanding the fact that the honorable and learned member had received a copy of the new regulations, he made this statement—

If a man enters the permanent service at the age of twenty, a service of three years leaves him a very small margin of time before his arrival at the age of twenty-five years.

Did he know, when he made that statement, that the Minister had made the age from nineteen to twenty-five years? Then, again, he complained that—

A man who is aggrieved . . . has no right to send on his complaint, in writing, in his own language, to the District Commandant.

But the Minister has already framed a standing order permitting men to make their complaints in writing.

Mr. MALONEY.—Then they could not do so previously.

Mr. McCAY.—Yes, they could. The honorable and learned member for Corio himself on one occasion sent in a complaint in writing.

Mr. EWING.—The old regulations left the matter open to possible doubt.

Mr. McCAY.—On the part of a casuistical mind.

Mr. EWING.—Yes; such as we find in opposition sometimes. The Minister had removed all ground for such doubt when the honorable and learned member spoke, and if the honorable and learned member had taken the trouble to question him on the subject, the fact would have been known to him. I come now to the remarkable case of Bombardier Webb, who, according to the honorable and learned member for Corio, for not saluting his officers, was tapped on the back with a stick, and afterwards treated with considerable ignominy. Webb's statement of his case contains a number of allegations, but the occurrences complained of all happened in April. The most important charge is that Webb was inhumanely treated, by being compelled to live within barracks when his wife was within five days of being confined, and, according to the honorable and learned member for Corio, "his child was born in his absence from home." The various minor allegations made by Webb are fully or partially refuted in one particular and another by the statements of Colonel Le Mesurier, Major Hawker, Lieut. Innes, Capt. Christian, and Sergeant-Major Morris.

Mr. MALONEY.—Ha, ha!

Mr. EWING.—The honorable member laughs, because, no doubt, he thinks that one officer having denied the truth of Webb's allegations, all the other officers would naturally back him up.

Mr. MALONEY. — Were they all present when the offence was committed?

Mr. EWING.—No; but various allegations were made by Webb, and these allegations have been refuted by the statements of one or other of the officers whose names I have mentioned. The Minister has expressed no opinion in regard to these minor charges, although he had the testimony of six against one; but he has had the more serious charge of inhumanity probed to the bottom. The honorable and learned member for Corio stated that—

Webb took his discharge, because he could not bear to be kept away from his wife, and his child was born in his absence from home.

For a man to be kept in barracks when his wife was about to be confined would certainly be brutal and inhuman treatment, calculated to make the blood of those who

heard of the case boil with indignation. But what are the facts? Webb took his discharge on the 31st July, and his child was born on the 14th September, as is proved by the following certificate of the medical officer who was present on the occasion:—

To O.C., R.A.A.—This is to certify that I attended Mrs. T. J. Webb at her confinement on Thursday, the 14th September, 1905.

JOHN D. KING SCOTT, M.B., et Ch.B.

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He had been out of the service for a period of six weeks before his child was born. The honorable and learned member for Corio told us that in April the interesting event was to take place within five days, but it did not take place for five months afterwards. Of course, being a bachelor, he cannot be expected to know the exact chronology in matters of this kind, and I do not blame him, except for his credulity. But the case should not have been brought before the House unless it could be substantiated.

Mr. CROUCH.—I am prepared to substantiate it. The Minister is accepting statements in the matter which are merely bluff.

Mr. EWING.—The official record shows that Webb took his discharge from the service on the 31st July, and the doctor's certificate testifies that his child was born on the 14th September following—six weeks later. Yet the honorable and learned member is reported in *Hansard* to have stated that—

Webb took his discharge, because he could not bear to be kept away from his wife, and his child was born in his absence from home.

What reliance can be placed on the statements of a man who furnishes an honorable and learned member of this House with such information as was furnished to the honorable and learned member for Corio in this matter?

Mr. MALONEY.—Was Webb compelled to live in barracks? That is the point at issue.

Mr. CROUCH. — Was his bombardier's stripe removed, and did he lose a job entailing extra pay?

Mr. HUTCHISON.—What was the charge against Webb, and what was the punishment meted out to him?

Mr. EWING.—The charge was failing to salute his officer, which, as a matter of discipline, he ought to have done, and for that he was punished, though I cannot at

present lay my hands on the paper containing the particulars of the punishment. I will, however, make an exact statement on the subject to the House later on. The gravamen of the charge of the honorable and learned member for Corio was that Webb was locked up in barracks at the time of his wife's confinement.

Mr. MALONEY.—Was it proved that Webb saw the officers whom he failed to salute?

Mr. EWING.—On the one hand we have only Webb's statements, and on the other the denials of six officers.

Mr. MALONEY.—Were the six officers present when Webb failed to salute?

Mr. EWING.—No; only two of them were present; but Webb made a number of charges, each of which has been refuted in one particular or another by one of the officers whose names I have mentioned. I do not know if, after the statement of facts which I have given in regard to the birth of Webb's child, in face of the remarks he permitted the honorable and learned member for Corio to make to the House, any honorable member feels very enthusiastic about him. The next complaint of the honorable and learned member for Corio was that, before men are permitted to marry, the Department makes an investigation in regard to the character of their future wives. No doubt, in making such an investigation, we are touching on very delicate ground, because if there is anything in regard to which a man would desire perfect freedom of action, it is in regard to the selection of a wife. It is difficult to gather from the honorable and learned member for Corio's words exactly what his charge against the Commanding Officer at Queenscliff is. He says that when a certain gunner wanted to marry—

The young lady was brought up before Major Hawker, who looked her over as if she were a horse. He did not say anything but what was proper.

Mr. CROUCH.—He had no right to interfere at all.

Mr. EWING.—In New South Wales, South Australia, and Tasmania a number of soldiers and their wives live together in barracks, and these men, with their wives, may be moved from State to State at any time. It is therefore necessary for the good management of the barracks that the respectable married women who occupy them should not have forced upon them women who may not be respectable.

Mr. WATSON.—How can the respectability of a woman be judged by a cursory inspection?

Mr. EWING.—It cannot be determined by such an inspection, and there should be no inspection; but it will be generally agreed that it would be unjust and unfair to respectable women who are compelled to live together in barracks to force on them women who are not respectable. Therefore, the responsibility is cast on the Department of making inquiries as to the respectability of women whom gunners wish to marry. There can be no difference of opinion as to the need for such an investigation; the whole question in any case of complaint is, has the investigation been tactfully carried out? It is very difficult to find any ground of complaint against Major Hawker in the words which I have just read.

Mr. CROUCH.—There is no need to parade these girls at all.

Mr. EWING.—There is certainly no need to parade them.

Mr. MALONEY.—Did Major Hawker parade this girl?

Mr. EWING.—I believe that he saw her, and told her the position of affairs.

Mr. WATSON.—Major Hawker ought to get a rap over the knuckles for it.

Mr. EWING.—Does not the honorable member think that the Minister can be trusted to rap him over the knuckles?

Mr. MALONEY.—Has he done it?

Mr. EWING.—I cannot give the information.

Mr. MALONEY.—It appears to me that the Minister is trying to screen Major Hawker.

Mr. EWING. — Nothing of the kind. The Minister has issued instructions under which a repetition of the occurrences complained of will be impossible. It is absurd for honorable members to base their judgment upon *ex parte* statements, and they should be satisfied to learn that there will be no more cause for complaint. I have explained why it is necessary that some inquiry should be made into the character of the women who are to be introduced to barracks. If one had a man coming on to his farm, he would like to know that that man's wife was a reputable woman; and where a number of people have to live in propinquity—as is the case with the occupants of barracks—it is a matter of importance to guard against the introduction of undesirable characters.

Mr. CROUCH. — Does not the Minister admit that the woman referred to could not have been accommodated in the barracks at Queenscliff?

Mr. EWING. — As I have already pointed out, in New South Wales and Tasmania provision is made for the accommodation of soldiers' wives in barracks, and, as the members of the Royal Australian Artillery may be transferred from place to place, it is important that some restrictions should be placed upon them in regard to the women they marry. The honorable and learned member for Corio said—

There have absolutely been cases in which men have been confined to barracks for shaving without permission. None of the men at Queenscliff are allowed to shave off their moustaches. If they do, they are confined to barracks from ten to thirty days.

Major Hawker says, in reply—

I have never issued any orders forbidding this, nor am I aware of any one else having done so. As a matter of fact, some of the Royal Australian Artillery officers shave their upper lips. There are no orders in the regulations with reference to shaving.

With regard to the alleged mutiny at Middle Head, in Sydney, I would point out a small inaccuracy in the statement of the honorable and learned member. The men concerned were not imprisoned in cells, but were confined to barracks because they refused to parade before breakfast.

Mr. CROUCH. — Was that when Major Hawker was in command?

Mr. EWING.—I believe it was. Honorable members who have followed me will see that, whereas the speech of the honorable and learned member for Corio might have constituted a strong indictment at some previous time, he has brought no evidence to bear with reference to the existing condition of affairs. It is most unjust to a Minister who has done so much as has Senator Playford that he should be denied the sympathy and support of honorable members. Take the case of Watts. When the honorable and learned member for Corio made his speech he was aware that the remedy had been applied, and that a similar occurrence could not happen again. I have already referred to the specially grievous circumstances connected with the case of Webb, and I think we may very fairly dismiss Webb and his baby. With regard to examinations for promotions, the honorable and learned member

might have known, and should have known, that the matter was being dealt with. He could also have been aware that an alteration had been made in the regulations relating to the age restrictions, and that the case of untactful treatment of intended wives was being dealt with. If he was not aware of all these things, he might have obtained information with regard to them. He could also have known that provision had been made for the men sending in their protests in writing.

Mr. CROUCH.—I was not aware of that, and I do not think anything has been done yet. The new regulations do not contain any reference to the matter.

Mr. EWING.—The question is dealt with in the standing orders.

Mr. CROUCH.—Those can be altered at a day's notice.

Mr. McCAY.—So can the regulations.

Mr. EWING.—I accept as probable the statement, but say that provision has been made in the direction I have indicated. The Minister has also dealt with the complaints with regard to extravagance in dress. I submit that if the Minister has remedied or is remedying every one of the grievances to which attention has been directed, the House ought to adopt a sympathetic attitude towards him. I do not know what has been accomplished by other Ministers, but Senator Plavford has done everything that possibly could be expected of him to bring about a satisfactory condition of affairs, and to administer the Department in full accordance with the spirit of the times. Therefore, he deserves the support of every democrat in the House. Under these circumstances, why should the hands of the Minister be tied? How does the honorable and learned member for Corio stand before the House when honorable members learn that he must have been aware that these grievances had been remedied, or were being dealt with, before he made his statement? I think that I have dealt with every statement made by the honorable and learned member, and have proved that, as far as the Minister is concerned, he has given his best attention to every matter referred to.

Mr. CROUCH.—So far as the Minister is concerned, I quite agree with the honorable member.

Mr. EWING.—Did the honorable and learned member tell the House that the Minister had remedied every grievance to which he was calling attention?

Mr. CROUCH.—No, because he had not done so.

Mr. EWING.—Did the honorable and learned member say that he knew that Watts was going up for examination?

Mr. CROUCH.—I did not say anything to the contrary. The information was given to me privately. The Minister told me I was not to use it.

Mr. EWING.—I told the honorable and learned member that any information with regard to Defence matters must come from the head of the Department, and I took him to the Minister myself. I simply act as the spokesman of the Minister in this Chamber, and I always refer honorable members to the Ministerial head of the Department for any information. It is absolutely unjust that the honorable and learned member for Corio should have made the statements he did, in the light of the information he had received from the Minister. Honorable members ought to be prepared to trust the Minister to carry on the good work he has commenced. He has shown himself democratic and considerate, and to be the possessor of common-sense such as will enable him to deal straightforwardly and justly with the cases which come before him. Therefore he should be left alone.

Mr. MALONEY.—No one is attacking the Minister.

Mr. EWING.—Any Minister, who was actuated by a desire to make the conditions of service just and reasonable, would have a perfect right to resent any action on the part of the House which might have the effect of dragging the regulations out of his hands, and referring them to a Select Committee. The honorable and learned member based his case upon procedure utterly different from any which the Minister has followed. So long as the present Minister remains in charge of the Department, no man need fear that he will not be justly dealt with. The Minister is fearless, honest, and democratic in the discharge of the duties attaching to the position. Every democrat in the House should rally to him, and say, "We see the good work you have done, and note the grievances you have remedied, and are content that you should proceed with your labours. We see that even the honorable and learned member for Corio, with all the knowledge he possesses of military matters and all the information he is in a position to obtain, has not been able to attach any

serious reproach to you." As a matter of fact, the Minister has dealt with, or is dealing with, every subject referred to. Therefore, the honorable and learned member for Corio might pay him the compliment of withdrawing his motion.

Mr. HUTCHISON (Hindmarsh).—I do not think that the speech of the Minister will give entire satisfaction to honorable members. He has endeavoured to make us believe that the Defence Department, like Cæsar's wife, is above suspicion. If the Department is all that the Minister has represented, and "all is right as right can be"——

Mr. EWING.—I never said that. We are dealing with the regulations.

Mr. HUTCHISON.—I understood the Minister to say that the regulations would put everything right.

Mr. EWING.—I did not say even that.

Mr. HUTCHISON.—If the position is as satisfactory as the Minister has represented it to be, why need he fear an inquiry by a Select Committee? The Minister stated that the honorable and learned member for Corio was dealing with prehistoric cases, but I hold a different view. I am not satisfied that the Department is what it ought to be, or that favoritism does not exist. I know that some of the present officers of the Defence Forces are men whom I should not like to see enter any respectable home. These very men are the very worst martinets in the service. I also know of certain men who will have the greatest difficulty—no matter what their qualifications may be—in obtaining commissions in the service, notwithstanding the fact that difficulty is experienced in obtaining a sufficiency of officers. Everything that the Minister ought to know is not brought under his notice. I have on occasions acquainted him with matters which have astounded him. I should like to know whether the same sort of thing is not going on to-day. I have also shown the Minister that matters which ought to have reached Head-Quarters did not do so. I am glad that the honorable and learned member for Corio has pointed out some of the subjects in which officers are required to qualify.

Sir JOHN FORREST.—What are they?

Mr. HUTCHISON.—Take the subject of languages.

Sir JOHN FORREST.—Are they not necessary and useful?

Mr. HUTCHISON.—A knowledge of all the subjects prescribed is useful, but I

claim that it is not necessary. It reminds me very much of a candidate for examination who was asked how far distant the sun was from the earth, and who replied that it was not near enough to interfere with his duties. It is a good thing for an officer to possess a large range of information; but I know a great many officers in the service who could not pass the simplest examination. On the other hand, I know men who would have made splendid soldiers, but who have left the service in disgust because they could not secure a commission. When an attempt has been made to get these injustices remedied, the heads of the Military Department have endeavoured to ascertain whether the individuals concerned were prompting members of Parliament to interest themselves in their cases, with a view to penalizing them. I have been connected with the volunteer force, both in the old country and South Australia, for many years. In Adelaide we established a Scotch Corps, the members of which supplied their own uniforms, and cost the State nothing, except for accoutrements. That company was established at what was deemed to be a critical period in our history. I was a member of the State Legislature at the time, and I was considered good enough to assist in its formation. Later on, when a young soldier, who had been in the militia force, and who had passed all his examinations as a non-commissioned officer, left the service in disgust, because he was unable to obtain his commission, I was asked to act as an officer of the corps. I did so for several months. Then I was requested to send in an application for a commission. I did so, but I could not obtain an appointment, nor even a reply to my letter. The reason was that I was then out of political life. I was a member of the Labour Party, and was editing a Labour newspaper. Consequently I did not possess a sufficiently high social status, although I commanded the respect of the majority of the officers in South Australia. As a matter of fact, I was informed that an attempt was actually being made to block me from securing an appointment, and that I had better bring any influence to bear that I could command. I replied that, as I had never used any influence in my life to gain a position, I did not intend to commence doing so then. But no sooner was I elected a member of this House than the authorities were ready to rush forward

my appointment. Is it not necessary to institute an inquiry into such matters? I know of two or three parallel cases, in which men were denied appointments simply because they did not move in a certain social circle.

Mr. McCAY.—If that statement be correct, how can the regulations affect it?

Mr. HUTCHISON.—Appointments are made under the regulations.

Mr. McCAY.—The regulations cannot affect it. If men will be false to their duty, no regulation can make them true to it.

Mr. HUTCHISON.—We can provide that if an officer disobeys the regulations the same punishment shall be meted out to him that one officer is alleged to have meted out to a soldier who did not salute him. If it be true that that officer reduced the man's rank, deprived him of an appointment which would have given him an additional 2s. a day, and confined him to barracks, I say that the punishment was out of all proportion to the offence. I know something of the officer who is alleged to have done that, and I would not trust him very far. I should like a Select Committee to inquire into his character. The late Minister of Defence has declared that a knowledge of languages is necessary on the part of an applicant for a commission. But I would point out that there are scores of officers who could not pass a sixth-class public school examination. I say that the possession of money has more to do with an officer's promotion than has anything else.

Sir JOHN FORREST.—Not many of the officers possess much, I am sorry to say.

Mr. HUTCHISON.—At any rate, men who have means can always secure an appointment.

Mr. CONROY.—How many sensible men will join the forces if they are to be lectured in this way by a Parliament which knows nothing about military service?

Mr. HUTCHISON.—It is high time that our Defence Forces were placed upon an entirely different footing. The late Minister of Defence admitted that the regulations were capable of considerable amendment.

Mr. McCAY.—The new regulations were practically complete before I left office. Why does the honorable member desire the appointment of a Select Committee to inquire into a thing which is being done?

Mr. HUTCHISON.—We want to see how it has been done.

Mr. McCAY.—Does the honorable member think that a Select Committee is the proper tribunal to determine the efficiency or suitability of technical military regulations?

Mr. HUTCHISON.—A Select Committee could obtain all the information that is necessary to enable the Minister of Defence to frame proper regulations.

Mr. REID.—It is not proposed to place a single soldier upon the Committee, with the exception of the honorable member for Maranoa.

Mr. HUTCHISON.—It is true that the honorable member for Maranoa is the only member of the proposed Committee who has seen active service. But it must be recollected that regulations have also to be framed for the volunteer branches of the Defence Forces, and two of the members of the proposed Committee have had experience in that arm of the service. They know pretty well what is necessary in the way of regulations to govern a purely volunteer defence force. Personally, I should be glad to see every citizen compelled to enrol in our Defence Forces. I shall not occupy any further time, because I think that the honorable and learned member for Corio ought to be afforded an opportunity of replying to some of the statements which have been made by the Vice-President of the Executive Council. As I understand that the honorable member for Dalley declines to serve on the Committee, I move—

That the words "Mr. Wilks" be left out, with a view to insert in lieu thereof the words "Mr. Lee."

Mr. McCAY.—I wish to ask you, sir, whether members who have already spoken upon this motion are entitled to speak again, now that an amendment has been submitted?

Mr. SPEAKER.—The amendment re-opens the question only so far as the relative value of the honorable member for Dalley, and the honorable member for Cowper, as members of the proposed Committee, is concerned. Upon that point, the honorable and learned member, who has already spoken, can speak again.

Mr. McCAY.—In so speaking, shall I be in order in pointing out the subjects which will require to be investigated by the Committee?

Mr. SPEAKER.—To do that would be to drive a coach and four through the Standing Orders, and therefore I cannot permit it.

Mr. G. B. EDWARDS (South Sydney).—It seems to me that this motion opens up a very much wider field for inquiry than did the specific cases which were referred to by the honorable and learned member for Corio. Notwithstanding the eloquent speech of the Vice-President of the Executive Council, he utterly failed to convince me that there were not grounds for some such investigation as is asked for. At the same time, I do not think that the honorable and learned member for Corio placed his case before the House in the calm and judicial manner that he ought to have adopted. To a large extent he made merely *ex parte* statements, but he instanced sufficient abuses to justify the appointment of a Select Committee to inquire into the matter of our Defence regulations generally. The honorable and learned member for Corinella has asked whether any tribunal that we may create is a proper one to investigate the applicability of certain technical regulations framed under our Defence Act. I say that, if such a Committee does not constitute a proper tribunal, there can be no such tribunal established. The regulations, which are framed under various statutes, are laid upon the table of the House from time to time for the very purpose of affording us an opportunity to inquire into them. I submit that, apart from what the honorable and learned member for Corio has brought forward, there is a vast body of evidence that great dissatisfaction exists with the working of our Defence Department. To my mind, a very good case has been made out for the appointment of the proposed Committee. Indeed, the speech of the Vice-President of the Executive Council served only to emphasize the necessity for such an inquiry. The honorable gentleman does not deny that certain abuses have arisen, but he urges that they are gradually being removed by a patriotic and democratic Minister. The mere admission, however, that abuses have crept into the service, and that it has been found necessary to remedy anomalies, is sufficient justification for the demand for an inquiry to ascertain whether regulations more in consonance with the democratic spirit prevailing in Australia cannot be devised. It is certainly desirable that inquiries should be

made to ascertain whether regulations cannot be framed in the direction of securing a democratic citizen force, but in one respect the motion needs to be amended. It is somewhat invidious to object to the *personnel* of the proposed Committee, but one cannot fail to observe that it is proposed that it shall consist solely of honorable members who wish to bring the Defence Forces of Australia into line with the democratic spirit of the people. As one who is in sympathy with that view, however, I think I may be permitted to suggest that two or three honorable members who hold different views should be appointed.

Mr. CROUCH.—If the honorable member can make a suggestion in that respect it will be accepted.

Mr. G. B. EDWARDS.—I have some difficulty in suggesting who should be appointed to the Committee, and, therefore, at the proper time, shall move that a ballot be taken to determine its *personnel*. Apart altogether from the position of Watts and Webb, and the case in which a young woman was paraded for the inspection of the official staff, I think that an inquiry is necessary, and that it would be hailed with satisfaction by the public as likely to throw useful light on the control and administration of the Defence Forces. To my mind, there is no inquiry which the House could undertake with a greater prospect of eliciting valuable information. We have sufficient evidence before us to show that the demand for the appointment of a Select Committee is a justifiable one. The Vice-President of the Executive Council has said that it is necessary to see that soldiers marry honest women, but it is ridiculous to say that a committee of officers should have the right to determine whether a woman is qualified by virtue or honesty to become a soldier's wife. If it be difficult to secure harmony among married couples living in barracks, it is better that we should determine that soldiers shall not marry. That would be better than to say that a woman whom a soldier proposes to marry shall be trotted out before a board of officers for inspection.

Mr. EWING.—There is nothing in the regulations to prevent a man marrying whomsoever he pleases, but as they have to live in barracks—

Mr. G. B. EDWARDS.—It has been stated in the House that the intended wives of soldiers are paraded before officers for inspection, and if there be no power to hold

such an inspection, some one ought to be brought to task for having thus contravened the regulations. If such a practice be continued, it will lead to our citizen defence force becoming most unpopular. At the present time, the whole of the energies of the House, and, indeed, of the nation, should be directed towards making our defence system one of the most popular of our institutions. Many of those old world notions, which perhaps have been found indispensable for the maintenance of discipline in other countries, would utterly fail if applied rigidly to an Australian community. In such circumstances, we should never be able to obtain any but a ridiculously small Defence Force. We should carefully examine the regulations issued from time to time under the Defence Act. This is the first opportunity we have had of expressing an opinion with regard to many grave complaints that have been made against the Defence system, and I for one shall support the appointment of a Select Committee, not only to examine the regulations, but to make a thorough inquiry, apart from the specific complaints which have been brought forward in support of the motion.

Mr. REID (East Sydney).—I do not know that I have ever seen such a motion as this in connexion with the respective spheres of legislation, regulation, and administration. The proposal before the House is that we shall select a certain number of honorable members to examine the Defence regulations, and consider the propriety of amending them. That would involve a number of rather striking consequences. In the first place, I presume that the mover of the motion would, in the ordinary course of events, be the Chairman of the Committee. We should thus have a subordinate officer on active service sitting in judgment upon the Minister of Defence, the Council of Defence, and, indeed, the whole of the military experts in the Commonwealth service. We should have this remarkable gentleman cross-examining the whole of our military authorities — men whose experience and knowledge in matters of defence are as much superior to those of the honorable and learned member as the sun is superior to a mining candle. The honorable and learned member for Corio, who, I believe, nearly mowed down a whole column of his fellow citizen soldiers because they happened on one occasion to go a few inches beyond an artificial line in Albert

Park, holds the rank of captain in the Defence Force, and may possibly be a most estimable officer. But it seems to me that we should turn our military system upside down if we decided that an officer in our Defence Force, simply because he happened to be a member of this House, should act in such a capacity as is proposed. If the honorable and learned member were not a member of this House, and there were 1,000 officers in the Commonwealth service, I believe that 999 of those officers would be selected in preference to him for the position of Chairman of such a Committee.

Mr. G. B. EDWARDS.—The Committee will be able to consider the expediency of not allowing a politician to hold a commission.

Mr. REID.—I think that might well be done. It is proposed to make the honorable and learned member for Corio a sort of politico-military commander-in-chief, to sit in judgment on the officers of the Defence Force. A gentleman who is a mere tyro in military matters, is, solely because he happens to be a member of this House, to examine and cross-examine perhaps trained veterans who have passed through any number of sanguinary engagements in various parts of the world, and have made a life-long study of military tactics. The honorable and learned member would temporarily take command of the Military Forces, and it would be inevitable that by the time he had completed the job, our Defence system would be thrown into inextricable confusion. These observations will apply, perhaps, in a larger degree to almost every member of this House. The Committee is to be appointed to deal with a far more difficult matter than a mere investigation of the state of affairs prevailing in the Defence Force. I do not for one moment say that any honorable members of this House would not make an excellent Committee to investigate facts of any kind. I do not wish to disparage their capacity in that respect. If it were proposed that I should be a member of the Committee, I should make the same observations about myself that I have made about other honorable members. The task of framing a proper set of military regulations is one which only military experts could possibly take up with any prospect of success. I can understand a number of other persons being prepared to attempt it, notwithstanding that they are absolutely unfitted to do so. But our Military Forces have had the advantage of being directed

by able and experienced men. The mere fact that the Treasurer was once at the head of this Department should be a guarantee that everything is satisfactory. The right honorable gentleman is a born soldier, and would have made a first-class pirate 150 years ago, when many noble men followed that avocation. He prepared a minute—and I am told that it was entirely his own—that has been quoted in Imperial circles as one of the ablest State papers with reference to naval defence that has been written since Nelson prepared an essay on the subject. We had the Treasurer at the head of this Department for some time, and he was followed by another honorable member of striking originality. I refer to Senator Dawson, a very earnest, able man, who made things in the Department a little more lively than they were during the *régime* of the Treasurer. Senator Dawson succeeded the present Postmaster-General, and in turn was followed by the honorable and learned member for Corinella, whose practical knowledge even the honorable and learned member for Corio will admit stands very high. We have had all these talented administrators at the head of the Department, and they have been advised by the best military authorities. I am not competent to say whether the code of regulations which has been drawn up is good, bad, or indifferent; but I am certain that none of the men whom it is proposed to appoint a Select Committee to inquire into the whole subject is competent to do so.

Mr. MALONEY. — The right honorable member must admit that the present Minister has amended a number of the regulations.

Mr. REID.—If so, I suppose he has acted upon good advice. I understand that there is a military council of advice.

Mr. EWING.—A military board.

Mr. REID.—It is, no doubt, composed of the best officers available. However able and capable as members of Parliament the men of whom the honorable and learned member for Corio proposes to constitute his Select Committee to deal with the regulations may be, and however wide their general information, they cannot suddenly become experts in regard to a subject which requires the highest technical skill and training. The members of the proposed Committee would not, for lack of the necessary knowledge of the subject, understand half the answers they got.

Mr. HUTCHISON.—They could deal with what they did understand.

Mr. REID.—If the matter at issue involved merely questions of fact, it would be a different thing.

Mr. HUTCHISON.—There are a number of questions of fact to be dealt with.

Mr. REID.—I admit that I have heard a number of statements which appear to show the existence of an unsatisfactory state of affairs, and if the honorable and learned member for Corio will substantiate any of these allegations of wrong-doing, I do not suppose any honorable member will object to the cases being remedied.

Mr. EWING.—The honorable and learned member's statements were inaccurate in regard to every case that he mentioned.

Mr. HUTCHISON.—I have made accurate statements, because I have referred to my own experience.

Mr. EWING.—Will the honorable member bring the matter before the Minister?

Mr. REID.—Honorable members will always do useful work if, when grievances are brought to them, they sift them as thoroughly as they can, and then, if convinced that a case has been made out, approach the Department of the Service concerned. If a man brought a grievance to me, I would investigate it so far as I could, and, if I thought that he had made out a *prima facie* case, I would approach the Department in regard to the matter.

Mr. HUTCHISON.—Men are not allowed to bring their grievances before Members of Parliament.

Mr. REID.—I can see the propriety of that rule. If every soldier who thought that he had a grievance could ask a Member of Parliament to support it, and these matters were continually being discussed here, far more injury than good would result to our forces.

Mr. EWING.—Every soldier can appeal to the Minister.

Mr. REID.—If any regulation prevented even the humblest soldier from proceeding through the recognised channel of complaint with the statement of a grievance until, if necessary, he could lay it before the Minister, or if a regulation were needed to provide such a channel, I should say that the Minister at the head of the Department should see that the matter was rectified.

Mr. HUTCHISON.—I have given the Minister cases in which that has not been possible.

Mr. REID.—There is a defect in the regulations, if they do not permit the humblest man in the service to place his grievance before the highest military authority, when he cannot get redress otherwise.

Mr. EWING.—The regulations permit that to be done, and the men know it.

Mr. HUTCHISON.—Not always.

Mr. REID.—If a man cannot get his grievances redressed otherwise, it is his duty and his right not to rest until he can lay them before the Minister, and, in the last resort, he may bring the matter before a member of Parliament; because there are cases of injustice which cannot be remedied in any other lawful and constitutional way, and must, therefore, come before Parliament as the final tribunal. But every effort should be exhausted to obtain redress through the ordinary military channels before this House is approached. I could much better understand a motion asking for the appointment of a Committee to investigate certain definite allegations. A Committee of members of this House would be a very fair tribunal in such a case. But the object of the motion of the honorable and learned member for Corio is to secure, not the redress of individual grievances, but a report on the advisability of amending the regulations made by the Minister under the Defence Acts. That would be a Herculean task, even for a committee of soldiers, and it is an impossible task for a committee of laymen. I have no doubt that there are hundreds of these regulations, dealing with all sorts of military questions; and the honorable and learned member practically asks the House to hand them all over to his proposed Committee for consideration. The Committee, if appointed, would, no doubt, call what military authorities it thought necessary to examine and cross-examine, and would finally report the amendments which it felt constrained to recommend. Would it not be better if the regulations which it is thought require amendment were picked out? All the regulations cannot be defective. Most of them must be sound. I do not know what view the Government take in regard to the motion, but I can understand that they should refuse to agree to it. Many years ago, when Mr. Varney Parkes moved for the appointment of a Committee to inquire into the administration of the Lands Department, his father, the late Sir Henry Parkes—who was, perhaps, one of the most eminent parliamentarians

in Australia—was one of my strongest political opponents. He would, therefore, have been only too glad to embarrass me; but his sense of parliamentary rule and principle was so strong that it proved superior to his party feeling, and he pointed out that the motion amounted to a motion of want of confidence in the Ministry. His contention was that, if the House thought fit to inquire into the way in which a Minister was managing his Department it was time for that Minister, or the Government, to resign. It is the duty of the Minister of Defence to issue regulations under the Defence Acts, on the advice of the best military authority, and the motion now before us is tantamount to a declaration that, in the opinion of the House, he has performed this duty in such a bungling and inefficient way that we are driven, as a matter of painful necessity, to appoint some of our own members to review his work. Thus the motion is practically a motion of censure on the Minister at the head of the Defence Department. It practically declares that he is not competent. The regulations which are issued in pursuance of the Defence Acts should be right and proper regulations, and if the House declares that it thinks so little of them that it is going to refer them to a Select Committee, it puts the Minister in a position which no Minister would like to be placed in, and I think very few Ministers would allow such a reflection to be cast upon their administration. Of course, the Government, too, must be held responsible for the actions of one of their number. It casts a reflection on the Minister of Defence and on his colleagues to declare that, although he has had the advantage of the advice of military experts, he has done his work so badly that members of the House who are not experts, and have no special knowledge, must inquire into and amend the regulations issued by the Department.

Mr. G. B. EDWARDS.—The same thing might be said about a motion for the appointment of a Committee to inquire into the operation of the Tariff.

Mr. REID.—No; because the Tariff is pre-eminently a matter to be settled by Parliament. Of course, where a question of policy is involved, as in connexion with a measure submitted to Parliament, it often happens, as in the case of the last Deakin Administration, that the Government will resign because an amendment has been carried which

vitality alters the provisions of a Bill. No one will contend that any member has not the right to move any such amendment. The making of regulations in pursuance of an Act is, however, distinctly within the province of the Government, and not of the House. The House trusts the Minister in charge of the Department to draw up proper regulations, and to administer them properly.

Mr. McWILLIAMS.—There will be a dissolution if the motion is carried.

Mr. REID.—I am coming to the rescue of the Ministry in this matter, in the interests of good government. We must have lines of principle to divide the province of Parliament from that of the Executive, especially in regard to the control of our Military Forces. The moment you make the Military Forces the sport of parliamentary committees, whose members will be prompted by friends and other persons outside, that moment you demoralize them. Probably the usefulness of an officer commanding a regiment would be entirely destroyed after he had been subjected for half-an-hour to the wiggling of the honorable and learned member for Corio, who would be his subordinate, and be not a hundred miles behind him, but probably further away, when he was on the field of battle. We know that in New South Wales the Military Forces were reduced to a pitch of utter humiliation and absurdity by the appointment of Select Committees to inquire into military affairs. When a Select Committee is appointed to criticise military administration, the whole basis of authority goes. I look upon the motion as practically a motion of want of confidence in the Minister of Defence, if not in the Ministry, and I shall require the production of very serious evidence in support of it before I shall feel warranted in casting such a reflection upon the Ministry, even though they are my political opponents.

Mr. MALONEY.—By way of personal explanation, I desire to refer to the denial by the honorable and learned member for Corinella of my statement to the effect that the present Minister of Defence had remedied a wrong which he, whilst in charge of the Department, had declined to redress. I desire to quote from *Hansard* of the 5th July, as follows:—

Mr. McCAY.—The honorable and learned member for Corio now makes a number of statements as to the general course of procedure in the Permanent Artillery.

Mr. PAGE.—Was not the man sworn in?

Mr. McCAY.—Yes.

Mr. PAGE.—Then the regulations must have been read out to him.

Mr. CROUCH.—They ought to have been.

Mr. McCAY.—I am emphatically informed that they were. I have not treated this or any other matter lightly. It is true that I did not personally make inquiries in regard to it. I could not go to Queenscliff in search of the officer who swore these men, but I was informed that he stated personally that he read the regulations to them, and that they knew the terms on which they were enlisted.

On that occasion I felt that a wrong had been done to the man, owing to the failure of the military authorities to read over the regulations to him. On the 13th July, the Minister of Defence wrote to the honorable and learned member for Corio as follows:—

With further reference to your letter of the 29th ultimo, relative to Gunner W. T. Sheehan, I am directed to inform you that, on further investigating the case, it appears to the Minister that the regulations were not read to Sheehan; and, under the circumstances, Senator Playford thinks that the request for a discharge should be granted.

Instructions have therefore been given to this effect.

I am delighted that the present Minister has taken action which his predecessor declined to take.

Mr. McCAY.—I wish, also, to say a few words by way of explanation. The honorable member for Melbourne alleged by interjection that I had denied justice to the man referred to. The first I heard of the case was on the 29th June, 1905, by means of a letter addressed to me by the honorable and learned member for Corio. On the 30th June, 1905, the Government to which I belonged was defeated in this House, and resigned within two or three days. Before I left office, however, I directed full inquiries to be made, and on a second statement being made to me by the honorable and learned member for Corio, to the effect that I had been misinformed as the result of my first inquiries, I directed a further investigation to be made on the 5th or 6th July. My successor came into office on the 7th July, before these further inquiries had been made, or could be made. Consequently, before the matter came to me for decision I had ceased to be a Minister. Under these circumstances, the charge that I denied justice to the man—when I was removed from office with the help of the honorable member for Melbourne within a few days of the time that the matter was first brought under my notice—is entirely unfounded.

Mr. MALONEY. — I have quoted from *Hansard* of 5th July, and therefore the date given by the honorable and learned member does not count.

Debate (on motion by Mr. MALONEY) adjourned.

IMPORTED GOVERNMENT STORES.

Motion (by Mr. MAUGER) agreed to—

That a return be laid on the table of the House showing—

1. The various articles and goods directly imported by the Government for use in the various Departments.

2. The imported articles or goods purchased by the Government in the Commonwealth.

3. The imported articles or goods supplied for use in the Departments by contractors to the Government.

4. The country in which they were manufactured.

The return to cover the business of the last financial year.

NAVAL EXPENDITURE.

Debate resumed from 7th September (*vide* page 2002), on motion by Mr. KELLY—

That whereas the command of the seas in time of war is essential to the security of the Empire's vast interests on, and beyond, the seas; and whereas this command cannot be assured by separate squadrons acting independently on behalf of each section of the Empire; and whereas the United Kingdom, which has hitherto borne practically unassisted the burden of Imperial naval defence, will sooner or later be unable to continue to make sufficient provision against the rapidly increasing naval armaments of foreign powers; this House is of opinion—

(1) That all naval expenditure by the Commonwealth of Australia should be towards an Imperial Navy, on the efficiency and adequacy of which in time of war will depend her security from serious danger; and

(2) That the Commonwealth of Australia's contribution to the Imperial Navy should be doubled.

Mr. CARPENTER (Fremantle). — I move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words: "in the opinion of this House, it is desirable to encourage and promote a national and self-reliant spirit among the Australian people; to create and maintain a deeper interest in the development of our sea power, and in the naval defence of the Commonwealth."

That, while regarding the existing Naval Agreement with Great Britain as a recognition of present obligations to the Empire, it is essential that provision be made in the near future for an Australian Navy for defence purposes.

That an advisory report be obtained from the Naval Director, showing the number and class of

war vessels necessary under existing circumstances, and the approximate cost of providing and maintaining the same.

I regret, in common with many other honorable members, the indifference that has until recently been shown by the people of Australia regarding the question of naval defence; but I have noted with some pleasure that during the past few months there have been indications of keener interest in this very important national question. This interest is manifested, in one State at least, by the formation of a league which, I believe, has for its purpose the quickening of Australian sentiment on the subject. Apparently, the formation of the league, and its advocacy of an Australian Navy, has aroused the antagonism of the honorable member for Wentworth, who, with some impetuosity, has rushed into the House with a motion which he submitted in a somewhat lengthy speech, in which he showed considerable knowledge of detail. The motion asks us to affirm that now, and for all time, we shall discard the idea of the formation of an Australian Navy, and rest our hope of naval defence entirely upon the British Squadron.

Mr. KELLY.—Not at all. Surely the honorable member has not read the motion, which refers to an Imperial Navy, as distinguished from the British Navy.

Mr. CARPENTER.—If the honorable member is going to quibble about terms, I say at once that he is asking the House to affirm that, for all time, our defence shall rest upon the Imperial Navy—

Mr. KELLY.—Yes, in its wider sense.

Mr. CARPENTER.—Rather than that we should take any steps for the formation of a Navy of our own. I am not at issue with the honorable member, in so far as he recognises the extent to which we are at present dependent for our defence upon the Imperial Navy. The agreement entered into between Australia and New Zealand, on the one hand, and Great Britain on the other, is a recognition of that dependence, and, as I hope to show, also a discharge of our obligations in that regard. When, however, the honorable member says that, no matter how much the Australian people may wish to meet all the obligations which attach to our national existence, we should be dependent for all time upon—I was going to say a mercenary fleet—a hired fleet—

Mr. KELLY.—A fleet towards which we contribute men and material.

Mr. CARPENTER.—I shall refer to the question of the men later on. At present we are asked to state that our only ambition is to hire a fleet which may, or may not, be here when it is wanted; which may be taken away thousands of miles at any time; which will be under the direction of some one altogether beyond the scope of our authority. I must join issue with the honorable member. I believe that the honorable member's motion cuts right across the grain of Australian national sentiment, and is entirely antagonistic to Australian national aspirations; and I have submitted the amendment so as to make the issue clear cut between us. I believe the great majority of the people of Australia will hold that, no matter how we may regard the existing Naval Agreement, the time is coming when we should at least take some steps to form the nucleus of an Australian-owned and manned navy. As far back as 1885, the British Admiralty advised the various Colonies—as they were at that time—to acquire a fleet for local defence purposes. It was hardly to be expected that the various Colonies could undertake the work of building and equipping a fleet which could be managed only by some central authority. Circumstances, however, have changed; we now have the central authority, and there is no reason why we should not have a fleet of our own.

Mr. KELLY.—Is the advice referred to still tendered by the Imperial authorities?

Mr. CARPENTER.—I do not know; but it was good advice at the time, and if anything, the change that has taken place in our conditions has rendered it even more applicable than formerly. Certainly Australian necessity is no less now than it was then. In this connexion perhaps I may be permitted to quote one or two expressions of opinion by prominent Australians, which will conclusively show that the honorable member for Wentworth is out of touch with public opinion upon this matter. In discussing the Naval Agreement Bill in 1903, Sir Edmund Barton, who was then Prime Minister, said—

In future as opportunity arises, and as funds allow—because we do not wish to run into inordinate expense—it may be advisable to have torpedo boats or torpedo destroyers at each of the principal ports as a means of special harbor defence. That will not be done immediately, but, as I say, as opportunity and funds permit.

Mr. KELLY.—There is no reference to an Australian Navy there. Sir Edmund Barton specially mentions harbor defence.

Mr. CARPENTER.—Does the honorable member mean to say that Sir Edmund Barton was referring to boats other than those owned by Australia?

Mr. KELLY.—He was referring to harbor defence.

Mr. CARPENTER.—Quite so. I am speaking purely from the stand-point of our coastal defence. To my mind there is a necessary distinction between the question of the command of the high seas and that of the coastal defence of Australia. For the purposes of coastal defence Sir Edmund Barton evidently anticipated that in the near future we should have to establish at least the beginnings of an Australian Navy.

Mr. KELLY.—For coastal and harbor defence only.

Mr. CARPENTER.—Yes. Then the leader of the Opposition, speaking in Sydney some time ago, disclosed the fact that he looked forward to the time when we should have an Australian Navy. He affirmed that the aspirations of the Australian people for a Navy of their own was an evidence that they were a "chip off the old block." As is well known, the honorable member for Bland, in common with other members of the party which he leads, is a strong advocate of an Australian Navy. I think, too, that the present Prime Minister is scarcely satisfied with the prospect of Australia having to depend for all time upon a Navy over which we have no control. In the light of the opinions of these four gentlemen, who have held the highest office in the land, and, knowing as I do, from mixing with the people in my own State and elsewhere, that there is a general feeling that we ought to provide our own ships, in which we can train our own men, I am justified in affirming that the author of this motion is entirely out of touch with the prevailing Australian sentiment. I have already stated that under the terms of the present naval agreement the ships of the Australian squadron may be withdrawn from our coast at any moment. I understand, too, that the strength of that squadron is less than that agreed upon. Certainly the number of Australians who are supposed to be employed by it are not so employed. In the event of an outbreak of war, or even of a rumour of war, these ships can be withdrawn from Australian waters, in which case we might be left utterly defenceless. The honorable member for Wentworth,

after admitting that our chief danger lies in the possibility of an attack, not by a hostile fleet, but by a marauding cruiser, asks, "What is the use of Australia spending £300,000 upon a few miserable cruisers?" He must know that to have battleships hovering round our coasts would be of very little use if fast cruisers were to suddenly pounce down upon us. Our only effective defence against such a raid lies in our possession of cruisers equally fast or faster, which could drive the enemy's vessels from our coast. In this connexion I should like to quote a few words from a speech delivered by the right honorable Mr. Balfour in the House of Commons some time ago.

Mr. KELLY.—In what year?

Mr. CARPENTER.—I have not the date of the speech, but it was delivered recently. Speaking of the value of cruisers—and it is to that aspect of the question that I am addressing myself at the present moment—the right honorable gentleman said—

Let it be remembered that no strength in battleships has the slightest effect in diminishing the number of hostile torpedo craft and submarines. A battleship can drive another battleship from the sea, but it cannot drive a fast cruiser, because a fast cruiser can always evade it. A strong and fast cruiser can drive a weak and slow cruiser from the sea; but neither cruisers nor battleships can drive from the sea, or from the coast, I ought to say, either submarines or torpedo destroyers which have a safe shelter in neighbouring harbors, and can infest the coast altogether out of reach of the battleship, which is very likely to be much more afraid of them than they have reason to be of her.

I make that quotation in support of my contention that our greatest need—seeing that we may be left without the protection provided by the so-called Australian Squadron—is the possession of two or three cruisers of the fastest possible type, so that in the event of an attack by a marauding expedition, we may be able to drive it from our coasts. Let honorable members imagine the situation of the Commonwealth if the Australian Squadron were withdrawn, and it was even rumoured that a hostile cruiser was hovering about our coast. It would cause so much concern that any Government which was unprepared for such an eventuality would meet with a storm of indignation. The people would rightly ask, "What has the Commonwealth Parliament been doing that it has not provided for such a contingency? Why did it make an agreement under which all the vessels of the Australian Squadron could be with-

drawn from our coast just when they were most needed, thus leaving us entirely unprotected?" The honorable member for Wentworth himself admitted that our chief danger lies in the possibility of our attack by some hostile cruiser.

Mr. KELLY.—I said that our chief danger was from invasion, against which an Australian Navy would afford no protection. I stated that the form of attack which we have most to fear whilst England maintains command of the seas, was an attack by hostile cruisers, and that Great Britain had made provision against such a contingency by providing a great preponderance of cruiser strength.

Mr. CARPENTER. — Nobody knows better than does the honorable member that there is no bigger blundering machine in the world than is the British War Office.

Mr. KELLY.—Does the same remark apply to the Admiralty?

Mr. CARPENTER.—Yes. I do not suppose there is any more intelligence displayed in the Admiralty Department than there is in the War Office.

Mr. KELLY.—Will the honorable member quote a case in support of his statement?

Mr. CARPENTER.—There have been no great naval battles in which England has recently participated. It is safe to assume, however, that if a naval war occurred, we should have a repetition of the blunders which have characterized the British War Office. Certainly the Home authorities would not listen to any protest from Australia if they required the services of the ships of the Australian Squadron elsewhere. This motion is based entirely upon what I regard as an entirely fallacious theory. From my earliest boyhood I have heard the bombastic statement that the British Army can beat any two or three other armies combined, and that the British Navy can defeat any two or three other naval Powers acting in combination. I was brought up on that sort of national pap, but since reaching manhood's proud estate I have been compelled to discard—even against my will—all such theories. Whatever may have been the case a hundred years ago, when British statesmanship and British diplomacy were not what they are to-day. I say that the assumption that the mother country requires to maintain a fleet equal to that of any two or three Powers combined is utterly ridiculous. If it be necessary that she should

be able to cope with two or three naval Powers, why not with four? Then, I ask, "What three Powers are likely to combine against Great Britain?" The honorable member for Wentworth did not point to any such combination.

Mr. KELLY.—I have not the singular acquaintance with high politics that is possessed by the honorable member. I do not know the minds of the rulers of Europe.

Mr. CARPENTER.—I do not claim to voice any opinions but my own. The difference between the honorable member and myself is that he has started off with a high-sounding theory, upon which he has built up some unwarrantable assumptions. I wish to take a more practical view of the question, and to ask why we should assume that it is essential that Great Britain should have a Navy sufficient to enable her to cope with those of any three combined Powers. There is no warrant for such an assumption. Even if there were, it might well be asked why Australia should be called upon to double her present naval subsidy as a means of maintaining this power? The honorable member for Wentworth was alarmed because he found that in 1907 England would have only forty-eight battleships, as against sixty-three possessed by three other Powers in combination. I wish that the honorable member had told us to which three Powers he referred.

Mr. KELLY.—Germany, France, and the United States of America.

Mr. CARPENTER.—Is not the suggestion of such a combination in itself sufficient to cast ridicule upon the honorable member's theory?

Mr. KELLY.—Take the two Powers—Germany and France.

Mr. CARPENTER.—In view of the feeling existing between the people of those countries, is it reasonable to imagine that they are likely to combine against Great Britain? Having regard to the happy relations that have existed for some time between Great Britain and France—relations that are not likely to be disturbed—it is absurd to try to raise a scare because Germany and France are increasing their warships. To my mind, the suggestion that the naval power of those countries combined may shortly exceed that of Great Britain should not cause any alarm on our part. It is unfortunately true that at present Great Britain regards Germany with

a somewhat suspicious eye, and it is equally true that Germany looks upon the position of its rival as an excuse for increasing its armaments. Honorable members doubtless read the cable message recently published to the effect that the German Government were seeking, contrary to the strong desire of the German people, to increase their naval expenditure, and that the one argument which it always uses in its endeavour to persuade the people of that country to acquiesce in an increased naval expenditure—the fact that Great Britain is increasing her Navy, and that it is necessary for Germany to keep pace with her—was again being put forward. When the Naval Estimates of Great Britain are under consideration the position of Germany is likewise used as a reason why a few more millions should be expended upon the Imperial Navy. And so the game of see-saw goes on. Is it a matter for surprise that there is plain evidence of a rebellion on the part of the people of both countries against the piling up of these costly armaments, which soon become obsolete? I notice with much pleasure indications on the part of the German people—and particularly on the part of the German Socialists—to have done with this useless and foolish expenditure. A prominent French Socialist, M. Jauré, recently visited Germany, and was advertised to address a meeting of German Socialists with reference to this question. He went there with a desire to heal the breach existing between the German and the French people, but the German authorities blundered, as usual, and forbade him the right of public meeting. The result was that the German Socialists caused some millions of copies of his address to be printed and distributed among the working classes of that country. I believe that the international Socialist movement, although possessing some features with which I have no sympathy, is going to be the greatest factor in bringing about international peace that the world has ever seen. The people who have to provide the millions expended on the construction of warships are awakening to a true sense of their position, and are determined that they shall no longer be exploited for this purpose by their rulers. They are resolved that they shall have a voice in determining the amount that shall be spent on naval and military defence, and, if possible, will take steps to bring about a better feeling

among the nations, so that there shall be no necessity to continue the present extravagant expenditure. The recent Peace Conference held at the Hague—a Conference which I believe is to be called together once more in the course of a few months—was also an indication that, apart altogether from the Socialist movement, there is a feeling that the naval and military expenditure of the nations has gone too far, and that something should be done to bring about a more Christian-like and civilized means of settling international disputes. We had a visit some time ago from a gentleman who claimed to be the envoy of the Imperial Navy League, and he came to Australia with the object of arousing in the minds of the Australian people interest in the British Navy. To say that his mission was a failure is to put it very mildly. I do not wish to criticise Mr. Wyatt more than to say that if the British Navy League wished to recommend their cause to the Australian people, they did not select the right man to advocate it. The impression that he made, both personally and with regard to his mission, was a very poor one. I attended his meetings, and, although I am as loyal as are most men to the country from which they come, I feel bound to say that his efforts did not arouse or quicken my ambition in any degree whatever. A noteworthy fact was that the Australian Natives' Association, to which he made some special appeals—and which I may say, in passing, has the reputation for taking a fairly high stand on all matters affecting the welfare of Australia—fought shy of him, notwithstanding that it is sometimes charged with being too Imperial in its aspirations. He went away a disappointed man, having failed to arouse any interest in the aim of the league to obtain support for the extension of the Imperial Navy. As most other visitors do in similar circumstances, he went home, and blamed the Labour Party for the failure of his mission, declaring, among other things, that it was a disloyal body. That statement was promptly denied, and never had any foundation in fact. Coming more directly to the motion itself, I would point out that the honorable member sets forth a somewhat ambitious preamble to his motion—

That whereas the command of the seas in time of war is essential to the security of the Empire's vast interests on, and beyond, the seas; and whereas this command cannot be assured by separate squadrons acting independently on be-

half of each section of the Empire; and whereas the United Kingdom, which has hitherto borne practically unassisted the burden of Imperial naval defence, will sooner or later be unable to continue to make sufficient provision against the rapidly increasing naval armaments of foreign powers. . . .

I have already referred to what I regard as the fallacy of the "three Powers" or the "two Powers" doctrine. I do not believe it necessary for Great Britain to own a navy equal to those of any two or three other nations before it can claim to have command of the sea. Her command of the sea does not depend solely on the number of warships that she possesses. The strategical positions which England commands to-day are worth more than any number of battleships or cruisers, and the suggestion that her command of the sea cannot be assured by separate squadrons, acting independently of each other, is one of those delightful assumptions which underlie the whole position taken up by the honorable member for Wentworth.

Mr. KELLY.—Can it be said to be an assumption when it is backed up by all existing military authority?

Mr. CARPENTER.—I do not know that the honorable member is supported in that way.

Mr. KELLY.—Will the honorable member admit that the late Captain Mahan was an authority?

Mr. CARPENTER. — The assumption contained in the preamble to the motion is that if Australia had a navy, it must necessarily be quite independent of the Imperial Navy. The honorable member apparently cannot conceive of an Australian-owned navy acting in conjunction with another one.

Mr. KELLY.—If it is to be under one control, why should it be necessary to have a separate ownership?

Mr. CARPENTER.—I shall come to that point. I am dealing now with the assumption that we cannot have an Australian-owned navy unless it is independent of any other, and that in no circumstances could it possibly act in conjunction with the Imperial Navy. Since the honorable member's premises are false, his whole argument falls to the ground. In time to come we may have a navy equal to that of the United States, and there is no reason why we should not then assist Great Britain in any great naval war.

Mr. KELLY.—Does the honorable member think that the war will wait until we get a navy?

Mr. CARPENTER.—That does not follow. If Australia had a navy of her own, it would not make the navy of Great Britain any the smaller. The honorable member harbours a false conception if he thinks that, in the event of Australia possessing a navy, she could not, if necessary, unite her forces with those of Great Britain, or of any other country with which we might be in alliance. I have admitted that our general safety is at present secured by the presence of the British Fleet in Australian waters; but, in maintaining that fleet, Great Britain does no more than her duty to her Colonies. We are sometimes upbraided for not making a suitable return for the benefits we receive from the presence of the auxiliary squadron in these waters. But it must be remembered that Great Britain has a very great interest, if not the chief interest, in defending our shores. The mover of the motion stated that our sea trade is worth about £86,000,000. I do not know whether the figures are right or wrong; but, in any case, Great Britain has as great an interest, if not a greater interest, in that trade than we have. Australia and New Zealand together are paying over £10,000,000 per annum in interest to bondholders in Great Britain.

Mr. KELLY.—I suppose we should not have borrowed the money if we did not consider it an advantage to do so.

Mr. CARPENTER.—That is another question. The point which I am making now is that the interest of those bondholders must be preserved. The British Fleet is in our waters not wholly in the interests of Australia. I do not suppose that the honorable member will dispute the statement that the British money lord is the chief power behind the Government of Great Britain. We have only to go back a year or two, to the South African war, to know what a terrible power he wields, and how easily he can set in motion the machinery of the War Office to secure his ends. Therefore, notwithstanding the advantages gained by Australia from the presence of the British Fleet in these waters, it must be admitted that it is maintained here not wholly for our benefit, and the people of Great Britain gain, I believe, the major advantage.

Mr. McDONALD.—Great Britain would be compelled to have a naval station here in any case.

Mr. CARPENTER.—If she did not maintain these warships in Australian

waters, she would have to maintain them elsewhere. I admit that we are under some obligation, but the payment of a subsidy of £200,000 a year is, in my opinion, a full discharge of it. We, as a young nation, have to prepare to undertake every national obligation, and the provision of effective defence is one of these obligations. We have already organized our land defences in such a way that even British experts have complimented us upon them; but, as we recognise that our first line of defence must be on the water, and that there may not be a land battle in Australia for centuries, we ought now to ask: "Are we taking all the steps necessary to provide against attacks from the sea?" If during the next few years, while we have no navy of our own, there should be a naval war in which Great Britain is involved, I would make one to ask the Australian people to subscribe, not a few thousand pounds, but £1,000,000 or £2,000,000, to replace any British war vessels that may be lost in our defence. It is not because I wish the Australian people to look at this question merely from a mercenary point of view, but because I wish them to take upon themselves the duties of nationhood that I have moved the amendment, which I believe to be more in keeping with their aspirations than is the motion. I do not claim to possess expert knowledge of naval armaments or warfare, but I know that every naval expert, if he were asked to advise us as to what class of vessels we should get, would say that our greatest need is for fast cruisers; and he might also advocate the purchase of one or two submarine boats. I think that estimates have been made of the interest charges and cost of maintenance for two or three cruisers, and I do not think that the amount would largely exceed our present naval subsidy. I am, however, quite prepared to leave questions of that kind to naval experts, and therefore my amendment authorizes the Government to call for a special advisory report from our naval director, who, above all men in Australia, should be able to tell us what it is best to do in this matter. The honorable and learned member for Corinella looked with suspicion upon proposals for the purchase of submarine boats for our coastal defence, his objection to them being based on the fact that, at present, submarines, or "submersibles," as the naval experts prefer to

call them, are at a stage of imperfect development. Although that is so, Great Britain has built, or is building, some thirty of them, and France some forty-six; while America, Germany, and Italy are also building them. Therefore, with all their imperfections, they are likely to play a very important part in the next naval battle. They should, too, be particularly effective for coastal defence. Lord Brassey, the author of the *Naval Review*, in speaking of them, has said that the waters in which submarines are stationed will be well-nigh untenable by hostile ships. A warship whose commander knows that our coasts are defended by submarines would not be likely to venture near, since it would be defenceless against the attack of such a vessel. I believe that the people of Australia are able and willing to provide for their own naval defence. I should be sorry to think, and much more sorry to suggest, that the honorable member for Wentworth, in moving his motion, was actuated by any but the best motives, or that he is less loyal to Australia than are the rest of us, although he so far forgot himself, when making his speech, as to question the motives of some of those whose views are opposed to his own. In my opinion, he has utterly mistaken the sentiments and temperament of the Australian people. A motion which states that we ought not to take any steps, either now or for all time to come, to establish an Australian Navy as our first line of defence, could only have been conceived at a time when the honorable member was off his guard, and when, perhaps, the formation of an Australian Navy League had aroused hostile feelings in his mind, so that he framed it without fully conceiving what it meant. I believe that everywhere in Australia the people look forward to the time when not only their land forces, but their sea forces, too, will have been placed on a sound and effective footing. Believing this, and feeling that we are capable of undertaking every national duty, I have submitted the amendment.

Mr. SPEAKER.—In order not to preclude the moving of other amendments which I understand it is desired to move, I shall put to the House the question that the words which the honorable member proposes to insert be inserted after the word "That." If the amendment be agreed to, the remaining words of the motion will have to be struck out.

Mr. MĀHON (Coolgardie).—On behalf of the honorable and learned member for Northern Melbourne, I desire to submit an amendment which, I think, should precede that which has been proposed by the honorable member for Fremantle. The amendment is as follows:—

That all the words after the word "That," be left out, with a view to insert in lieu thereof the following words:—

"Whilst in full sympathy with the taxpayers of Great Britain and Ireland in regard to the prodigious increase in their naval expenditure, this House declines to express an opinion either in favour of or against a change in the system which at present prevails of meeting that expenditure—

- (1) because this House does not consider such a matter within its legitimate province;
- (2) because the increase in naval armaments will shortly become an issue in an appeal to the electors of the United Kingdom, in which this House has no right to interfere;
- (3) because this House confidently relies upon the fairness and wisdom of the British people for the avoidance of unnecessary war, and for providing all necessary naval supplies, and relies also on the power of the British people to retain command of the seas;
- (4) because this House has no voice in relation to the foreign policy which renders such armaments necessary;
- (5) because any Australian money can be spent to much better effect in providing for the defence of our ports and our coasts, and in enabling thereby the British Fleets to operate freely in other parts of the world."

Mr. KELLY (Wentworth).—I do not propose to discuss the amendment which the honorable member for Coolgardie has just submitted, because I think it will be clear to all honorable members that it is from beginning to end a mere copy of an amendment moved by the right honorable and learned member for East Sydney to the motion on the business-paper relating to Home Rule. I therefore do not regard it as of a serious nature, but as merely intended to vent the personal spleen of some honorable members. This motion deals with the defence of Australia, a matter in which the people of Australia are most concerned, and there is, therefore, no resemblance between it and the motion relating to Home Rule for Ireland. The honorable member for Fremantle has put me under an obligation by affording me an opportunity to again speak on this motion. The same spirit runs through my motion and the first part of his amendment. The

honorable member wishes to affirm that it is desirable to encourage and promote a national self-reliant spirit among the Australian people, and to create and maintain a deeper interest in the development of our sea power, and the naval defence of the Commonwealth. If the honorable member had read the terms of my motion, or had paid me the compliment of reading my speech, he would have found that this principle of his amendment is embodied in my motion.

Mr. CARPENTER.—I did read the honorable member's speech.

Mr. KELLY.—Then I fail to understand why the honorable member found it necessary to include such expressions in his amendment. I am afraid the honorable member fails to understand the meaning of the word "Imperial" in my motion. Because that term has been used in a loose sense by the man in the street as applying merely to Great Britain, the honorable member seems to think that Imperial defence must necessarily be defence by Great Britain. I use the word "Imperial" in its ordinary dictionary sense. We are a section of the Empire as much as is Great Britain. The opposition of the honorable member for Fremantle is due largely to the confusion of his ideas with regard to the meaning of the word "Imperial." Every section of the Empire has an interest in the Imperial welfare; and that is the idea underlying my motion. I urge merely that all sections of the Empire should combine for the common good; and certainly opposition to any such combination comes with bad grace from members of the Labour Party, since they tell us that union is strength, and that for that reason their unions have found industrial combination necessary. All I ask is that all sections of the Empire shall combine for purposes of defence, in which each has an interest; and those honorable members who are always talking about the advantage of combination for their own purposes are certainly not consistent in opposing the application of the same principle to the defence of the Empire.

Mr. CARPENTER.—The honorable member does not propose combination but submission.

Mr. KELLY.—My motion makes no reference to submission. It affirms that the command of the seas is essential to the security of the Empire, and that such command cannot be assured by separate squadrons acting independently on behalf of each

section of the Empire. The honorable member for Fremantle has admitted our dependence for defence upon the British Navy; and my whole point is that if Great Britain cannot continue to maintain that command of the seas upon which we have to place dependence, all sections of the British people should combine for their common defence.

Mr. McDONALD.—On equal terms.

Mr. KELLY.—Yes, on a true Imperial basis.

Mr. McDONALD.—There is no equality in the proposal of the honorable member.

Mr. KELLY.—There would be no equality if we contributed our full share towards the cost of the Imperial Navy without having any representation in the Defence Councils of the nation. And in the course of my speech on the Treasurer's financial statement, I have already indicated the great difficulties in the way of our heedlessly increasing in a material way our contribution to the British Navy until there shall have been created a new Imperial authority with responsibility for Imperial defence.

Mr. McDONALD.—The motion does not contain any reference to that.

Mr. KELLY.—The motion speaks of "an Imperial," not of a "British," navy. I have more than once stated in this House that before we increase our contribution to the Imperial Navy to any appreciable extent a new authority responsible for Imperial defence should be created.

Mr. McDONALD.—Does the honorable member advocate that we should pay our full share towards the maintenance of the Imperial Navy?

Mr. KELLY.—I say that we should pay towards the cost of Imperial defence whatever the defence of our shores is worth to us.

Mr. McDONALD.—But if we are to have equal representation in the councils of the nation, why should we not contribute upon a *per capita* basis?

Mr. KELLY.—The honorable member must recognise that different sections of the Empire run risks in varying degree, and a hundred and one considerations have to be weighed in assessing the amount which should be paid by each for defence purposes. The geographical position of one portion of the Empire might render it less liable to attack than others would be, and therefore its contribution towards the cost of defence

would be correspondingly smaller. The first point urged by the honorable member for Fremantle was that my motion was not in touch with the sentiment of the Australian people. That is entirely an *ex parte* statement. The real concern of the Australian people is as to how the Commonwealth can best be defended; and if it can be proved to them that their safety cannot be assured by the creation of a local navy, they will have nothing to do with it. The unconsidered predisposition of the Australian people towards either an Imperial Navy or a local navy for Australian defence need not enter into our consideration, for we are now concerned in the study of how the interests of Australia can best be served. I do not think any importance need be attached to what any honorable member may say as to the true opinion of Australia, since our people have yet to be educated to a proper conception of their true interests. I do not think that the honorable member for Fremantle established his point.

Mr. CARPENTER.—I did not say that our Navy should have no connexion with the Imperial Navy.

Mr. KELLY.—No; I have already done the honorable member the justice to acknowledge that. Our dependence upon the Imperial Navy is admitted.

Mr. CARPENTER.—I say that an Australian Navy would be of assistance to the Imperial Navy.

Mr. KELLY.—I shall deal with that phase of the question presently. My present point is that the wealth of the Empire as a whole represents the utmost limit of the resources upon which we can draw for the purposes of Imperial defence; and that all money spent outside Imperial defence is money not used to the best advantage. The honorable member for Fremantle admits our dependence on the British Navy.

Mr. CARPENTER.—Yes, for the present.

Mr. KELLY.—Then, if I can show that a scheme of Imperial naval defence will most effectually meet our needs, the honorable member ought to agree to the terms of my motion.

Mr. CARPENTER.—The question between us is merely one of method.

Mr. KELLY.—The honorable member made such constant references to coastal and harbor defence, that it is difficult to understand what he meant by his references to an "Australian Navy." I take it,

however, that he was referring to a local sea-going navy for local defence purposes.

Mr. CARPENTER.—I am chiefly concerned with the defence of Australia.

Mr. KELLY.—So are we all; but for the purposes of my argument it is necessary that I should understand exactly what the honorable member means. When he speaks of an "Australian Navy," is he referring merely to vessels which are intended for harbor defence, or does he mean a navy which will travel round the coast of Australia just as occasion may require, upon the lines laid down by Captain Creswell in his celebrated report?

Mr. McCAY.—He does not know.

Mr. CARPENTER.—The honorable member said that the danger we had to apprehend was an attack by marauding cruisers. I say, "Let us build cruisers to cope with them."

Mr. KELLY.—I said that that was our only danger while command of the seas was retained. However, the honorable member says that we should build cruisers, which, I presume, would be sent round the coast of Australia just as occasion might require?

Mr. McCAY.—And under a single command!

Mr. KELLY.—The cruisers which the honorable member desires for the defence of Australia would afford us no protection whatever against invasion. Even if he is possessed of the wide ambition of Captain Creswell in regard to a sea-going Australian Navy, he must admit that a few cruisers would afford us absolutely no defence against territorial aggression. Command of the seas is insured, not by cruisers, but by battleships. The possession of cruisers would not prevent a hostile force landing in Australia when once the command of the seas had been wrested from Great Britain; and the honorable member admits that when he declares that we are dependent upon the protection afforded us by the British Navy. He recognises that it is that navy which prevents an enemy from landing upon our coast. His idea of an Australian Squadron which shall act in concert with the British Navy is that any raiding cruiser which, despite the British command of the seas, may be able to visit our coast, shall be met by a force of Australian ships. That is the idea which is somewhere at the back of the honorable member's head, even if he did not succeed

in making it clear. Great Britain has made certain definite dispositions, with a view to meeting any hostile combination which she may have to face within the next few years. Upon paper—and I do not go further than that, because the honorable member has warned us against being “bombastic”—she possesses an immense preponderating strength in cruisers, while at the same time she appears to be very much less strong, proportionately, in battleships. Now, raiding ships will be either converted or ordinary cruisers, and consequently the danger which we have to apprehend from raiding ships is small relatively to the danger of the Empire having the control of the seas wrested from it by foreign fleets of battleships. Upon a previous occasion I demonstrated that in 1907 the Empire's position, so far as strength in battleships is concerned, will be a very unsatisfactory one. I also showed that in cruiser strength the position of Great Britain in 1907 will be an extremely good one. That being so, it is obviously the duty of the Empire to try to remedy its weakness rather than to add to its strength. If, by 1907, we shall be sufficiently strong in cruisers, why should we add another detachment of that class of vessel at this end of the world? If by that year we shall not be strong enough in battleships at the other side of the world, surely we should concentrate our energies towards increasing that arm of naval defence? That is the first argument that is adduced on economic grounds against the creation of an Australian Navy. I fear that I cannot have made it quite clear why an Australian Navy would not augment the strength of the British fleets elsewhere. The honorable member for Fremantle stated that an Australian fleet could be taken abroad, and could act in concert with the British Navy. Surely that is a curious statement to make, and one which shows that his examination of this subject has been of the most meagre character. Had he taken the trouble to examine the basis upon which the disposition of England's naval strength rests, he would know that its fleets are so distributed as to be in the best position to seek out and find, at a moment's notice, foreign squadrons and foreign fleets. That, I may say, is the sole reason underlying the general concentration of naval strength about the Channel. Formerly Great Britain kept a very much larger proportion of her battleship strength

Mr. Kelly.

in the Mediterranean than she does at present. That strength is now concentrated more in the vicinity of the North Sea, the Atlantic Ocean, and the Channel. The reason for this movement is not that Great Britain is looking to her home defence, as has been ingenuously insinuated, but that the strength of foreign naval power has been shifted from the Mediterranean to the localities indicated. The French fleets in the Mediterranean have been decreased, and their dispositions in the Channel have been increased. In addition, German and other armaments of a very serious and effective nature have come into being along the North Sea and the Baltic. For that reason, the British fleets have been collected in the neighbourhood, in order that they may be in a position to dart upon these foreign armaments immediately war is declared—the idea being that they may be able, with the least possible delay, to move upon and blockade the naval bases of our enemies. But if an Australian fleet is to act in conjunction with the British Navy, what would happen in time of war? If it is to be moved to the locality where it can be of the most service, what is the use of it hanging round the coast of Australia in time of peace? It does not matter where our fleets may be so long as our defence is best assured. All authorities have laid it down that in naval warfare our first duty is to search out and find our enemy, and then to engage him. Let us consider what would be the position if each section of the Empire had its own fleet for purposes of local defence. Australia would have her own defence fleet, Canada would have hers, and South Africa hers. Now, an enemy would not advertise which section of the Empire it intended to attack. It would appear unexpectedly—for cables would be cut—out of the open ocean. If a strong hostile expedition were to suddenly appear off the coast of Australia, of what use to us, in our extremity, would be a Canadian Navy for local defence purposes, or a South African Navy for “local defence” only?

Mr. CARPENTER.—The honorable member is assuming that there is no British fleet.

Mr. KELLY.—I am assuming that Great Britain entertained the same mistaken view of the necessities of the naval position as does the honorable member. In that case she would not concern herself about the coast-line of Australia, Canada,

or South Africa. She would probably devote herself to training her own population in the arts of war and to maintaining a mosquito fleet for the defence of her own shores.

Mr. CARPENTER.—I distinctly suggested that there should be co-operation.

Mr. MCCAY.—The honorable member desires that the British Navy should keep the command of the seas for us.

Mr. KELLY.—If it can be proved that, while Great Britain cannot for all time maintain command of the seas, the interests of Great Britain and Australia are not identical in this matter, I could understand the honorable member believing in the necessity for Australia taking a hand in her own defence. But he is of opinion that the mother country can always maintain unassisted the command of the seas, and that that command is vital to us; and, therefore, apparently, he is willing that for all time we should continue to receive her charity. He is prepared to pauperize Australia to that extent! If he does not believe that, surely he should consent to Australia joining with other sections of the Empire in a common scheme of Imperial defence, since he himself admits that control of the seas is vitally necessary to the protection of Australia. I hope that he will not have the temerity to gainsay the whole of the lessons taught by naval experience by suggesting that command of the seas can be assured by fleets which are intended for "local defence purposes only."

Mr. CARPENTER.—I have never said anything so foolish.

Mr. KELLY.—Then the honorable member believes that control of the seas is necessary, and that it can only be assured by seeking out and attacking the enemy wherever he may be found. If the mother country, with her small area, her comparatively small population, and her wealth, which by comparison with that of foreign powers, is yearly growing less and less preponderating, is unable for all time to keep ahead of foreign armaments, her control of the seas, which the honorable member affirms is necessary for the defence of the Commonwealth, cannot be insured. I hope that I have not now misrepresented the honorable member? According to him, the whole matter hinges on the question, not of whether we should bear our fair share of the cost of our own defence, but whether England is for all time going to

be in such a position as to enable us to take advantage of her charity. The honorable member is aware that all naval power must rest upon the basis of national prosperity. He will recognise from the discussion which has been proceeding for some time in Great Britain that the great advances in material prosperity which foreign powers are making are such that people of the United Kingdom cannot afford to ignore them. Will he, as a protectionist, deny that?

Mr. CARPENTER. — Even England is waking up.

Mr. KELLY.—We have, then, now come to recognise that Great Britain will not be able for all time to have that preponderance in the elements of prosperity and national wealth that will enable her always to maintain naval armaments of the requisite strength to preserve that control of the seas which the honorable member believes is essential to the safety of Australia. That being so, I fail to know why my honorable friend should ask for an Australian-owned navy, which cannot insure to us that control, rather than advocate our taking a hand in Imperial Defence.

Mr. CARPENTER.—The honorable member could not have listened to my speech.

Mr. KELLY.—I listened carefully to it. The honorable member said that an Australian-owned navy would augment the fleet power of Great Britain.

Mr. CARPENTER.—That answers the point which the honorable member has been endeavouring to make.

Mr. KELLY.—The honorable member has a curious conception of what constitutes fleet power! If he had only studied the A B C of this question, he would know that the ships which act in common to control the seas are heavily-armed and armoured ships, which are called battle-ships. He would know that cruisers are designed either to serve as the eyes of a fleet or to act independently. And, furthermore, he would know that it is not necessary to add further to the cruiser strength of Great Britain, since she has already made the most generous allowance in that direction of naval effort. Even if he suggested that the proposed Australian-owned navy should consist of battle-ships—which alone could add to the true fleet strength of the Empire—the honorable member would have to take a step further.

One of the essentials of naval war is homogeneity of construction.

Mr. CARPENTER.—This is too funny; I must leave.

Mr. KELLY. — As there will be no further opportunity of ascertaining what the honorable member meant to say, and what he thought he meant by what he did say, inasmuch as he has left the Chamber, I shall not detain the House much longer. The point I wish to make against the suggestion that an Australian-owned navy would be able to act to the greatest advantage elsewhere in co-operation with the British Navy is that one of the essentials to the success of naval effort is homogeneity in construction, material, and efficiency. In dealing with the question of construction alone, for I have already dealt with the questions of discipline and efficiency, I should like to take the case of the commander of a fleet who in war time is faced with the problem of handling the units composing that fleet to the best possible advantage. If each of those units were designed on a different basis, and had offensive power of different strengths, it is clear that the work set that commander would be infinitely greater than it need necessarily be. I will give one example of what I mean. There is a class of ship in the French Navy, the disposition of whose primary armament is described as lozenge-shaped. Each of these ships can fire three big guns either directly ahead, directly aft, or on each beam. There is one gun on each beam, fixed in such a way as to enable it to bear fore and aft over 180 degrees. There are also two guns, one fore and one aft, so that these ships can train three guns either fore or aft, or on each beam. British battleships, however, can train four to each broadside, two forward and two aft. It is obvious from this that if a commander of a British fleet could manage to so arrange his vessels that they would present four guns to a broadside of three guns from the enemy, he would possess a great advantage over the foreign commander. That must be clear. Now, if, instead of having all his battleships homogeneous in general arrangement, he had some that could train only two guns, some that could train four, and others that could train only three, it is clear that the mathematical problem which he had to solve—perhaps on the instant—would be infinitely greater than it need have been. For that reason alone,

Imperial defence necessitates the homogeneous construction of ships. That is only one point; I have already referred to the questions of efficiency and discipline, and do not propose to touch on them again. The honorable member for Fremantle accuses me of wishing to see a fleet "hired" for the defence of Australia. I have no such desire. I wish each section of the Empire to put the defence of the Empire on a truly Imperial basis, so that each can take a true and proper part in it, for, without doubt, the defence of the whole comprises the defence of each part. One of the arguments most strongly advanced in support of a locally-owned navy—and I presume the honorable member had it in mind when he spoke—is that it would be used for the training of our own men. Now, I am strongly alive to the necessity of training our own people in the naval defence of the Commonwealth; but I think that as a means to that end an Imperial Navy offers an infinitely better field than could any local navy. No one is able to say that the Australian Navy, at the present time, is better disciplined or is more efficient, ship for ship, than is the British Navy. That being so, no one can say that the Australian Navy would offer a better training ground for Australian citizens than would an Imperial Navy. The honorable member for Fremantle told us that Great Britain need not necessarily concern itself with the two-power standard. I do not propose to follow him into the realms of the higher politics of Europe. He may be in a position to know what alliances are possible in Europe, and what are not; but, for my part, I do not pretend to such knowledge. I merely suggest that our carrying trade on the sea is well worthy of our consideration; and that the very fact that without command of the sea each section of the Empire would be unable to offer help to another threatened section in time of war, and that, therefore, each could be crushed in detail at the enemy's sweet will, should lead us to recognise that the command of the sea is essentially vital to us, as well as to every other section of our Empire. Without entering upon the consideration of whether the honorable member is better advised on these great international questions than are the responsible advisers of the Crown in the mother country, I point out that preparation against the possible enmity of two Powers is, in my humble opinion, not too great a safeguard

to make, having regard to the frequency with which England has been attacked, not only by two Powers, but at times by a combination of almost every Power in Europe. It would not be by any means a new thing for England to be attacked by a combination of Powers, and without in any way following my honorable friend into the realms of international politics, I humbly suggest that, perhaps, the lessons of history, and the opinions of the responsible authorities of the mother country, are as well worthy of consideration as are the views which he has expressed. He informed the House that our contribution of £200,000 per annum was a sufficient recognition of our obligations to the Imperial Navy. The motion which I have submitted provides for the doubling of our present contribution, but it has already been explained that I inserted that provision solely with the desire to direct attention to a question that might otherwise have been regarded as merely an academic one. I do not press that part of my motion; but wish, as far as possible, to give the House an opportunity to arrive at the opinion that the only possible defence of Australia against invasion is a naval defence in common with other parts of the Empire. And, if the House comes to that conclusion, it will realize that every penny spent on a sea-going navy "for local purposes only" is a penny wasted. I am referring, not to coastal defence, or to its necessary complementary parts, but to that naval defence of which Captain Creswell has, so far, proved an unconvincing advocate. As regards the suggestion that the annual contribution of £200,000 is an adequate return for the services rendered to us by the Imperial Navy, I believe, from inquiries—although I cannot vouch for the figures—that the Imperial squadron on the Australian station at the present time spends in one part of Australia alone about £350,000 per annum.

Mr. MAHON.—In Sydney?

Mr. KELLY.—That is so. Surely Sydney is still a part of Australia? This being so, the British Navy spends almost double as much in Australia as we contribute to its maintenance.

Mr. MAHON.—What contribution does Canada make to the British Navy?

Mr. KELLY.—Canada is in a different position, being safeguarded from invasion by the Monroe doctrine. If she were invaded, there would be 80,000,000 people

across the border ready to defend her. Canada is thus singularly secure from foreign aggression. I originated this proposal, not because I wished to lighten the burden on the Imperial taxpayer, but because I believe that it is essential that Australia should begin to recognise her obligations to herself in the matter of defence. I hope that in the discussion to come, honorable members will divorce from their minds any sort of prejudice, and will deal with my motion from the Australian stand-point alone. I believe that to pass it, and to inculcate into the minds of the Australian people the ideal which it embodies, will advance the true interests of this Commonwealth.

Debate (on motion by Mr. HUME COOK) adjourned.

ORIENT MAIL CONTRACT.

Debate resumed from 4th October (*vide* page 3182), on motion by Mr. AUSTIN CHAPMAN—

That this House accepts the Agreement, made and entered into on the 25th day of April, 1905, between the Postmaster-General, in and for the Commonwealth, of the first part; the Orient Steam Navigation Company Limited, of the second part; and the Law Guarantee and Trust Society, of the third part, for the carriage of mails between Naples and Adelaide, and other ports—

Upon which Mr. R. EDWARDS had moved by way of amendment—

That all the words after the word "That," up to and inclusive of the word "Adelaide," be omitted with a view to the insertion of the following words in place thereof:—

"in the opinion of this House the contract entered into with the Orient Company for Mail Service between Australia and Great Britain should be referred back to the Government for further consideration, with the object of including Brisbane as a port of call."

Mr. FISHER (Wide Bay).—The contract which we are asked to ratify is a most important one, and requires very careful consideration, since it affects the interests of the whole of the people of Australia, though, as I think I shall show, it does not do justice to those interests, and is particularly unjust to the State of Queensland. The Postmaster-General stated last night that, in his opinion, it is necessary to subsidize a shipping company for the carriage of our oversea mails, so that they may be transmitted with regularity and despatch, and we may be certain that they will be delivered at, or taken from particular places at particular times:

But, in the same speech, he admitted that we are being asked to provide £120,000 as a subsidy for a service which is not more speedy, certain, or, on the whole, better, than could be obtained for £80,000 less. Surely Parliament is not justified in ratifying a contract for the performance of a service which could be equally well done for £80,000 less than we shall have to pay under this agreement.

Mr. FRAZER.—The late Postmaster-General has not said a word on the subject yet.

Mr. FISHER.—Although six representatives of the State of Queensland have spoken against the ratification of the contract, none of the members of the late Ministry—who were responsible for it—have yet thought it worth while to reply to their statements.

Mr. SYDNEY SMITH.—The objection of Queensland members is that the contract does not require the steamers of the Orient Steam Navigation Company to proceed to Brisbane.

Mr. FISHER.—Our grievance is that the honorable member could have inserted such a requirement in the contract, or objected to make any contract which did not include it.

Mr. SYDNEY SMITH.—When the Watson Administration called for tenders for a service extending as far as Queensland, they got no replies.

Mr. FISHER. — That Administration would not have seriously considered the agreement which the House is now being asked to ratify. We asked for tenders for the conveyance of mails between Europe and Adelaide by steamers which should call at Colombo and Fremantle, which is the mail service provided for under the present agreement. But the honorable member for Macquarie stipulated, in addition, that, after the mails had been delivered at Adelaide, the steamers of the company should proceed to Melbourne, and then to Sydney, calling again at Melbourne before putting in at Adelaide to take on board the mails for England. Therefore, what we are now asked to ratify is a contract, not only for the carriage of mails, but for a line of freight steamers to visit certain ports of Australia. The present Postmaster-General tells us that we are not paying anything extra, because the steamers of the Orient Steam Navigation Company come on from Adelaide to

Sydney. That may, or may not, be so, but, in any case, Brisbane had the same claim to consideration as had Melbourne and Sydney, and an injustice was done to Queensland by the action of the late Postmaster-General in not requiring the steamers of the company to come on to that port.

Mr. PAGE.—The late Postmaster-General does not represent a Queensland constituency; that is why he did not make that stipulation.

Mr. FISHER.—I well remember the outcry made by the commercial men of Melbourne and Sydney against the poundage system which was in force after the last mail contract expired, although that system provided a better service than that which we are now obtaining. At that time, however, according to the evidence given by the Secretary to the Department, when under examination by a Committee of this House, appointed to investigate shipping matters, the Orient Steam Navigation Company put every obstacle in the way of the Department, and it was only because the law compelled them to do certain things that the Government were able to get the mails away by their steamers. The late Postmaster-General on several occasions informed the press that his foresight had enabled him to prevent the company from getting the better of the Department. The company would not give him notice of the times at which its vessels would leave, and only his prescience enabled him to prevent it from doing great injustice to a country which has treated it exceedingly well. Notwithstanding all this, he took the first opportunity he got to do the company a good turn at the expense of the Commonwealth. The honorable member for Maranoa suggests that if the honorable member for Macquarie had represented a Queensland constituency, no contract would have been concluded which did not make Brisbane a port of call. The late Prime Minister, when he formed the Reid-McLean Administration, stated that it was his ambition to bring together the two big States of the Commonwealth, and to himself represent the interests of the smaller States. I am sorry that he did neither the one thing nor the other. His Government certainly did not act in the interests of Queensland in the matter of this mail contract. Throughout the correspondence there are numerous peremptory demands that accommodation shall be provided on the company's vessels for the carriage of perishable

produce, and effect is given to them in the clauses of the contract.

Mr. PAGE.—For the benefit of the people of Victoria and New South Wales.

Mr. FISHER.—I do not object to such requirements; but they are of no advantage to the people of Queensland. That State was quite overlooked, although its export of perishable products is very great. Section 8 of the contract stipulates that the mail ships to be regularly employed in the service shall be provided with insulated spaces and refrigerating machinery for the carriage of perishable products, but in the event of any steamer being lost or withdrawn owing to accident or necessity for repairs, the contractors shall be at liberty to avail themselves of steamers not so fitted. I am entirely in favour of provision of that kind being made, but not in connexion with a mail contract. Ten years ago the Queensland Government dealt separately with the question of providing space for the carriage of perishable products and the mail contracts. The two matters were kept entirely apart, and that is what should have been done in this case. The stipulation to which I have referred in the contract with the Orient Steam Navigation Company shows conclusively that the arrangement entered into is not for a mail contract pure and simple, and therefore, it appears to me, that the contention of the Postmaster-General that the Queensland contract should not be taken over because it is of a purely commercial character falls to the ground. The Commonwealth contract is no better than an arrangement for a compound service—for the carriage of mails and cargo—and therefore, if only for that reason, we have good ground for our claim on behalf of Queensland. The proposition contained in the amendment is an eminently fair one. The Orient Steam Navigation Company, in their correspondence with the late Postmaster-General, pointed out most distinctly that Sydney was not to be fixed upon as the terminus of the mail service. The Postmaster-General last night gave his predecessor great credit for having eliminated from the contract the stipulation that Sydney should be the terminal port. But a reference to the correspondence shows that the Orient Steam Navigation Company were playing a double game, and that they, and not the Minister, insisted upon all reference to Sydney as the final port being excised from the conditions. On the 22nd March the manager of the Orient Steam Navigation

Company wrote to the late Prime Minister in these terms—

It is further understood that the contractors are not bound to make Sydney the terminal port for their mail steamers, although they must call there both on their outward and homeward voyages.

Mr. SYDNEY SMITH.—That was some time after the negotiations had been entered into.

Mr. FISHER.—Then how did it come about that in a subsequent letter, dated 28th March, Mr. Anderson, the manager of the Orient Steam Navigation Company, wrote—

To avoid any misunderstanding, I take this opportunity of restating (though I believe it to be sufficiently expressed in the tender) that the contractors are not bound to make Sydney the terminal port for their mail steamers, although they must call there both on their outward and homeward voyages.

The explanation for this insistence on the part of the company is to be found in the fact that at that very time they were in negotiation with the Queensland Government for an extension of their service to Brisbane and the payment of an additional subsidy. I give the manager of the Orient Steam Navigation Company full credit for his plausibility at one time and his bounce at another, just as the occasion seemed to require. The ex-Postmaster-General said that the Orient Steam Navigation Company would not on any consideration extend their service to Brisbane until they had secured another steamer, but I suppose that he will now admit that the company were at that time actually negotiating with the Queensland Government.

Mr. SYDNEY SMITH.—I was not aware of it. Does the honorable member know the date at which negotiations were opened between the Queensland Government and the Orient Steam Navigation Company?

Mr. FISHER. — No, I do not; but, singularly enough, on 22nd March, 1905, the very date on which the Orient Steam Navigation Company intimated that they would not accept Sydney as the terminal port, the Prime Minister received a letter from the Premier of Queensland indicating that negotiations were being carried on with the Orient Steam Navigation Company, pointing out that the Queensland Government were prepared to afford certain assistance, and asking for the co-operation of the other States in making satisfactory terms.

Mr. SYDNEY SMITH.—Were the Queensland Government in communication with the Orient Steam Navigation Company at that time?

Mr. FISHER.—I am not in a position to say.

Mr. SYDNEY SMITH. — The honorable member inferred that they were.

Mr. FISHER.—At all events, they were at that time ready to enter into an arrangement with the company. I have been furnished with a copy of a confidential letter addressed by the Premier of Queensland to the Prime Minister, and I think it should be published. It is dated 22nd March, 1905, and reads as follows:—

Understanding that negotiations are still proceeding between your Government and the Orient Pacific Company, with the object of securing a fortnightly mail service between the United Kingdom and Australia, and that the company is asking a higher price for that service than your Government is willing to give, I have the honour to inform you, in the hope that the knowledge may contribute to the success of your negotiations, that the Queensland Government is communicating with the company, with a view of ascertaining, should your efforts be successful, on what terms it would be prepared to extend the service to Brisbane, and is disposed, in return for such extension, to supplement liberally the Commonwealth subsidy, should certain freight conditions be agreed to by the company.

Mr. SYDNEY SMITH. — The letter says that the Queensland Government "is communicating."

Mr. FISHER.—I said that I was not in a position to say that the Queensland Government had actually entered into negotiations with the Orient Steam Navigation Company at that time, but the clear inference from the letter is that they had communicated with them.

Mr. JOHNSON.—There is also the further inference that the Queensland Government were willing to pay for the extended service.

Mr. FISHER.—That is a very brilliant suggestion. Of course, the Queensland Government were willing and anxious to pay their share.

Mr. JOHNSON.—And they now wish the Commonwealth to assume the burden of the contract they have made.

Mr. FISHER.—The letter proceeds—

I have no reason to doubt that the Governments of New South Wales and Victoria would be willing to take similar action, and thus assist you to make satisfactory arrangements with the Orient Pacific Company.

Queenslanders have great faith in New South Wales and Victoria. The Premier

of Queensland thought that the other States would be willing to arrange for the carriage of perishable products, as well as for the carriage of mails, and that they would be prepared to bear a reasonable share of the cost. In the face of the offer of assistance from Queensland, the Commonwealth Government entered into a contract from which all reference to Brisbane as a port of call was excluded. Then the Queensland Government had no recourse but to negotiate direct with the Orient Steam Navigation Company. The statements contained in the letter I have just read are not in accord with the assertions of the Postmaster-General, that the Queensland Government did not consult the Commonwealth Government. The similarity between the statements made by the Postmaster-General and the minutes of his predecessor is noteworthy. Their ideas are similar, and their language is almost identical, and one can only account for this remarkable resemblance by the fact that great minds run in the same groove. It is quite evident that the Premier of Queensland was under the impression that the Commonwealth Government would see their way to paying a portion of the subsidy paid by that State.

Mr. SYDNEY SMITH.—I think the honorable member will admit that a letter which was marked "strictly confidential" could not be included in the correspondence.

Mr. FISHER.—I take no exception to the absence of that letter from the correspondence.

Mr. SYDNEY SMITH.—Both the Prime Minister and myself acted upon that letter.

Mr. FISHER.—I differ from the ex-Postmaster-General upon that point.

Mr. SYDNEY SMITH.—It is well known that we put that view before the Orient Steam Navigation Company.

Mr. FISHER.—There was no special virtue in the action of the late Postmaster-General in asking the company whether it intended to send its vessels as far as Queensland.

Mr. SYDNEY SMITH.—Did the honorable member expect us to disarrange the whole of the mail service to enable the people of Queensland to have their goods forwarded by mail steamer? They can get their mails delivered quicker by train than by steamer.

Mr. FISHER.—I do not wish to disarrange anything. I am merely pointing out that the late Postmaster-General entered

into a contract with the Orient Steam Navigation Company, which will cost £80,000 more than would the poundage system, despite the fact that no additional benefit will be secured. Further, he agreed that it should not be merely a mail contract, but a contract for the carriage of perishable products, and that, although the mail service would end at Adelaide, the company should be bound to send their ships to Melbourne and Sydney.

Mr. MAHON.—The company itself proposed that.

Mr. FISHER.—Will the honorable member show me where that statement is to be found?

Mr. MAHON.—It is to be found upon page 4 of the papers relating to the contract.

Mr. FISHER.—I maintain that a contract must stand or fall by the language that is employed in it. The terms of the present agreement expressly stipulate that the steamers must carry mail matter between Sydney and London. Consequently I affirm that it is a contract for the carriage of mails and perishable produce to and from Sydney. I have already pointed out that in my own State ten years ago we separated the subsidy for the carriage of perishable produce from the amount which was paid for the carriage of mails. That, I contend, is the right course to adopt. The contention of the Postmaster-General falls to the ground, because the present contract provides for the payment of a produce subsidy to the Orient Steam Navigation Company. It is a compound contract. That being so, I ask honorable members to consider whether, for the purpose of enabling the steamers to call at Brisbane, the Government should not be called upon to bear the same cost per mile that is incurred in bringing mails from London to Sydney. Anything less will be a gross injustice to Queensland.

Mr. DEAKIN.—Has the honorable member considered the Vancouver service?

Mr. FISHER.—Yes. I am aware that much has been made of that service. But I would point out that I seriously disagreed with the action of a recent Government in increasing the subsidy payable for that service—a subsidy which fell upon New South Wales and Queensland only. That was a very extraordinary proceeding, and one for which I can find no justification. But surely, when a new contract is being entered into, it should be placed upon the same basis as that which governs other mail

contracts throughout the Commonwealth. I do not admit that Queensland derives more benefit from the Vancouver service than does Sydney. Why should Sydney be the terminal point of that service, as well as of the English mail service?

Mr. TUDOR.—I think that Melbourne should be the terminal port of the Vancouver service.

Mr. FISHER.—I would support a proposal of that character. Honorable members should recollect that Queensland, which is increasing her output of perishable products very rapidly, has experienced the greatest difficulty in getting her produce carried to the markets of the world without transshipment. Now, under Federation, at the very moment when her people ought to be assisted, they are denied reasonable consideration and ordinary justice. Does any one suggest that if the steamers of the Orient Steam Navigation Company were willing to make Brisbane a port of call for an additional £10,000 a year, any Government should refuse to entertain their offer? Upon the basis of the amount per mile paid for the carriage of our English mails, it would cost less than £10,000 to extend the service to Brisbane.

Mr. WILKINSON.—It would cost only £5,720.

Mr. FISHER.—Under the existing contract, the price paid for the carriage of our mails is 3s. 8d. per mile. Surely the Commonwealth should reimburse Queensland to the extent of paying that amount upon the mileage between Sydney and Brisbane. The Postmaster-General, in his speech, said that the Government could not entertain the proposal to undertake the liability which had been incurred by the Queensland authorities, to pay £26,000 per annum, or any portion of it, to the Orient Steam Navigation Company. I take exception to the latter part of his statement. Whilst strong arguments may be urged against the payment of the whole amount, there is no justification for the Commonwealth declining to contribute "any portion of it."

Mr. ROBINSON.—Why not submit an amendment affirming that Queensland should be reimbursed upon the mileage rate?

Mr. FISHER.—I have to present my case before I can ascertain how honorable members regard it. Here is a legitimate opportunity to exhibit a truly Federal spirit without injuring any of the States.

Mr. MAHON.—Would the Federal spirit allow Hobart to be made a port of call?

Mr. FISHER.—Certainly, if that were desired. Why should we confine a service of this kind to one part of the Commonwealth? Surely it should be extended wherever it will benefit the people. I can scarcely believe it to be the desire of the honorable member for Coolgardie that one part of the Commonwealth should be boomed at the expense of the rest.

Mr. MAHON.—Hear, hear.

Mr. FISHER.—There is another aspect of the question which is purely a Queensland one, and is certainly serious from the point of view of that State. Although Brisbane is situated in the southern part of Queensland, it is the capital city, and must suffer by reason of its not being made a port of call for mail steamers. When we go abroad, we find that the people have but little knowledge of places that are not visited by the mail steamers, and so long as the great shipping lines make Sydney their Australian terminus, Sydney and Melbourne are likely to be considered the only two great cities of Australia. It will, therefore, be recognised that the value of the commercial standing secured in this way, in the eyes of the rest of the world, may be greater than is the direct value of the service. I think that honorable members will agree with me that the very fact that the Orient Steam Navigation Company, under the contract with the Government of Queensland, are now sending their vessels on to Brisbane, will have a good effect in advertising that city. But if it be provided in the contract now before us that the vessels of the company shall go as mail steamers only as far as Sydney, when, as a matter of fact, they will be bound under the new contract to go on to Brisbane, a gross injustice will be done to that port. They cannot go on to Brisbane as mail steamers unless a re-adjustment takes place, and a re-adjustment might certainly be made on the moderate lines that I have suggested. The minimum demand that I make is that the vessels of the service shall be sent on to Brisbane as mail steamers on the payment of the mileage rate. I am glad to find that honorable members on both sides of the House are taking a fair view of this phase of the question. I was also pleased to hear the ex-Prime Minister interject in the course of the speech made by the honorable member for Maranoa that he was prepared to support the payment by the Commonwealth of half the subsidy now

being given to the Orient Steam Navigation Company by the Queensland Government. All that I now ask is that something less than half the subsidy shall be paid by the Commonwealth. I am simply seeking the recognition of the principle that the mail steamers shall go as such to Brisbane. I would remind the House that if this contract be ratified it must remain in force for three years. No matter what progress may be made in the meantime by Queensland—even if its population by some extraordinary occurrence be doubled, and Brisbane becomes one of the best ports in the Commonwealth—the mail service under this contract will terminate for all practical purposes at Sydney. Surely the House is not prepared to consent to such a gross injustice being done to Queensland. If the contract could be terminated at once, and a fresh attempt made to secure an adequate service, I believe that better conditions would be secured. I am inclined to think that the new venture on the part of Queensland has arisen largely from something that has taken place in Victoria, which I do not intend to discuss in this House. Having lost their usual freights of butter and like commodities in the south, the directors of the Orient Steam Navigation Company sought new fields, with the result that Queensland has secured the new service. It is but another illustration of the old adage that it is an ill wind that blows no one good. It was said at first that Brisbane could not be included as a port of call without another steamer being added to the service. The next objection taken to the proposal was that it would be unsafe for the steamers of the company to go there; but they are now calling at Brisbane, and, notwithstanding that no addition has been made to the fleet, the new arrangement is working satisfactorily. I hope that the Prime Minister will at least do that which I have suggested. When we find the late Prime Minister prepared, now that the vessels of the company are being sent on to Brisbane, to agree to the Commonwealth paying half of the Queensland subsidy, I think that the Government should hardly object to the carrying out of that proposition. We shall hear, no doubt, that constitutional difficulties stand in the way. I have been assured, by constitutional authorities in the State of which I am a representative, that the contract now before us is absolutely unconstitutional, so that I shall be pardoned if I decline, when such eminent authorities differ, to deal with this phase of the ques-

tion. I prefer to view the matter from a common-sense point of view, and am attempting to so deal with it. To my mind, the ex-Postmaster-General did not distinguish himself, in his negotiations with the company, so much as he did in the general administration of his Department. I have read, with a great deal of interest, the minute in which he sets out how he arranged the contract; but I do not altogether approve of his suggestion that he is entitled to credit for having succeeded in inducing the company to accept a subsidy of £120,000, instead of £150,000, as first demanded. The incident reminds me very much of the position of those who stand round a Dutch auctioneer, and refuse to open their mouths until he reduces his price. Does the honorable member contend that the demand for a subsidy of £150,000 was a reasonable one, and, at the same time, that he should be given credit for having secured a reduction?

Mr. SYDNEY SMITH.—I merely mentioned the fact.

Mr. FISHER.—The minute sets out—

As a result of a conference between Mr. Anderson and myself, it was arranged (on the understanding that in any contract entered into, the Commonwealth Government would agree to pay a subsidy of £120,000 per annum, or £30,000 per annum less than was originally asked for).

Mr. SYDNEY SMITH.—I simply mentioned in the minute what was a fact, and did not seek to take credit for having induced the company to take less than they at first demanded.

Mr. FISHER.—No doubt the honorable member convinced Mr. Anderson that it was necessary for him to offer to accept a lower subsidy.

Mr. SYDNEY SMITH.—We did not agree, and I think the honorable member will admit that on several occasions I spoke out strongly.

Mr. FISHER.—I do not wish to go into the details.

Mr. SYDNEY SMITH.—The Watson Government took a hand in the matter.

Mr. FISHER.—Unfortunately, we never met Mr. Anderson.

Mr. SYDNEY SMITH.—I think that the honorable member for Bland, when Prime Minister, met him more than once.

Mr. FISHER.—I shall refer later on to an interview which the honorable member for Bland, when Prime Minister, had with Mr. Anderson, in reference to the mail contract. In the meantime, I wish to show that the honorable member for Macquarie

on one occasion became peremptory in his dealings with Mr. Anderson, and that such tactics were not successful. I refer to the occasion when he said that any offer that was to be made must be addressed to him, and must be made at once. There might have been some justification for the adoption of that course—

Mr. SYDNEY SMITH.—I had some reasons, and they were very good ones.

Mr. FISHER.—But Mr. Anderson also had good reasons for the position which he took up. At the time in question, a demand was being made in commercial circles, and also in the leading newspapers, for the immediate signing of the contract. Stirring newspaper articles were published, and meetings of the Chambers of Commerce were held to advocate the signing of the contract, while various prominent citizens were interviewed on the subject by press representatives. The Orient Steam Navigation Company and the shipping combine were behind that movement. Mr. Anderson knew that the agreement would have to be signed, and as soon as he had satisfied himself that he was on safe ground, he took up a firm attitude, and declared that the Government must make the first proposal. If the late Government had had any backbone whatever, they would have said, "We have nothing further to communicate to the Orient Steam Navigation Company."

Mr. SYDNEY SMITH.—It is a wonder that the Watson Government did not take up that attitude when the demand for a subsidy of £150,000 was made.

Mr. FISHER.—We never had a chance to do anything of the kind. If we had had an opportunity to deal with the contract, we should have taken a very different course from that now being pursued.

Mr. SYDNEY SMITH.—The honorable member and his fellow representatives of Queensland have an opportunity to take action at the present time.

Mr. FISHER.—The honorable member is aware that with the Prime Minister and the leader of the Opposition in agreement, it is absolutely impossible for us to achieve our object. The contract may be handled in any way that the Prime Minister desires.

Mr. SYDNEY SMITH.—We simply say that it was the best bargain we could make.

Mr. FISHER.—I believe that the late Government honestly considered that they were making a good bargain. I have no desire to labour the question, but there is

another phase of it which I wish to discuss. Statements have repeatedly been made—more particularly in country districts, where the people are not so well informed as are those living in the metropolis—that the reason an increased subsidy was demanded by the Orient Steam Navigation Company was that it is necessary for them under the Postal Act to employ only white crews. In reply to this statement, I would point out that in the course of an interview with the honorable member for Bland, who was then Prime Minister, Mr. Anderson, the manager of the Company, assured him that that legislation had nothing whatever to do with the demand for an increased subsidy. I mention that statement, because I have further confirmation of it. Mr. F. Green, chairman of the board of directors, referring to the mail contract, at a meeting of the company on the 29th April last, said:—

▲ fresh contract had been concluded for the carriage of the mails between this country and Australia. In conjunction with the Pacific Company, they tendered to the Australian Commonwealth for a fortnightly service, in accordance with the conditions asked for by that Government, for the sum of £150,000 per annum. After protracted negotiations a contract, subject to ratification by the Australian Commonwealth, had been signed for £120,000 per annum, for a period terminating on January 31, 1908, the date at which the present contract between the British Post Office and the Peninsular and Oriental Company would expire. This price gave them a rate of 3s. 8d. per mile, as against 4s. 9d., 5s. 5d., and 8s. 3d. paid to the three other companies, one English and two foreign, carrying the mails to and from Australia. The price of £150,000 mentioned in their tender worked out at 4s. 7d. per mile, but as the period of the contract was for a short time, and as there were decided signs of improvement in the trade, they thought that they might reasonably accept this price. They would now have an opportunity of giving this costly business of carrying the mails a further trial on somewhat better conditions, but they would hesitate to continue the service after the expiry of the present contract, unless they felt assured, either by an increased subsidy or by a more satisfactory state of the Australian trade, that they would not be doing anything to jeopardise the present sound position of the company's affairs. One of the obligations imposed upon them by the new contract was that they were to carry only white crews, but they would part with their Lascars with regret, for the latter were efficient firemen, and were more fitted for work in the tropics than were white men. The idea that they had asked for an increased subsidy owing to this obligation was erroneous. There was very little difference in the cost of employing white or black crews; more black men—more Lascars—had to be employed, as they were not so strong as white men, and the increased number about compensated for the higher pay given to white crews.

Mr. Fisher.

On page 17 of the correspondence it is stated in a minute written by the ex-Postmaster-General that—

The contract entered into applies not only to Commonwealth mails, but covers all mails, irrespective of the country of origin or destination. Provision has also been included in the contract for insulated spaces and refrigerating machinery for the carriage of perishable products.

Both the Postmaster-General and the ex-Postmaster-General justify the contract partly on the ground that it makes provision for the carriage of perishable produce, although they term it a mail contract pure and simple. Why was the contract of Scott, Fell, and Company not entertained by the late Government? Because, as appears from the correspondence, they were of opinion that, while mails might be transhipped at Colombo or Bombay, there would be a serious difficulty in the way of transshipping perishable produce. It has been stated that Queensland receives benefits from the Vancouver mail service which other States do not enjoy. I am not prepared to admit that Queensland is specially benefited by that service, but, even if she were, that would not affect her claim to have the English mail steamers brought to Brisbane. No doubt the honorable member for Macquarie did his best, within certain limits, to induce the Orient Steam Navigation Company to send their steamers to Brisbane. My chief complaint against him is that he concluded the contract when there was no urgency for it, and placed in it a provision which is a serious reflection on the chief port of Queensland, and does great injustice to that State. I regret that action will have to be taken on the part of the representatives of Queensland to protest against the arrangement by voting against the ratification of the contract. Because I admit at once that, as it has been entered into by the Government, we cannot throw it on one side, and say to the company, "We no longer require your services." That would not be a practicable way of transacting the business of the country. While it is necessary that these large contracts should be laid before Parliament for ratification, it will be an evil day for the Commonwealth when grave uncertainty is allowed to exist as to the acceptance by Parliament of deliberate agreements made by the Government, especially in regard to a large service like the carriage of our mails. At the same time, I hope that Queensland will not have to suffer injustice for the period of three years for which

the contract is to have force, but that the understanding will be come to, in a reasonable and proper way, that the matter is not to end with the wording of the contract. I have one word more to say in regard to a matter of general policy. I am convinced that there is a shipping combine, which holds this Government and the shippers of the Commonwealth in the hollow of its hand, and honorable members, whether they do or do not believe in socialistic enterprise as a general thing, will agree with me that, whenever a great trust or combination is getting more than its due, the representatives of the people must see that the public is not fleeced. It is the duty of the Governments of the Commonwealth and the States to see that our producers are provided with means to send their produce to the markets of the world in the cheapest and best way possible, and I trust that, sooner or later, if the present state of affairs continues, the Commonwealth Government will institute a shipping service between Australia and Great Britain and other countries.

Mr. R. EDWARDS (Oxley).—I wish to say a few words by way of personal explanation. Yesterday afternoon I stated that the expense of conveying mails by rail from Adelaide to Brisbane is borne by the Orient Steam Navigation Company, and that the expense of conveying mails from Brisbane to Adelaide, which amounts to about £1,000 per annum, is borne by the Queensland Government. The Postmaster-General disputed my statement, and I can now give honorable members the exact figures. During the twelve months preceding the 30th June, 1905, the Queensland Government paid £289 os. 7d. to New South Wales, £267 6s. 4d. to Victoria, and £271 5s. 2d. to South Australia, or £827 12s. 1d. altogether, for the transit from Wallangarra to Adelaide of mails addressed to places beyond the Commonwealth. To that must be added the cost of conveyance from Brisbane to Wallangarra, which would bring the total cost to Queensland to about £1,000. The transport from Adelaide to Brisbane of correspondence originating outside the Commonwealth is paid for by the country of origin.

Mr. AUSTIN CHAPMAN.—I suppose the honorable member knows that Victoria and New South Wales pay even larger sums?

Mr. R. EDWARDS.—I am not aware. I know only what Queensland pays.

Mr. MAHON (Coolgardie).—I had not an opportunity to hear the speeches of the Postmaster-General and of other honorable gentlemen who have addressed themselves to this subject; but, great though that misfortune may be, perusal of all the papers placed upon the table in connexion with this mail contract should enable one to come to a fairly sound conclusion respecting the merits of the agreement which we are asked to ratify. As one of the public, I watched very closely and with considerable interest the negotiations between the late Government and the Orient Steam Navigation Company, and every one who remembers the circumstances in which they were placed must admit that the position of the then Postmaster-General was one of considerable difficulty. In the first place, tenders had not been called sufficiently far in advance to allow of other companies competing, and, as the honorable member for Wide Bay has said, Australia is, in this matter, the victim of a shipping ring, a state of affairs for which the late Government and the late Postmaster-General were not responsible. I believe that they did all that any Ministry could have done to secure for Australia the best terms obtainable under the conditions which this Parliament, in its wisdom, has laid down respecting the employment of white labour on mail steamers, and the provision of cold storage for perishable products. In regard to the latter, I agree with the last speaker and others who have expressed regret that the providing of cold storage has been made an article in the mail contract, and when the matter was under the consideration of the Watson Administration I expressed the opinion that the Post Office is concerned only with the proper conveyance of mails, and should not be asked to take under its control any other service, or, at any rate, should not be required to bear the cost of any such service. Circumstances were too strong for that Ministry, however, as they had been too strong for their predecessors, and the present Government and Parliament now finds itself without any option but to accept the contract which has been agreed to.

Mr. McDONALD.—It is a rotten state of affairs, if that be so.

Mr. MAHON.—The position of affairs is unfortunately as I have stated. I ask the honorable member what else he thinks we can do?

Mr. FRAZER.—Should we collapse if we did not ratify the contract?

Mr. MAHON.—I do not suppose that we should altogether collapse, but general paralysis would be caused to the large and important business concerns of the country if the English mail service were interrupted. I heard an interjection from one honorable member with reference to the poundage system, but any one who has considered the subject even superficially must recognise the adoption of such a system to be absolutely futile. We should not be able to rely upon the date of the departure of the steamers carrying the mails, nor should we have any assurance that they would reach the terminal port within a reasonable time.

Mr. FISHER.—It is singular that the mail service has not been accelerated.

Mr. MAHON.—That is a matter in which the late Government did not accomplish what the public expected, but the great trouble was that they had no competitor to play off against the Orient Steam Navigation Company. If any other reasonable offer had been received the Government would have been in a position to secure far greater concessions, and to confer far greater benefits upon the people of Australia. According to my examination of the subject, the poundage system is impracticable, in view of our requirements in the shape of speedy communication.

Mr. DAVID THOMSON.—The mail service is maintained for the benefit of a few commercial men only.

Mr. MAHON.—This country is committed to the policy of carrying on a mail service for the benefit of the great commercial houses and the trading community generally. I do not approve of present conditions, because I think that those who derive the greatest benefit from the service should bear the largest share of the expense. We have, however, been committed to a certain policy from the beginning, and we are not in the position to resort to heroic remedies at this stage. The fact that the Government had no competitor to play off against the Orient Steam Navigation Company accounts for the failure to secure an accelerated mail service, and also for our having to pay considerably more by way of subsidy than was ever granted before. Having said so much, I should like to touch upon one of the points brought forward by the representatives of Queensland. The very fantastic proposition that has been

submitted on behalf of that State has been supported with a *naïveté* which speaks volumes for the ingenuity and general accomplishments of its representatives. To my mind, however, their proposal is one of the most audacious ever submitted to this House. It is proposed that the contract entered into with the Orient Steam Navigation Company should be referred back to the Government for further consideration, with the object of including Brisbane as a port of call. I presume that the intention of the honorable member who moved the amendment is that the Commonwealth should pay the £26,000, contracted to be paid by the Queensland Government for the extension of the Orient Steam Navigation Company's service to Brisbane.

Mr. R. EDWARDS.—A very reasonable demand, too.

Mr. FISHER.—The impression made on the mind of the honorable member is not conveyed by the amendment.

Mr. MAHON.—That is what it implies, and my impression is confirmed by the interjection of the honorable member for Oxley, from whom I respectfully differ. He so seldom advances any proposals that are not reasonable that I was at first disposed to regard his amendment as one for which a good deal might be said; but, having taken all the surrounding circumstances into account, I have formed the opinion that it shows considerable audacity on the part of those who have brought it forward. The main contention of the honorable member for Oxley and those who are supporting him is that the mail contract entered into between the Commonwealth and the Orient Steam Navigation Company provides for the carriage of the mails from some Mediterranean port to Sydney. I would point out, however, that from the first day upon which tenders were invited, it was intended that a contract should be entered into for the carriage of mails between Adelaide and Naples, or Brindisi.

Mr. FISHER.—What is the use of saying that, when section 4 of the contract provides that the mails must be carried to Sydney?

Mr. MAHON.—The honorable member belonged to a Government which deliberately invited tenders for a mail service from Naples to Adelaide, not to Sydney, and I shall read the paragraph from the advertisement agreed to by the Watson

Ministry. Tenders were called for an alternative service—

Between Adelaide and Naples, Brindisi or other suitable port in the Mediterranean, *via* the Suez Canal, fortnightly each way, calling at Fremantle, and at such other ports as may be mutually agreed upon.

Tenderers are invited to state the additional sum, if any, required to proceed further (1) to Melbourne, (2) to Sydney, (3) to Pinkenba in the Port of Brisbane, and (4) to all or any of these ports.

Mr. R. EDWARDS.—That is quite right.

Mr. MAHON.—The advertisement containing the conditions of tender was dated 7th July, 1904. The Orient Steam Navigation Company, in a letter undated, offered, in accordance with that advertisement, to carry on a mail service for £150,000, and expressed their willingness, without mentioning anything as to extra remuneration, to extend the service as far as Melbourne. Now, if the representatives of Queensland had taken up the position that a service from Naples to Adelaide would have cost only £100,000, and that the extension of the service from Adelaide to Melbourne and Sydney had involved an extra cost of £20,000 per annum, I could have understood it. I think the Government made a mistake in stipulating that the mail steamers should go as far as Sydney, but that is beside the point. If the Queensland representatives had been able to show that the extension of the service beyond Adelaide had been secured only at considerable additional cost, they might with some reason, have urged that the Commonwealth should bear the cost of the further extension from Sydney to Brisbane. The Orient Steam Navigation Company, however, expressed their readiness to carry the mails from Naples to Adelaide, but represented that in the course of trade their ships would proceed to Sydney, and that they would be willing to carry parcels and other mail matter on to the terminal port for a lump sum of £120,000. If their vessels had been required to stop at Adelaide, they would not have reduced their price. Therefore, in effect, the Government are paying £120,000 per annum for the transmission of mails between Naples and Adelaide, and not between Naples and Sydney, and the inclusion of Melbourne and Sydney in the contract, as suggested by the Orient Steam Navigation Company, was mistakenly agreed to by the Government. That being the position, I can hardly see how the representatives of Queensland can

expect the Commonwealth to pay the Orient Steam Navigation Company for extending its service, not from Adelaide, where the mail contract ends, but from another port to which the company's vessels proceed merely for the purposes of trade.

Mr. FISHER.—The contract distinctly specifies that the steamers shall go on to Sydney.

Mr. MAHON.—I am quite aware of that, but the Orient Steam Navigation Company volunteered to send their steamers on to Sydney. That was not one of the requirements stipulated for by the Federal Government. The Queensland claim is that we should pay the cost of sending the steamers on to Brisbane from a port to which the mail vessels do not proceed for the purpose of carrying the mails.

Mr. PAGE.—Why is any stipulation made in the contract for the provision of refrigerated space?

Mr. MAHON.—That should not have been included in the contract, but I do not see why the people of Queensland should not avail themselves of the provision made in that regard. Why should they not send their goods down for shipment from Sydney?

Mr. McDONALD.—Because the double handling of the goods would preclude any such course being adopted.

Mr. MAHON.—If that be so, what benefit will the extension of the service to Brisbane confer on the greater number of the people of Queensland? Brisbane is in the extreme southern portion of the State, and the whole of the residents north of Maryborough will be no better off than they were before.

Mr. FISHER.—Brisbane is in railway communication with portions of the country upon which two-thirds of the population are settled.

Mr. BAMFORD.—But not two-thirds of the taxation.

Mr. MAHON.—And will not that involve a double handling? Honorable members appear to me to have overlooked the fact that the mail service practically ends at Adelaide.

Mr. FISHER.—That is not so.

Mr. MAHON.—That was the original intention, and the Orient Steam Navigation Company would not have charged any less, but, on the contrary, would probably have demanded more, if their steamers had been stopped at Adelaide. They went on to Sydney of their own accord, and because

the passenger and the traffic paid them to do so.

Mr. PAGE.—They stated that they would accept a smaller subsidy if they were not required to provide cool storage.

Mr. SYDNEY SMITH.—That is not a fact.

Mr. MAHON.—We have heard something from representatives of Queensland with regard to a refund of the mileage charges on mail matter now paid by the Queensland Government. One honorable member stated the amount at about £1,000 per annum, whilst another estimated it at £5,720 per annum. Seeing that they cannot agree amongst themselves, I think that this House may well doubt whether either party is right. I should be quite prepared to support an amendment to the agreement, under which the condition as to the mail steamers going on to Melbourne and Sydney should be eliminated. If that would satisfy honorable members from Queensland, I would support it. By the way, it is a curious thing that a speech delivered in Queensland the other day has not been noticed in the course of the debate. It indicates a somewhat remarkable attitude on the part of a State Minister regarding the Federation and this mail contract. I learn from the *Brisbane Courier* of the 2nd of August, that a luncheon, to inaugurate the visit of the first Orient Steam Navigation Company's steamer to Brisbane, took place on board the *Orotava* at Pinkenba. One of the visitors on that occasion was the Minister of Agriculture, Mr. Denham, who said, amongst other things—

He only asked them all to rejoice that Queensland had at last been able to make revenue meet expenditure. It was indeed a good thing that she had been enabled to so far surmount the difficulties of drought and Federation.

That remark was cheered by the large audience present.

Mr. DAVID THOMSON.—Queensland is so badly treated by the Federation.

Mr. MAHON.—The one State in the group which, in addition to Victoria, has most distinctly benefited from Federation is Queensland. She is now getting over £100,000 in sugar bounties from the rest of the people of Australia.

Mr. DAVID THOMSON.—How is Queensland getting it any more than any other State?

Mr. MAHON.—Does the honorable member contend that Western Australia, South Australia, or Tasmania grow sugar? He appears to echo the sentiment of Mr. Denham; but, nevertheless, is it not a fact

that there is no other State in the group that is deriving such advantages from Federation as Queensland is, with the exception, perhaps, of Victoria? This gentleman went on to say—

The drought had passed away, and partly owing to the high price for pastoral products, and the large increase which had taken place in their stock, they had surmounted its ill effects. But, unfortunately, they had not yet surmounted the great difficulties of that thing which we called Federation—(Hear, hear)—the canker worm which was still eating in.

Mr. DAVID THOMSON.—I do not agree with that.

Mr. MAHON.—I ask the House to notice the friendly sentiments and beautiful Federal spirit displayed by this Queensland politician, who is, I presume, a specimen of the politicians of that State.

Whether it would sap the life of the State had still to be demonstrated; but perhaps before that stage was reached, some one of sufficient power and character might arise who would be able to free us from our bonds before it brought about our ultimate death.

Then he went on to speak of the Federal Government trying to keep Queensland in the kitchen, but that now at last she had got into the drawing-room. When the honorable member for Mernda was speaking, some weeks ago, I interpolated, when he referred to this Mr. Denham, that a man who spoke like that about Federation ought to be locked up. I say so again deliberately. A man certainly is not fit to be at large who so misrepresents the results and ignores the benefits which Federation has given to Queensland. He is doing the work of an incendiary amongst the people of the State. But I will not argue at greater length about a trifling matter of this kind.

Mr. McDONALD.—Is it trifling?

Mr. MAHON.—Well, I understood an honorable member opposite to say that this arrangement involved a loss of £1,000 to Queensland; but there have been so many remarkable calculations in regard to the question that I may be pardoned if I have gone slightly astray. At any rate, I maintain that a case has yet to be made out to the satisfaction of the House for this demand to reimburse the cost of these steamers going on from Sydney to Brisbane. I am not blind to reason, but quite prepared to do justice, and even to be generous, to Queensland, just as I would to any other State in the group. But I hope that before the House votes on the question some honorable

member will arise and put it before us in such a way as to convince us that the claim is a just one. If that is done I shall even be prepared to swallow my scruples, and vote an additional sum for the benefit of the one State in the group which is already receiving the largest return in cash from the taxpayers of the Commonwealth.

Mr. SYDNEY SMITH (Macquarie).—I did not rise at an earlier stage of the debate in view of the fact that the Postmaster-General had placed a very fair statement of the case before the House, and that I thought honorable members had quite sufficient to talk about. I knew that I should have an opportunity of listening to the different speeches, and determined that if occasion demanded I would reply to the arguments submitted.

Mr. FRAZER.—The honorable member wished to have the last word.

Mr. SYDNEY SMITH.—No, I did not. I have never been afraid to address the House on any question that has arisen, and certainly have no reason to fear criticism in reference to the matter now under discussion. The honorable member for Coolgardie has made a very fair speech as to the difficulties that occurred in connexion with this mail contract when his Government was in office, and while the succeeding Government was responsible for the administration of affairs.

Mr. McDONALD.—The ex-Postmaster-Generals seem to be fond of scratching each other's backs.

Mr. SYDNEY SMITH.—We who have had an opportunity of administering the Department know the difficulties that are experienced. I believe that it is a very good thing for honorable members to have a few months in office, because it enables them to realise that the task of dealing with some of the very important questions that arise is not so easy or pleasant as appears. I regret that it was not possible for the late Government to make a contract at a lower rate. Honorable members know that we endeavoured to secure a contract under different conditions. It may be well to refer to the past history of the mail contracts that have been entered into between the various Australian Governments, the British Government, and the shipping companies. As far back as 1886, the Postmaster-General of Great Britain was asked to call for tenders for a mail service with Australia on behalf of Victoria, New South Wales, South Australia, and

Western Australia. Queensland and Tasmania did not participate at that time. Tenders were called for, and the Peninsular and Oriental Steam Navigation Company offered to contract for £115,000 for ten years. The tender of the Orient Steam Navigation Company was lower. In submitting these tenders, on 7th May, 1886, the British Postmaster-General observed—

The most important consideration, however, is obviously the rate of tender demanded, and here I must confess to some disappointment, the terms being much more than I expected.

An endeavour was made to effect a reduction, and the British Postmaster-General was successful in securing a contract on behalf of the various Governments at, I think, £85,000 a year from the Peninsular and Oriental Steam Navigation Company. Since then Australia has become more important. Our population has increased. The trade of Australia has increased. While reductions have been made in cable rates, postal rates, and telegraph services the subsidy for our English mails has increased. We had good reason to expect when Federation was accomplished a reduction in the subsidy, and that we should be able to secure a tender under better conditions. Unfortunately we were not able to do so. It is only fair to say that there seems to be a reason for the increase. The papers laid upon the table of the House by the late Government show that there was good reason for believing that if the British Government had been in a position to negotiate under the old conditions it is possible that it might have been able to bring about a reduction. It is perfectly true that Mr. Anderson, in tendering for this service, pointed out to the then Prime Minister, the honorable member for Bland, that the "White Ocean" clause in the postal contract had virtually nothing to do with the increase asked for by the Orient Steam Navigation Company. But this is not in accord with the official documents submitted to the House in May, 1904. On a former occasion I made a statement in the House to the effect that I thought the British Government, in the earlier stages of the negotiations, might have been able to enter into an agreement under better conditions, and, in point of fact, were under the impression that they could have entered into a contract with the Orient Steam Navigation Company, on the same terms as were arranged with the Peninsular

and Oriental Steam Navigation Company. But Mr. Anderson told me that his company had never made any offer to the British Government at any time, which would lead them to believe that the company was prepared to renew the contract under the old conditions.

Mr. McDONALD.—Because they wished to fleece Australia as much as possible.

Mr. SYDNEY SMITH.—The correspondence to which I wish to refer was laid on the table of the House on 19th May, 1904. It commenced with a cable from the Secretary of State for the Colonies to the Governor-General, asking whether the Commonwealth Government, as a party to the agreement with the Peninsular and Oriental Steam Navigation Company and the Orient Steam Navigation Company, would give notice of its intention to terminate the contract on the 30th January, 1903. That cable was transmitted in November, 1902.

The Commonwealth Government was therefore asked (1) whether notice to terminate should be given at once, and (2) whether an extension of the contracts for a definite period should be contemplated on the companies offering sufficient inducement, or whether the Imperial Postmaster-General should retain his freedom to give notice at any time.

On 5th December, 1902, the Governor-General was asked by the Prime Minister to reply to the effect that notice to terminate the existing contracts should be given by 31st January, 1903, with a view to negotiation before their expiry for fresh contracts, providing for increased speed, a lower subsidy, improved arrangements for cold storage, and the exclusive employment of white labour on the vessels, in compliance with section 16 of the Commonwealth Post and Telegraph Act 1901; also, if possible, a longer stay at Adelaide, the inclusion of Brisbane in the ports served, and the fitting of the sleeping apartments on the packets with electric fans. The Governor-General was also asked to call attention to the necessity of warning tenderers of the probability of a Navigation Bill being proposed in the next session of the Federal Parliament, which might contain provisions requiring vessels trading in passengers or goods between Australian ports to pay rates of wages equal to those current in the Australian coasting trade.

That was rather a large order for the Commonwealth Government to send to the British Government, in connexion with our mail service, and was not likely to assist to secure a satisfactory offer. In reply, a cable was received from the Colonial Office, dated 21st January, 1903, stating that—

With the exception of the Commonwealth Government, the Postal Administrations interested were generally in favour of the extension of the contracts, if increased speed could be secured, and the Imperial Postmaster-General thought this could be obtained for the present subsidy.

It will be seen, therefore, that, in the opinion of the British Postmaster-General, as far back as January, 1903, a renewal of the contract under old conditions might have been secured, with increased speed, for a subsidy of £85,000 per annum. Of course, the Prime Minister of Great Britain was compelled to reply that his Government could not enter into a contract containing such conditions. The Imperial authorities went on to say—

With regard to the exclusive employment of white labour, His Majesty's Government could not agree to introduce into a mail contract to which they were a party, stipulations intended to exclude certain classes of British subjects from employment in the contract vessels, and unless that condition could be modified, the idea of a joint arrangement would have to be abandoned, and other plans made for an Australian service.

To this a reply was sent, through the Governor-General, on 27th January, 1903, that the white labour condition could not be modified by the Commonwealth Government, and consequently that that Government could not enter into arrangements by which the employment of coloured crews, after 31st January, 1905, would be sanctioned.

Of course, the Commonwealth Government were acting in accordance with the law. They pointed out that it was impossible for them to become a party to any contract which did not comply with the provisions of the Post and Telegraph Act. To a very large extent that statement was borne out by the Treasurer, who, in speaking upon this question, deplored the introduction of the white labour provision in that statute, and stated that the great pressure which was exerted by a certain section of the House resulted in section 16 of the Post and Telegraph Act being inserted in the Bill, and the previous action of his Government in the Senate being reversed. The right honorable member for Swan also assured the House, in reply to the honorable member for Coolgardie, that two years ago an agreement might have been made for the mail service under old conditions but for the provision referred to.

Mr. FRAZER.—Did not the honorable member support its inclusion?

Mr. SYDNEY SMITH.—I was not present on the occasion in question. I am merely citing a speech by the Treasurer, with a view to showing that, in the absence of that provision, it might have been possible to enter into a fresh contract under the old conditions. That fact is clearly set out in *Hansard*.

Mr. PAGE.—Did not Mr. Anderson assure the honorable member that that provi-

sion had nothing whatever to do with the increased subsidy demanded by the Orient Steam Navigation Company?

Mr. SYDNEY SMITH.—Yes. The honorable member will understand that I am merely dealing with the official correspondence on the subject.

Mr. PAGE.—What is the use of clouding the issue?

Mr. SYDNEY SMITH.—I simply wish to give the history of the case. I think it was the honorable member for Denison who called for tenders for this service in 1903. The only tender received was that from the Orient Steam Navigation Company. It offered to supply a service which would occupy 696 hours for £150,000 per annum, and an alternative service which would occupy fourteen hours less for £170,000. The Watson Government considered that tender, and refused to entertain it on the ground that the price asked was excessive. Later on, fresh tenders were invited. The Government of which I was a member came into office in August last year, and tenders for the new contract did not close until the end of September. As the contract expired on the 31st January last, we had only four months in which to deal with the tender of the Orient Steam Navigation Company, and, if it should prove unsatisfactory, to make other arrangements. Honorable members could easily understand the difficulty in which we were placed. After the Cabinet had considered the matter, it was unanimously agreed that the subsidy of £150,000 was excessive, and we notified the manager of the company to that effect. Subsequently, Mr. Anderson offered to provide a service for £140,000 a year. At that time I made no reference whatever to the conditions, and I had an object in view. I have done a good deal of business in my time, and in negotiating with the Orient Steam Navigation Company I felt it was not good policy to tell the world from day to day what was taking place. I wished the amount of the tender to be determined first, and the conditions might come afterwards. The Australian managers of the Orient Steam Navigation Company wanted £140,000, and when they were informed that a proposal for a contract at £100,000 would be considered, they said they would not submit a tender at that amount, or even at £120,000, for the consideration of their London directors. The matter hung fire for some considerable time, and

in the meanwhile, Mr. Scott Fell, a well-known shipping man, made certain proposals to the Government. I was again blamed, because I did not disclose the negotiations between Mr. Scott Fell and myself. If I had permitted the manager of the Orient Steam Navigation Company to know the details of Mr. Scott Fell's proposals, I might have disclosed the fact that they had no need to be afraid of competition from that quarter. I thought it wise not to disclose the nature of the negotiations I conducted with other people. On the 29th December, 1904, Mr. Scott Fell made a proposal for a service between Adelaide and Colombo, transhipping there into Eastern service boats bound for Europe. He tendered for a contract for from ten to fifteen years, and asked £120,000 as the subsidy. That was for a service involving the transhipment of mails at Colombo, and we should not have had the advantage of a through service to London for parcels. It is well known that parcels must be sent through to London, because the cost of transhipping them at Naples or at Brindisi would mean a heavy expense to the Commonwealth, amounting to about 1s. per parcel. After an interview with me, Mr. Scott Fell, on the 9th of February, submitted another proposal for a service calling at Melbourne, Fremantle, and Adelaide to Colombo for ten years, for a subsidy of £90,000 per annum. On the 17th of February, he submitted a proposal for a service calling at Sydney, Melbourne, Adelaide, and Fremantle to Colombo for £85,000 a year, and to a Mediterranean port for £110,000 a year, and he was prepared to let the boats run up to Brisbane for an extra £20,000 a year. This shows that at the time I was endeavouring to ascertain what arrangements could be made to enable the boats to run to Brisbane. Apart altogether from the fact that these proposals were not acceptable, I found it impossible to make any satisfactory arrangement to send our mails on from Colombo to Bombay to pick up the fast Peninsular and Oriental Steam Navigation Company's service from there to Brindisi.

Mr. PAGE.—Would not the boats engaged in the Bombay service meet boats at Colombo?

Mr. SYDNEY SMITH.—No, there is a direct weekly service from Bombay to Brindisi. I thought I might be able to arrange for a service from Colombo to

Bombay, to connect with the Peninsular and Oriental Steam Navigation Company's boats at that port. I communicated with the Postmaster-General of Colombo, and his reply will be found in the correspondence. He pointed out that there was no regular service between Colombo and Bombay. The Colombo service proposed was therefore useful only in so far as we could arrange for the transshipment of our mails into Eastern boats. In my opinion, it would have been contrary to the provisions of the Post and Telegraph Act to have arranged for a branch service involving the transshipment of our mails into boats manned by coloured labour. Apart from that consideration, the proposal made was not satisfactory, because, even if a branch service had been arranged for between Colombo and Bombay, transshipment at Bombay would have been necessary, and there would have been some uncertainty as to whether the boats from Colombo could connect with the Peninsular and Oriental Steam Navigation Company's boats at Bombay. We could not expect that company to help us in the matter by assisting a competing company, although, if we could get our mails from Colombo to Bombay before the Peninsular and Oriental Steam Navigation Company's boats left, we could compel them to take on the mails under the British contract, and by paying Postal Union rates. Assuming that we could have made satisfactory arrangements in this respect, it would have meant a difference of, I think, £11,000 a year, as against the present contract price, and there would still have been the disadvantage that we should not have been able to provide for the transport of perishable produce from Australia, and our parcels would not have been taken right through to London as at the present time. Honorable members will admit that it would have been absurd for me to have entertained such a proposal for a moment in preference to a through service such as we have at the present time. I did not make it known that I did not consider Mr. Scott Fell's proposals satisfactory, because I did not think it right to disclose the exact state of affairs while I was still negotiating with the Orient Steam Navigation Company.

Mr. PAGE.—The honorable member did very well.

Mr. SYDNEY SMITH.—I did what I could. I tried to make a good bargain,

and I am sorry I was unable to make a better one than I did. I tried to get a contract at £100,000 a year, and I think we ought to have obtained a satisfactory service at that price; but, unfortunately, there were no competitors for the contract. We might then have continued the poundage system, but I think that that has been generally objected to. The Deakin Government, in calling for tenders, admitted that a regular service was necessary; and the Watson Government followed the same course, admitting that they preferred a regular service to the poundage system. We took the same view, and it would appear that all parties were agreed that, in the interest of Australia, we should have a regular service, over which we might have control, and in connexion with which we might arrange a time-table and enforce penalties when boats did not arrive at their destination at the due date. I have said that Mr. Scott Fell's offers were not satisfactory.

Mr. WATKINS.—Did he not desire the honorable gentleman to publish the correspondence with him?

Mr. SYDNEY SMITH.—I was prepared to publish the correspondence when I thought it was in the interest of the Commonwealth to do so. When correspondence is in the hands of a Department the Minister in charge of it must be allowed to be the best judge as to when, in the public interests, it is wise to publish it. The managers of the Orient Steam Navigation Company in Australia are keen business men. I do not complain of them on that account. They were entitled to make the best bargain they could, but in dealing with business men we should act in a business-like way, and I felt that, in the public interest, that was not an opportune time to publish the correspondence between Mr. Scott Fell and the Government. Then I thought there might be a possibility of arranging for another service. I refer to the Vancouver service, which will yet be a very popular one, as it has many advantages.

Sir JOHN FORREST.—It would be good for Sydney.

Mr. SYDNEY SMITH.—I think it would be a good service for Australia. I am aware that it would not be of very much use to Fremantle, and that if that service were adopted the Western Australian people would be in somewhat the same position as the Queensland people are in to-day. I

have no hesitation in saying that the Vancouver service is one to which Australia will have to pay some attention in the near future. The "all red" mail service by this route would have many advantages, not the least of which would be that it would not be so liable to interruptions similar to those which might arise in connexion with the service *via* Suez, if there were any outbreak of war; whilst it cannot be lost sight of that it is important that trade relations between the Commonwealth and Canada should be maintained and extended. The British authorities advised that a contract should be entered into for only three years, and it was one of the objections to Mr. Scott Fell's tender that he asked for a contract for ten years. The British authorities, in dealing with the matter, directed attention to the construction of the Siberian railway, and, amongst other considerations, to the improvements made in the construction of steam-ships. The Cunard Company are now building two ships of 30,000 tons, propelled by turbine engines, and running twenty-five knots an hour. We must recognise the very great improvements which are being made in the construction of these vessels.

Mr. BAMFORD.—And yet we are content with a fourteen-knot service.

Mr. SYDNEY SMITH.—We could not get a better service. The honorable member for Herbert made some reference to the building of our own ships.

Mr. BAMFORD.—I did not mention that, but I should like to see it done.

Mr. SYDNEY SMITH.—I shall deal with that proposal presently. I have said that the Vancouver service is one which in the near future must receive consideration. It will be a very great advantage if we could get a quick service between here and Vancouver, and a quick overland service across Canada, and thence to London.

Sir JOHN FORREST.—It would not do for the carriage of produce.

Mr. SYDNEY SMITH.—I admit that in that regard it would be of advantage only in respect of the trade between Australia and Canada, but it would be a very popular mail and passenger service. If I could have made satisfactory arrangements for the carriage of our mails by that route I should have been prepared to do so. I asked the managers of the Union Steamship Company whether it would be possible for them to expedite the service between Sydney, Brisbane, and Vancouver to en-

able us to get our mails carried through to London in something like reasonable time. Unfortunately, they had not at command boats which would have provided the quick service necessary. I know that the Canadian Government would have helped us in the matter if we could have secured a quick service at this end. The Union Steamship Company said that they could give us a quick service, but that it would take two years to build the necessary boats. We had only four months from the time tenders were called until the expiration of the old contract, and we were unable to enter into a temporary contract contrary to the Post and Telegraph Act. It has been said that we should have entered into a temporary arrangement, but we could not have done so except under the provisions of the Post and Telegraph Act, and that, of course, was a difficulty in the way. For the Vancouver service, the Union Steamship Company asked a subsidy of £240,000 a year, and they wanted two years to build the boats necessary to provide a fortnightly service. That proposal was, of course, out of the question. Mr. Scott Fell and the Union Steamship Company were unable to help us, and then we had before us only the continuance of the poundage system, or the acceptance of the Orient Steam Navigation Company's tender. Honorable members must admit that we gave the poundage system a fair trial, and in this connexion I have no hesitation in saying that I was not pleased with the way in which the Orient Steam Navigation Company acted in regard to the carriage of our mails. Under the law of the Commonwealth, the company were compelled, along with other companies, to take our mails at a certain rate. They no doubt tried to make the position as awkward for us as they could, and there was great difficulty in finding out when their boats would leave Adelaide and other ports. The consequence was that arrangements had to be made for special trains; and this, of course, added to the expense. Then the company cleared their boats for Colombo; and this was another attempt at interfering with us. But I wired to the Postmaster-General at Colombo, and made the position secure. I did not then hesitate to say that the law must be carried out. I need not tell honorable members that a very extreme step would have been taken if the shipping company had caused any further trouble.

At this particular time further difficulties arose. There was some trouble with the old Oceanic Company, who threatened to refuse to take our mails, but after some pretty sharp talk a satisfactory arrangement was arrived at. Mr. Burns, of Messrs. Burns, Philp, and Co., had an interview with the Commonwealth postal authorities, and when the matter had been talked over we came to a temporary arrangement. There was also the trouble in connexion with the Vancouver service, which was then awaiting a settlement. Some honorable members the other night suggested that the Commonwealth could have used German and French boats for the carriage of the mails. No doubt we could, but I do not think that any one would contend that the Commonwealth Government ought to enter into contracts with French and German shipping companies. It is quite understood in England that that sort of thing is not done, and, no attempt to do it was made here. Under the terms of the Postal Union there is an arrangement, and a very good arrangement it is, without which it would be impossible to carry on the postal services of the world, by which every boat under contract to any of the Governments which are parties to the convention is compelled to carry mails for those Governments at poundage rates. And even the rates under that arrangement are being reduced. In 1896 the rate for letters was, I believe, 5s. 7d. per lb., whereas now it is 3s. 7d. I mention these facts in order to indicate the difficulties which had to be surmounted. No doubt we could have sent our mails by the French, German, or other boats, but it so happened that their services did not suit our requirements. Those vessels left the Commonwealth ports at times which were not convenient, and it was better to use the Peninsular and Oriental Steam Navigation Company's vessels, because we knew exactly the times at which they arrive at their destination. It is admitted by all Governments that it is essential and important to have a regular service between Australia and the old country. We have had a weekly service for many years, and it would have been a retrograde step if by any chance that service had been seriously interfered with. At the same time, it was our duty to make the best arrangement we could. It would have saved a lot of trouble if we had consented to the first proposal of the Orient Steam Navigation Company; but

Sydney Smith.

we were satisfied that in the public interest we had no right to take such a course. The Government of which I was a member felt they were doing their duty, and they were not afraid of any criticism which might be offered, and personally I am prepared to take the full responsibility of my action.

Mr. MAUGER.—How long did it take to settle the matter?

Mr. SYDNEY SMITH.—It was the 29th March when the first agreement was arrived at, or two months after the expiration of the old contract, and I think the contract was signed within three weeks.

Mr. FISHER.—The company soon hurried the Government up when they knew they "had" the Government.

Mr. SYDNEY SMITH.—In a matter of this kind, when parties come to close quarters, the sooner the agreement is complete the better for all concerned. I see nothing to be ashamed of in the fact that, after six months' fighting, and after succeeding in getting a reduction of the terms, the agreement was expedited and signed within two or three weeks.

Mr. HUME COOK.—What does the honorable member mean by "close quarters"?

Mr. SYDNEY SMITH.—I mean arriving at some kind of agreement as to the amount to be paid. When speaking on this question before, I said that in the official papers I had made no reference whatever to the conditions which the company sought to impose. The company first asked £150,000, and I wished to secure an agreement as to the amount before dealing with the conditions. I have no hesitation in saying that if those conditions had been complied with, additional expense, amounting to almost as much as the subsidy, would probably have had to be incurred by the Commonwealth. My first object was to get the amount reduced, and when that matter had been settled, I said to Mr. Anderson, "The Government agree to give you £120,000, subject to the approval of Parliament, and subject to such conditions as I shall submit." Honorable members, if they look through the papers, will find that there are very many important alterations in the conditions as first submitted by the Orient Steam Navigation Company. In the first place, of course, there was the reduction of the subsidy from £150,000 to £120,000, which meant a saving of £30,000 per annum. The Orient Steam Navigation Company, in their tender, proposed to call only at

Naples, there being no provision to take the mails on to London. Needless to say, I had that condition altered, so that our parcels could be sent through to London without any additional expense. Then the company proposed to take only Commonwealth mails, but if that condition had been complied with there would have been a loss of revenue to the Commonwealth, because, under the contract, there is the right to send mails belonging to any country by the boat, and for the carriage of these we are paid poundage rates.

Mr. FISHER.—Does the honorable member not think that was a cunning, subtle dodge?

Mr. SYDNEY SMITH.—I do not desire to go into that question, but merely to show that after the subsidy had been agreed upon, the Commonwealth Government brought about certain important alterations in the accompanying conditions.

Mr. FISHER.—The honorable member's chief repeatedly said that nothing beyond £100,000 would be given in the shape of a subsidy.

Mr. SYDNEY SMITH.—That was the view that we all took, and we fought as hard as we could to get the subsidy reduced to that amount.

Mr. WILKINSON.—Why did the Government not adhere to their determination?

Mr. SYDNEY SMITH.—We could not then have got the mail service.

Mr. WILKINSON.—Then we should have done without it.

Mr. SYDNEY SMITH.—The honorable member knows very well that the old contract had expired, and that the service was being carried on very unsatisfactorily. The British Government had entered into a contract with the Peninsular and Oriental Steam Navigation Company to carry mails to and from Australia, and the Commonwealth Government took advantage of the service for the return mails at a cost of £15,000 per annum. But the British Government fully expected that if they paid £85,000 subsidy for a service to Australia, and the Commonwealth Government took advantage of that service, we would, at least, be prepared to give a like efficient service from this end. As a matter of fact, the British mails were more disarranged than were the Australian mails, because, unlike the British Government, we had the Orient and several other boats to make use of. I believe that the mails from London consist of about one-third more letters, and about three times the number

of parcels, and so forth, as the mails from Australia. The Government left the Commonwealth without a satisfactory service for two or three months, in the hope that the subsidy might be reduced to £100,000; but, failing that, we saw no alternative in the public interest, but to enter into the contract, the ratification of which is now sought. One condition which the Orient Steam Navigation Company sought to impose was that if the efficiency of the service were impaired by desertion or breach of discipline by the crew, the Postmaster-General would not penalize the contractors for any breach caused thereby. Under such a condition it would have been very difficult to penalize the contractors for departing from any of the terms of the contract, and, therefore, that clause was struck out. Then the company desired to be paid for a service which they had not performed. On the 25th May, unfortunately for the company and the public, that grand ship, the *Orizaba*, was wrecked, and the company thereupon asked the Commonwealth Government to pay for the service which that vessel should have rendered. This, however, the Commonwealth Government declined to do. The company further asked that there should be no penalty in the case of a vessel not leaving the port of embarkation on a due date, so long as the port of destination was arrived at in time. The Government felt, however, that regularity was the essence of the contract, and declined to accede to that condition.

Mr. WILKINSON.—Was it not before the company lost the *Orizaba* that they said they had not boats enough to make Brisbane a port of call?

Mr. SYDNEY SMITH.—I wish to deal with the alterations made in the conditions. Under the original offer, the company desired to be separately paid for the carriage of bullion, precious stones, nuggets, gold dust, and so forth. But, seeing that the British Government, under their contract with the Peninsular and Oriental Steam Navigation Company, insist that such articles shall be carried under the subsidy, we claimed to be afforded the same facilities. The company desired to put in the contract a very important condition, to which the Government was not prepared in any circumstances to assent. They proposed that a clause should be inserted, giving them the right, in the event of the passing of State or Commonwealth

legislation which increased their expenditure or reduced their earnings, to compel the Federal Government to make good the losses so incurred. That was an unfair proposal, and I told Mr. Anderson that I would not sign such a contract. They also desired to ante-date the contract to 30th January, 1904, so that the clause in question would have applied to any loss incurred by the company as the result of the passing of the Sea Carriage of Goods Bill.

Sir JOHN FORREST.—They were trying a bit of bluff.

Mr. SYDNEY SMITH.—We had to take care that the interests of the Commonwealth were conserved.

Mr. AUSTIN CHAPMAN.—They did not know the honorable member, or they would not have set their net for him.

Mr. SYDNEY SMITH.—I merely took care to see that fair conditions were imposed. As a compromise, I suggested that when it could be shown by the certificate of a chartered accountant that, as the result of Commonwealth—not of State—legislation dealing with shipping, their losses amounted to £5,000 a year, they should have the right to terminate the contract on giving six months' notice, and that the Government might either elect to make good the losses so incurred, or agree to the contract being terminated. The company accepted that compromise. As showing the difficulty we had in arranging the terms of the contract, I would point out that out of thirty-three conditions which were submitted to us, no fewer than twenty-two were altered, some of them in important and others in unimportant respects.

Mr. WILKINSON.—That is an old game on the part of men who wish to make a good bargain.

Mr. SYDNEY SMITH.—I do not blame the company for having sought to make the best possible bargain. They sent out one of their smartest men from London, and he naturally endeavoured to make the best bargain for the company.

Sir JOHN FORREST.—He had a smart man to deal with.

Mr. SYDNEY SMITH.—I do not say that; but my experience is that Mr. Anderson is a smart business man.

Mr. DAVID THOMSON.—It is a pity that the late Government accepted the new conditions.

Mr. TUDOR.—The same subsidy would have been demanded even if Melbourne and Sydney had not been made ports of call.

Mr. SYDNEY SMITH.—I shall deal with that point presently. I spoke to Mr. Anderson with reference to the desire that Brisbane should be made a port of call. A letter on the subject was addressed to the late Prime Minister by the Premier of Queensland, but was not placed among the official correspondence, for the reason that it was marked "private and confidential." But for the fact that the honorable member for Wide Bay assured the House that he referred to it with the concurrence of the Premier of Queensland I should not have mentioned it. It is certainly true that the Premier of Queensland requested the late Government to secure the inclusion of Brisbane as a port of call, but before the receipt of that letter tenders had been invited by the Watson and Deakin Governments for a mail service which would take in that port. Notwithstanding that no response was received to that invitation, the late Government are blamed for having failed to secure the insertion of such a condition in the contract. Our predecessors in office had more time to arrange the matter than we had. I have no desire to reflect on them, but I would point out that the contract expired during my term of office, and that I had to make other arrangements for the carriage of our mails, while I endeavoured to fight the company.

Mr. TUDOR. — And the company beat the honorable member.

Mr. SYDNEY SMITH. — That is a matter of opinion. I can only say that I did my best for the Commonwealth. I made it a condition that the contract should be subject to the approval of the Parliament, and it will be for honorable members to say whether, in all the circumstances, it should be ratified. Having regard to the position in which we were placed, no better terms could have been arranged. It was of the utmost importance that we should secure a regular service, and whilst I regret that we were unable to obtain it for a lower subsidy, I think that we did the best we could in the circumstances. The Premier of Queensland addressed a letter to the late Prime Minister, in which he said—

Understanding that negotiations are still proceeding between your Government and the Orient Pacific Company with the object of securing a fortnightly mail service between the United Kingdom and Australia, and that the company is asking a higher price for that service than your Government is willing to give, I have the

honour to inform you, in the hope that the knowledge may contribute to the success of your negotiations, that the Queensland Government is communicating with the company with a view of ascertaining, should your efforts be successful, on what terms it would be prepared to extend the service to Brisbane, and is disposed, in return for such extension, to supplement liberally the Commonwealth subsidy, should certain freight conditions be agreed to by the company.

Together with the then Prime Minister, I had an interview with Mr. Anderson in reference to this subject, and endeavoured to ascertain on what conditions the company would be prepared to make Brisbane a port of call. We were informed that it would be impossible for them to extend the service in the way suggested, inasmuch as another steamer would be required for the purpose, and there was not one available. In view of the fact that we had an offer to continue the service for a subsidy of £120,000 a year, that better terms could not be secured, and that the oversea mails could not be interfered with while the company were endeavouring to secure another boat to extend the service to Brisbane, we had to accept the contract now put before honorable members. Mr. Anderson promised us that he would take an early opportunity of ascertaining whether Brisbane could be made a port of call, and since then the company has made an arrangement to that end with the Government of Queensland. The arrangement relates purely to freights. It cannot be said that either the present Government or that of which I was a member was unmindful of the interests of Queensland. It is well known that we agreed that the cost of the Vancouver mail service, which had previously been borne by the Governments of Queensland and New South Wales, should be paid by the Commonwealth, notwithstanding that some of the States would receive no direct benefit from it. In that respect we exhibited a desire to deal fairly with Queensland. If it could be shown that the service now being supplied by the Orient Steam Navigation Company under the contract with the Government of Queensland could be advantageously used for the carriage of mails, I feel sure that honorable members would readily consider any fair proposal with regard to it. Several honorable members have blamed the late Government because they did not take up a more determined attitude in fighting the Orient Steam Navigation Company, and show

their courage by proposing to build a line of steamers to carry our oversea mails. Is it reasonable to suggest that within four months of the termination of the contract the late Government should have entered upon an undertaking involving for both services an expenditure of £4,000,000? Our railways are now controlled by Commissioners, and they have many difficulties to contend with, notwithstanding absence of competition, and it seems to me that a very keen set of business men would be required to control a Government line of steamers competing with the various private companies now engaged in the Australian trade. There is absolutely no justification for the attempt that has been made to condemn the late Government for agreeing to the terms imposed by the Orient Steam Navigation Company when they found that they were not prepared to accept less than £120,000. If honorable members think that it would be wise for the Commonwealth to carry on its mail services with its own ships, why did they not propose it at that time? Why did not the Watson Administration make that arrangement when the subject was under their consideration? Instead of doing so, they called for tenders.

Mr. PAGE.—Why does not the honorable member admit that the Orient Steam Navigation Company got at him?

Mr. SYDNEY SMITH.—I have shown that they did not get at me so far as the terms of the contract are concerned.

Mr. McDONALD.—They got at the honorable member's Government for £50,000.

Mr. SYDNEY SMITH.—The Watson Administration, which the honorable member supported, were prepared to pay £100,000 for a mail service, but, not being satisfied with the offers made to them, called for fresh tenders, which had not been received when they left office. I contend, however, that the conditions which I was able to embody in the agreement under discussion are worth over £20,000 more than the conditions which were submitted to the Watson Government. It has been asked, "Why had you not the courage of your opinions? Why did you not make a contract without coming to Parliament at all?" We did not wish to go behind the back of Parliament. We considered that, in view of the magnitude of the expenditure involved, it was only fair that honorable members should have an opportunity to

express their views about the terms of the contract. The agreements which have been made by the British Government with the Peninsular and Oriental Steam Navigation Company, and formerly with the Orient Steam Navigation Company, have all been subject to the approval of the Imperial Parliament. I will deal now with the objection raised to Sydney and Melbourne being made ports of call. The service for the conveyance of mails has always been between Naples or Brindisi, as the case may be, and Adelaide, and for boats to call at Melbourne and Sydney; but no company would run a line of steamers costing £4,000,000 merely for the conveyance of mails. The steam-ship companies depend largely for their profits on the cargo which they carry, and to cater for the trade which is offering they must send their vessels to the main centres of population. Therefore the steamers, after leaving the mails at Adelaide, come on to Melbourne and Sydney. We should not have secured the mail service for a penny less subsidy if we had made no stipulation in regard to Melbourne and Sydney; but as we had an opportunity to make the stipulation that the steamers of the company should call at those ports, we should not have been wise had we disdained to do so, and thus get something for nothing. If we had said to the company, "Your vessels need not come further than Adelaide," the subsidy would not have been less.

Mr. HUTCHISON.—Could not the honorable member have said that the vessels must come on to Brisbane as well?

Mr. SYDNEY SMITH.—No; because it would not suit the company to send them there, since the amount of cargo offering is not sufficient.

Mr. FISHER.—But the honorable member has told us that he made it mandatory for them to call at Melbourne and Sydney, because otherwise they might not do so.

Mr. SYDNEY SMITH.—Under the old contract it might have been held that the company were bound to make Sydney the terminal point, and, after discussing the matter with Mr. Anderson, we agreed to an alteration of the conditions which would enable the company, if satisfactory arrangements could afterwards be made, to send its vessels on to Brisbane without infringing the contract.

Mr. FISHER.—That is another point. Did not the honorable member say that he

compelled the company to agree to send their vessels on to Melbourne and Sydney, because otherwise they might not do so?

Mr. SYDNEY SMITH.—No. Mr. Anderson, in his letter, mentions that the mail service will be between Adelaide and Naples, but that the steamers will go on to Sydney and Melbourne. It would not have reduced the subsidy by a shilling if we had said, "You may strike out Melbourne and Sydney, and need not come beyond Adelaide." But I contend that, having the opportunity to require the company to send its boats for mail purposes on to Melbourne and Sydney without any additional expense, it would have been foolish for me not to do so. To have omitted the two places mentioned would not have placed Queensland in a better position, but rather the reverse.

Mr. FISHER.—Did not the honorable member see that he was making Sydney the great port of Australia by inserting this provision?

Mr. SYDNEY SMITH.—Are we not trying to benefit the Commonwealth as a whole, without regard to any individual place? The sooner we get rid of these local jealousies the better.

Mr. DAVID THOMSON.—There are more places in Australia than Sydney and Melbourne.

Mr. SYDNEY SMITH.—I do not underrate the importance of Brisbane. I know perhaps as much about Queensland as the honorable member knows. I am aware of its great resources, and no one will be more pleased to assist that State, as well as to assist the other States. But we must be fair to the whole Commonwealth. It has been said that we should have provided for a quicker service. The Orient Steam Navigation Company tendered for a service of 696 hours, and offered to accelerate it by fourteen hours for an additional £20,000 a year. We considered that that acceleration was not worth the additional sum asked for it.

Mr. HUTCHISON.—The honorable gentleman should have insisted on the faster service for the money agreed upon—£120,000.

Mr. SYDNEY SMITH.—I think that the tendency will be, owing to the improvement in the class of vessels used in the trade, to accelerate the service. The British Government succeeded in getting a much faster service from the Peninsular and Oriental Steam Navigation Company.

Mr. HUTCHISON.—They would not have contracted with the company had they not been able to get a quicker service from it.

Mr. SYDNEY SMITH.—The British Government arranged with the Peninsular and Oriental Steam Navigation Company, under old conditions, which our law would not permit us to do, for an acceleration of twenty-four hours on the old contract speed, and, in point of fact, the steamers of that company are now doing the journey in thirty-five hours less than the time specified. If, when there is a re-arrangement of the contract, we can get a service equal in speed to that given by the Peninsular and Oriental Steam Navigation Company, and can re-arrange the time-table, great improvements may be effected. It may be possible to land the mails in London on the Friday morning, in which case a reply may be posted in time to leave by the usual weekly service at midnight of the same day, and save a week. I am sorry that we are not getting a faster service, but we could not do more than we did in this direction. Two other Governments tried to get a faster service for a smaller subsidy, and failed, as we did. It was too late to make better arrangements, and we had to make the best bargain we could when there was practically no competition.

Mr. FISHER.—There was no urgency. The poundage system could have been continued, with a saving of £80,000 a year to the Commonwealth.

Mr. SYDNEY SMITH.—The poundage system was not satisfactory, and to have continued it would have been to commit what would have been practically a breach of an understanding with the British Government. The Peninsular and Oriental Steam Navigation Company, under contract with the British Government, were giving a service nearly sixty hours quicker than that of the Orient Steam Navigation Company, and we had the right to send our mails to London by their steamers on the understanding that we would provide a similar service from this end. The mails from England were more disarranged by the poundage system than ours were, because, whereas the Commonwealth Government had power to place its mails on the vessels of the Orient Steam Navigation Company and other outgoing steamers, the British Government could not require the Orient Steam Navigation Company to take on board mails at a foreign port, and nothing, of course,

would have been gained by putting mails on board their steamers at London. This is made clear in a communication addressed by Lord Jersey to the Government of New South Wales. As honorable members know, the Orient Steam Navigation Company, on one occasion, practically refused to carry the mails belonging to the mother country. We were anxious to bring about an accelerated mail service, but we found it impossible to do so. Honorable members, in blaming us for our failure, are ignoring the fact that we had but a very short time at our disposal, whereas previous Governments had two or three years within which to make the necessary arrangements. I do not, however, blame them because they did not succeed, because they had powerful companies to deal with, and there were difficulties in the way of securing a new contract on reasonable terms. I am satisfied that we could not have made any better arrangement. My opinion is that, in consideration of the protection which is accorded by the British Navy—towards the cost of maintaining which we make a small contribution—all British ships should be required to carry His Majesty's mails to or from any ports of call, provided, of course, that they are fairly paid. Under an arrangement entered into at the Berne Convention, the Government have the right to send mails by any contract vessels, no matter to what ports they may be bound, at 3s. 7d. per lb., and it seems to me that the same right should be insisted upon in regard to all British ships which enjoy the protection of the British flag. We know that during the recent difficulty with Russia, Great Britain was prepared to go to the full length of war in order to protect her shipping. This matter might very well be brought under the notice of the Imperial authorities, with a view to its consideration at the next Postal Convention at Berne. I was inclined to strongly resent the action of the Orient Steam Navigation Company in refusing, on one occasion, to take our mail matter on board. I think that they acted inconsiderately and unfairly. No class of trade receives so much protection as does the shipping trade, and one of the advantages ship-owners derive owing to the adequacy of the safeguards provided by the British Navy takes the form of reduced insurance rates. At the Berne Convention a satisfactory arrangement was arrived at

with regard to poundage rates, which has worked exceedingly well, and has enabled the Commonwealth to despatch its mails in a manner that otherwise would have been impossible. Several members who represent Queensland, are apparently under the impression that there has been a desire on the part of the present Government and its predecessors to act unjustly towards Queensland. I contend, however, that no real evidence can be adduced in support of any such idea. No State has received more consideration than has Queensland. I need only mention the concession made to her in regard to the sugar bonus. I think that in that respect she has been treated much too liberally.

Mr. FISHER.—Would it surprise the honorable member to learn that New South Wales receives a larger share of the sugar bounty than does Queensland?

Mr. SYDNEY SMITH.—I do not wish to discuss that subject now. I think some alteration should be made in both States, and I shall be prepared to make a suggestion in that direction when that matter is considered. Then again in regard to the Vancouver service, Queensland has been accorded liberal treatment. I objected to that service being taken to New Zealand. The honorable member for Oxley waited on me in regard to it on one occasion. I think he was under a wrong impression as to the position taken up by the Queensland Government, and I showed him that we were quite prepared to meet them. I think honorable members will admit that with regard to mail contracts generally there has been a good deal of trouble, owing to the negotiations being left until too late to secure advantages. I had intended to give notice that the present contract might not be renewed on its termination. I believe that the Postmaster-General is inclined to take a similar step. We should give notice at the end of the present year. In the meantime, we should have a conference of the various Ministers of Agriculture for the States, in order to make a combined arrangement for carrying perishable produce and Commonwealth supplies, as well as mails. We may then be able to make arrangements that will be more satisfactory to Australia as a whole. Personally, I should like to see Australian shippers enter into the business. I believe that if we gave timely notice to the shipping companies of the world, at the end of this year, some Australian firm would be likely

to come forward and offer a satisfactory tender, provided we could offer reasonable inducements in respect of the shipment of perishable produce and Commonwealth supplies.

Mr. GIBB.—We ought to get penny postage.

Mr. SYDNEY SMITH.—The Government of which I was a member did something in that direction. When the British Government approached us with the offer that it was prepared to give penny postage on letters posted in Great Britain, provided we allowed letters to go from Australia at the local rate, we at once adopted that course. I hope to see the day when we shall have a common Empire postage rate. Nothing conduces more to bring about good relationships between the various parts of the Empire than the interchange of correspondence. I wish we could have done something more in this direction, but the estimates which I had prepared showed that penny postage would involve a loss of from £250,000 to £260,000 a year. Of course, the States would feel that very much. But when the postal revenue increases, as I am glad to say it is doing, I trust we shall be able to respond to the request of the British Government, and so take an important step towards the establishment of a penny Empire rate. While I admit that it would have been more satisfactory to complete a contract at £100,000 a year, yet, in view of the fact that we did all we could to bring about a reduction, I believe that it will be acknowledged that we made the very best arrangement possible. It would have been a retrograde step to continue the poundage system, and I was equally convinced that it was essential to maintain the weekly service. Furthermore, we considered that we owed an obligation to the British Government to make arrangements for continuing the service. Under these circumstances, I have no hesitation in asking the House to indorse the contract into which I entered on behalf of the Commonwealth.

Debate (on motion by Mr. FRAZER) adjourned.

SECRET COMMISSIONS BILL.

In Committee (Consideration resumed from 9th August, *vide* page 782):

Clause 2 (Application).

Mr. SYDNEY SMITH (Macquarie).—I do not care to delay the progress of business, but many honorable members have

gone home on the understanding that the debate on the mail contract would not be concluded to-night.

Mr. ISAACS.—On no understanding with the Government.

Mr. DEAKIN.—I said we would take this Bill after the mail contract.

Mr. SYDNEY SMITH.—Was it understood that it would be gone on with to-night?

Mr. DEAKIN.—I said so.

Mr. SYDNEY SMITH.—Then I shall offer no objection to its consideration.

Mr. KELLY (Wentworth).—What the Prime Minister has said is quite correct. The honorable and learned gentleman said that he would go on with this Bill after the mail contract; but the debate on the mail contract has not been concluded—only adjourned—and I am not sure that honorable members understood that it would be proceeded with before the debate on the mail contract had been concluded. Certainly, I did not.

Clause agreed to.

Clause 3—

In this Act—

“Agent” includes any corporation, firm, or person employed by or acting or having been acting or desiring or intending to act for or on behalf of any other corporation, firm, or person, whether as agent, partner, factor, broker, servant, trustee, director, or in any other capacity, and whether he acts in the name of the principal or in any other name, and in the case of a firm includes a member of the firm. It also includes a person serving under the Crown.

“Agency” has a meaning corresponding with that of “agent.”

“Consideration” means valuable consideration of any kind, and particularly includes discounts, commission, and rebates, bonuses, deductions and percentages, and also employment or an agreement to give employment in any capacity.

“Full knowledge” means knowledge of all material facts and circumstances.

“Principal” includes a corporation, firm, or person who employs the agent or for or on behalf of whom the agent acts or has been acting or desires or intends to act.

Mr. McCAY (Corinella).—I did not understand that this Bill was to be proceeded with to-night. Honorable members who desire to address themselves to some of the clauses are absent.

Mr. ISAACS. — The honorable member for Kooyong gave notice of certain amendments, but I do not propose to deal with the portion of the Bill in which they occur.

Mr. McCAY.—The honorable member proposes some amendments in clause 4, but I understand that he also has something to say on this clause, and he had to go home this afternoon on account of illness.

Mr. ISAACS.—I shall not attempt to pass clause 4.

Mr. McCAY.—I think it is unreasonable to begin the consideration of this measure at 11 o'clock.

Mr. ISAACS.—We are not going to sit to-morrow.

Mr. McCAY.—That is not the fault of honorable members who desire to criticise this Bill.

Mr. ISAACS.—I do not say that it is; but it is a reason why we should not rise early to-night.

Mr. DEAKIN.—I think we should sit late to-night.

Mr. McCAY.—In order that some honorable members may go away to Mildura to-morrow! I am aware that there is no question of Government or Opposition in the matter; but this is a very important measure, the discussion of which was left to the Committee stage. Clause 3 is not merely a definition, but an inclusion clause. I do not know whether it is proposed under it to cover the case of an agent acting in his own name, although, by a custom of trade, he acts for an undisclosed principal.

Mr. ISAACS.—The clause provides that agent “includes,” not “means” certain things.

Mr. McCAY.—I have noticed that, and I therefore assume that the word in this Bill has all the other meanings which might be attached to it by ordinary law. I would ask the Attorney-General whether it would not be better to have a definition clause.

Mr. ISAACS.—This is a definition clause.

Mr. McCAY.—It is an inclusion clause. The Attorney-General will agree that a person who, in the ordinary acceptance of the term, would not be an agent, might be an agent under this Bill.

Mr. ISAACS. — The clause includes agent, as the honorable and learned member will see.

Mr. McCAY.—I see that “agent” includes “agent,” and that is rather an unusual form of drafting, I should say. “Full knowledge” is defined to mean “Knowledge of all material facts and circumstances.” I am aware that the honorable member for Kooyong desired to insert the word “full” before the word “knowledge”

where it appears the second time. I confess that I am not familiar with his reasons, but the honorable member, in case the Bill should be dealt with to-night, left his copy of it with me, and I find that he proposed to make such an amendment. As honorable members are aware, this measure deals with many mercantile transactions, or the accessories to mercantile transactions, and I think it is rather a pity that we should not have the advantage of the advice of the honorable member. If one compares this interpretation clause with the interpretation clause of the last Bill dealing with the subject introduced in the House of Lords, and which honorable members are no doubt aware is a successor to Lord Russell's original Bill, of about 1900, he will find that while "consideration" is in this Bill defined to mean—

valuable consideration of any kind, and particularly includes discounts, commission, and rebates, bonuses, deductions, and percentages, and also employment or an agreement to give employment in any capacity,

the English Bill specifically excepts certain gratuities or courtesies from the definition of "Consideration." In the English Bill there is this proviso—

Provided always that the following things shall not be deemed to be valuable considerations within the meaning of this Act, that is to say :—

- (a) A *vale* or gratuity *bond fide* given as such by a guest to the servant of his host.
- (b) A gratuity *bond fide* given as such to a menial or domestic servant or porter for a legitimate service rendered, or to be rendered to the donor, in conformity with the scope of the servant's or porter's employment by his master.
- (c) Meat or drink or accommodation reasonably and *bond fide* given by way of hospitality only.

In view of the questions that were discussed in an interview between the Attorney-General and some representatives of the mercantile community, even this sub-clause c, which at first sight seems to be alien to the purpose of the measure, has some importance. At that interview the question was raised whether, for instance, if one man asked another to lunch, he might not be thereby, in the words of the Bill before us, giving or agreeing to give a consideration—whether such a hospitality might not be tortured into meaning an inducement or reward.

Mr. ISAACS.—Sub-clause 2 of clause 4 settles all that.

Mr. McCAY.

Mr. McCAY.—I do not think so, because it leaves the giver of the lunch, and the receiver of the lunch, open to the charge, unless the Attorney-General, or whoever is thinking of laying an information, does not think it was given for the purpose of influencing the agent.

Mr. ISAACS.—Not for the purpose, but whether it was likely to influence.

Mr. McCAY.—This is only one degree removed from the giving of hams at Christmas time, which has sometimes been alleged to have this kind of result. This Bill has been introduced for the third or fourth time in the House of Lords, where some of the most distinguished lawyers in the Empire take a part in the discussion of and framing measures. It was introduced by the Lord Chancellor; and if there it was considered necessary to have this proviso in the interpretation clause, surely we in Australia need not be above taking the hint, and guarding ourselves in the same careful manner.

Mr. ISAACS.—The English Bill of 3rd of March this year sets out that the expression "Consideration" includes "valuable consideration" of any kind.

Mr. McCAY.—I see that the English Bill that I have is an earlier one. The Attorney-General will see, however, that in the Bill to which he refers, and which is entitled "An Act for the Better Prevention of Corruption," the word "corruptly" precedes the various Acts dealt with.

Mr. ISAACS.—That is a separate and distinct question.

Mr. McCAY.—It is not, for the reason, that the use of the word "corruptly" makes the definition of "Consideration" of less importance than it would otherwise be. The Bill before us provides that a large number of acts shall be punishable, and, so far as I recollect, there is no provision that prosecutions require the prior consent of the Attorney-General.

Mr. ISAACS.—That is so.

Mr. McCAY.—I do not know whether the Attorney-General proposes to introduce such a provision. The English Bill provides that no prosecution shall be instituted in England without the consent of the Attorney-General or Solicitor-General, or in Ireland without the consent of the Attorney-General or Solicitor-General for Ireland.

Mr. ISAACS.—I suppose that the honorable and learned member knows that the Lord Chancellor, against his better judg-

ment, had to agree to this form, so as to get some sort of a Bill passed?

Mr. McCAY.—I could quote from the debate in the House of Lords on the measure of 1903.

Mr. ISAACS.—There are much later debates.

Mr. McCAY.—The interpretation clause assumes much greater importance in this measure than it does in any of the measures introduced in England, because our measure is wider in its terms, making it all the more necessary to scan the definition clause with great care. Under the English Bill, apart from the use of the word "corruptly," the provisions are not nearly so drastic as are those of our Bill. Then the English Bill provides that the act must be a corrupt act, and, thirdly, that no prosecution may be proceeded with under the measure, unless with the consent of the Attorney-General. All these limitations make the definition clause of much less importance than in the Bill now under discussion. The Attorney-General interjected a moment or two ago that the English Bill had to be modified, in order to have some chance of passing, and I want to draw attention to the significance of that statement in another respect than that in which the honorable and learned gentleman views it. If the speeches of such men as Lord Russell of Killowen are to be credited—and I am sure everybody will give full faith to them—the mischief is much more rampant in England than in Australia. The report of the special Committee on Secret Commissions of the London Chamber of Commerce shows that the evil is much greater in England than it is shown to be in Australia, even by the evidence disclosed before the Butter Commission.

Mr. BROWN.—It is growing here.

Mr. McCAY.—Yes, and it should be stopped. There is no honorable member in the Chamber who has more sympathy than I have with the desire to suppress secret commissions. We must be careful that, in carrying out that desirable object, we do not interfere with legitimate business. We know that capable as the English language is of expressing the finest shades of meaning, the mischief that results very often from Bills of this kind is that legitimate business is hampered quite unintentionally on the part of the Legislature by their provisions being read in a way that was not anticipated. Any Legislature dealing with matters of this kind is on the horns of a very

difficult dilemma. One of these horns is that if it be careful not to interfere with legitimate trade, the illegitimate trader often succeeds, in escaping through the meshes of the net. On the other hand, if the meshes are made so close as to insure the catching of the illegitimate trader, the legitimate trader may also be caught. That makes it absolutely necessary that such a measure as this should receive the careful scrutiny of honorable members, and particularly of those who have a knowledge in their business life of the difficulties of the situation. This Bill is absolutely unlimited in its prohibitions. It must be admitted that the Attorney-General, in framing it, has covered every conceivable form of misdoing in this particular connexion. I am afraid, however, that a great many innocent fish, as well as the sharks of commerce that he desires to catch, will be caught in his net.

Mr. ISAACS.—I do not think so, but shall be glad to hear how it is likely to have that effect.

Mr. McCAY.—I am confined at present to clause 3, but am sure that that will be the effect of the Bill. I should like to remind the Attorney-General that even Lord Russell, a most bitter opponent of all kinds of secret commissions, felt himself compelled to recognise the fact that a measure dealing with these matters must be limited. Take, for example, the use of the word "corruptly." The Attorney-General has quoted an extract from a case in which it was practically said that the word "corruptly" has no definite meaning.

Mr. WATSON.—I fail to see how we could consider the question of inserting the word "corrupt" in this clause.

Mr. McCAY.—I do not say that we could. We cannot define the word. The reason for not defining it has been well explained by Lord Russell of Killowen, and also, I think, by Lord Alverstone, the present Lord Chief Justice of England. The point is that if we did attempt to define the word just as if we tried to define the word "fraud," the rascal would find a way of avoiding the definition. We have therefore to leave it to the jury to say whether a particular transaction is corrupt or fraudulent. In view of the fact that the limitations, both on the offence and on the prosecution for the offence, which exist in the English measure do not exist in that now before us, the proviso inserted in the earlier English measures, although it has been omitted from the measure of

the present year, should be inserted in this Bill. I refer to the proviso—

Provided always that the following things shall not be deemed to be valuable consideration within the meaning of this Act, that is to say—

- (a) A *vale* or gratuity *bond fide* given as such by a guest to the servant of his host.

Mr. ISAACS.—That could not come very well within this Bill.

Mr. McCAY.—The proviso continues—

- (c) Meat or drink or accommodation reasonably and *bond fide* given by way of hospitality only.

I do not pit my own opinion against that of the Attorney-General or of the honorable member for Bland. I merely say that it was thought necessary to insert this proviso, although the definition of the offence in the measure in question was not nearly so wide as is the definition of the offence in the Bill before us.

Mr. WATSON.—What about sub-clause 2 of clause 4?

Mr. McCAY.—That is neither a definition nor a governing clause.

The CHAIRMAN.—Order! The honorable member cannot discuss every clause in the Bill in order to show that a certain provision should be inserted in the definition clause.

Mr. McCAY.—With all respect to you, sir, if I wish to show that the definition of the word "Consideration" in clause 3 should be limited, surely I am entitled to prove that under other clauses certain innocent acts would become guilty ones, because the definition was incomplete.

Mr. WATSON.—There is no chance of that occurring, in view of the provisions of sub-clause 2 of clause 4.

Mr. McCAY.—That could not prevent such a state of affairs from existing, because it is neither a definition nor a governing clause. It does not follow that a gift shall not be deemed to be given as an inducement or reward on any other contingency.

Mr. WATSON.—That is the evident intention of the sub-clause.

Mr. McCAY.—The intention is to prevent it being said that it is not given as an inducement because of this contingency. A measure similar to this has just passed through the Legislative Assembly of Victoria; but, although the member who had charge of it was just as enthusiastic as is the Attorney-General in his desire to repress improper practices, he found it neces-

sary to make exceptions in the interpretation clause to the definition of "Consideration." Under the Bill as it stands, I am afraid that it might be construed an offence to give a steward half-a-crown for taking one's luggage ashore, since that might cause him to give one a preference over another passenger.

Mr. WATSON.—The offence must be an act to the detriment of the employer.

Mr. McCAY.—The Bill does not say so.

Mr. WATSON.—That is the underlying idea.

Mr. McCAY.—The Judges, in interpreting the measure, will not ask what the honorable member's ideas in regard to it were.

Mr. WATSON.—The Bill is sufficiently explicit to make that unnecessary.

Mr. McCAY.—The Bill will have the meaning which the Court ascribes to its provisions, and no other meaning. If it be necessary to analyze the words "Consideration" and "Agent" to see whether a person charged has committed an offence under the measure, the Court will do so, and determine their application to the circumstances. The definition of "Agent" covers more than the common law definition.

Mr. WEBSTER.—Quite right, too.

Mr. McCAY.—I do not find fault with the Bill on that account, but the fact makes it desirable to consider whether the definition is not too wide. I think that we should not be asked at half-past 11 o'clock at night to consider a measure as to the verbiage of which we are entitled to exercise the keenest scrutiny and criticism, although we may approve of its underlying principle, and to a great extent of the application of that principle.

Mr. WEBSTER.—To what part of the verbiage of this clause does the honorable and learned member object?

Mr. McCAY.—I think that we should except from the definition of "Consideration" what I might call customary gratuities for personal services.

Mr. WEBSTER.—Would the honorable and learned member include in those terms a gift of turkeys at Christmas?

Mr. McCAY.—No. I think that if a man sends turkeys to another man's agent at Christmas-time he is not prompted purely by benevolent feelings induced by the season of the year. I would, however, call the giving of a shilling to a railway porter a customary gratuity.

Mr. HUTCHISON.—He would never regard it as a valuable consideration.

Mr. ISAACS.—Would such an act come within the scope of the Bill?

Mr. McCAY.—I think so, if a traveller were going from one State to another. If the Attorney-General says that he proposes to insert the word "corruptly"—

Mr. ISAACS.—I do not.

Mr. McCAY.—If he knows better than the lawyers in the House of Lords—

Mr. ISAACS.—I do not say that either.

Mr. HUTCHISON.—Laymen know more about some things.

Mr. McCAY.—Lord Russell of Killowen, to whom I have referred once or twice, had a more intimate knowledge of the variety of forms which this mischief can take than any layman could have, and was the keenest enemy to it that ever existed.

Mr. WATSON.—On a point of order, I would ask whether the honorable and learned member is in order in discussing upon this clause the question whether the word "corruptly" should be inserted elsewhere in the Bill?

The CHAIRMAN.—The honorable and learned member has indicated four times that certain words should be inserted, and he gives as a reason that the word "corruptly" is absent from another part of the Bill. He states, further, that if the Attorney-General were prepared to accept the word "corruptly" he would not proceed with his amendment. He is therefore in order.

Mr. McCAY.—I move—

That after the word "capacity," line 23, the following words be inserted:—

"Provided always that the following things shall not be deemed to be consideration within the meaning of this Act, that is to say:—

- (a) A *vail* or gratuity *bond fide* given as such by a guest to the servant of his host;
- (b) a gratuity *bond fide* given as such to a domestic servant or porter for a legitimate service rendered, or to be rendered to the donor, in conformity with the scope of the servant's or porter's employment by his master;
- (c) meat or drink or accommodation reasonably and *bond fide* given by way of hospitality only."

I think these exemptions would prevent the possibility of black-mailing and malicious prosecutions. Under the Bill as it stands it would be possible for certain men engaged in business to use its provisions as a means of injuring their rivals. I am sorry that the Attorney-General will not accept

the amendment, because it seems to me that it would clear the air. He says that these matters would not come within the scope of the Bill.

Mr. ISAACS.—Most of them would not.

Mr. McCAY.—The Attorney-General will at least admit that an honest difference of opinion may exist on that point. I would not for one moment pretend that my opinion is as valuable as his, but other persons whose opinions are valuable take the same view that I do. The distinguished lawyers who inserted these exemptions in the earlier measures took the view that I am putting to the Committee. The exemptions I have mentioned are matters as to which the possibility of prosecution or punishment should not exist. If any of these matters do come within the scope of the measure it is proper to exempt them. If, on the other hand, they do not, we shall, at the very worst, merely be providing for the exemption of certain gratuities which are not contemplated under the provisions of the Bill. Where a difference of opinion exists as to whether certain matters come within the scope of the measure, it is fitting that we should specifically set forth any exceptions.

Mr. ISAACS (Indi—Attorney-General).—I recognise the importance of the questions raised by the honorable and learned member for Corinella, but I have considered this matter for a considerable time, and I can tell the Committee at once why I think the suggestions ought not to be accepted. In the first place, the English Bill, in which those exceptions are found, was the original Bill of Lord Russell of Killowen.

Mr. McCAY.—I corrected myself, and said that.

Mr. ISAACS.—Those exceptions have now lost any importance they had. They do not find a place in the recent Bills, so that in rejecting them we are not running counter to the fully considered opinions of the distinguished lawyers of the House of Lords.

Mr. KELLY.—What about the word "corrupt"?

Mr. ISAACS.—I am not going to consent to the word "corrupt" at all, and when we come to deal with that I will explain why. But whether we put in the word "corrupt" or not, the definition ought to be the same. I point out an additional reason why these two or three suggested amendments ought not to be made in the

Bill. In the first place, a "gratuity *bonâ fide* given, such as by a guest to the servant of his host," would hardly come within the scope of a Federal Act, which only deals with foreign and Inter-State commerce. It is for the State Legislature to deal with such matters, or it would apply in England, where Parliament legislates for all sorts of secret commissions, both within the realm and outside. But we as a Federation have no power to deal with those things at all. And when I say that they would not come within the scope of the Bill, I mean that the acts complained of would not come within the scope of the Bill. There is no room for such an exception at all. The next exception mentioned—a gratuity given to a domestic servant or porter—seems to me to be purely a State matter. It does not relate to Inter-State commerce. The last one, "meat, drink, or accommodation reasonably and *bonâ fide* given by way of hospitality," would not apply, I think, in ninety-nine cases out of a hundred, to a case within the scope of our Bill. The only way in which it could apply might be in the case of a merchant in one State having dealings with a person in another State. If that hospitality is given to some manager for the purpose of securing transactions with that particular merchant, I am not so sure that it is a proper thing to allow. The requisite safeguard is provided for, as I have pointed out, in my humble opinion, by the other portion of the Bill, which exempts from any criminal act or any improper act any consideration unless it is likely to influence the agent to do or leave undone something in the way of his duty. But it seems to me that if the gratuity is, for instance, a case of champagne, something that is likely to cause the agent to act contrary to his duty, it ought to be prohibited; but if it is not, it does not come within the scope of the Bill at all. Therefore, without taking up the time of the Committee with these suggestions any further, I do not think that they ought to be adopted. I should like to add that it is a very strong argument in my favour that the most recent English Bill makes no exception at all in the question of consideration; and I do not think that in this case we are in any way running counter to the best and most fully considered opinions of the greatest lawyers in England.

Mr. WATSON (Bland).—It seems to me that, apart from the reasons given by the Attorney-General, there is no necessity for

the exceptions suggested by the honorable and learned member for Corinella, because the purpose of the Bill, as I understand it, is not to prohibit secret commissions or tips, but to provide that these secret commissions or tips shall not be given to the detriment of the employer. That is to say, the agent, in receiving them, must, to commit an offence, be acting detrimentally to the interests of his principal, or acting in such a way as is likely to influence him to the detriment of his principal.

Mr. McCAY.—If it is likely to do any harm, but never does any, it is an offence.

Mr. WATSON.—If it is done with that intention it is an offence. But I read sub-clause 2 of clause 4 differently from the honorable and learned member. Though I cannot pit my layman's judgment against his legal knowledge, as I take it, that sub-clause will, by implication at least, carry the meaning that it must be shown that there is an intention to act detrimentally, or a possibility of the act that is committed being detrimental, to the principal before an offence is committed. I am quite prepared to take any step that would make sub-clause 2 of clause 4 more emphatic, if necessary; but, in view of the reading that I feel constrained to put upon that provision, I do not see that there is any necessity for the suggestion now put forward.

Mr. WEBSTER (Gwydir).—I really do not see any reason why the amendment of the honorable and learned member for Corinella should be adopted. I cannot recognise any difference between a railway or a hotel porter receiving tips, and other men receiving commissions to grant advantages to which other people are not entitled. One of the curses of our civilization in connexion with modern commercial transactions is the system of tipping. The nimble "bob" that is paid to a porter secures to the person who can afford to pay the tip advantages that a more humble person who cannot afford it is deprived of. When a person pays for his sleeping berth on a train, the payment should be enough to secure him all the advantages that, as a traveller, he has a right to receive; but my experience is that the man who can pay the highest tip gets more advantages than does the humble person who cannot afford to be so lavish with his money. I do not know whether the Bill will apply to that degree, but I shall be very glad if it does. The right honorable member for Swan has used the term "generous treatment." No doubt

tipping is generous treatment, but, in my opinion, it is absolutely wrong. I believe that men should be paid a fair wage for what they do. If they are not receiving fair wages, they should receive higher. But poverty-stricken persons should not be victimized simply because their purse does not allow them to pay as much as people who are better off. I should like to know whether there is any possibility of making this Bill apply to land agents.

Mr. ISAACS.—It will apply only to foreign and inter-State commerce, Commonwealth Departments, and contracts. Any internal matter is the subject of State jurisdiction.

Mr. WEBSTER.—It is, of course, important that we should deal with corruption in commerce, but that is not nearly so important as is the matter which is now being investigated in New South Wales. I very much regret that, in the opinion of the Attorney-General, we cannot constitutionally deal with that matter. If such a law as this could be applied in such cases it would be of great advantage to the public. I disagree with the amendment, because I wish that this Bill, if possible, should strike a death-blow at the pernicious system of tipping. It is not uncommon on our railways to find commercial travellers, who have adopted the practice of tipping conductors, given certain advantages, and permitted to take their luggage in carriages occupied by passengers, when it should be taken in the luggage-van.

Amendment negatived.

Mr. McCAY (Corinella).—Does not the Attorney-General think that the definition of "Full knowledge" is too stringent, in view of the use of the expression in clause 4? I would ask the honorable and learned gentleman also whether he thinks the words "or desires" should be included in the definition of "Principal"?

Mr. ISAACS.—I will consider these matters. The amendment of the definition of "Full knowledge," already suggested, would only make the clause more stringent.

Mr. McCAY.—I do not agree with that amendment. The Attorney-General might consent to consider the question of the re-committal of the Bill, if good reason for it is shown.

Mr. ISAACS (Indi—Attorney-General).—I cannot make any promise about a re-committal. With regard to the definition

of "Full knowledge," I have considered that so fully that I do not think it would be fair to say that there is any probability of my altering the definition here proposed. In regard to the use of the words "or desires" in the definition of "principal," I have not given that the same full consideration, and I shall look into it.

Clause agreed to.

Progress reported.

SPECIAL ADJOURNMENT.

Motion (by Mr. DEAKIN) agreed to—

That the House at its rising adjourn until Tuesday next, at half-past two o'clock, or such time thereafter as the Speaker may take the chair.

ADJOURNMENT.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I move—

That the House do now adjourn.

On Tuesday we propose to resume the consideration of the Secret Commissions Bill.

Question resolved in the affirmative.

House adjourned at 11.55 p.m.

House of Representatives.

Tuesday, 10 October, 1905.

Mr. SPEAKER took the chair at 2.45 p.m., and read prayers.

PETITION.

Mr. KNOX presented a petition from the Women's Christian Temperance Union of Victoria, praying for the enactment of legislation to prohibit the importation of opium, except for medicinal purposes, into the Commonwealth.

Petition received and read.

SOUTH AUSTRALIAN DEFENCES.

Sir LANGDON BONYTHON.—I wish to know from the Minister representing the Minister of Defence if the Government, now that they have provided efficient artillery for Sydney and Fremantle, will see that the guns at Largs Bay and Glanville, South Australia, are equal to all requirements?

Mr. EWING.—The whole question will be taken into consideration, and I am

satisfied that the honorable member will find that the defence of South Australia will not be made secondary to that of any other part of the Commonwealth.

IMMIGRATION.

Mr. CHANTER.—Has the Prime Minister received any further cablegrams from General Booth respecting his immigration scheme?

Mr. DEAKIN.—No.

Mr. CROUCH.—That is, other than those which have been published in the press?

Mr. DEAKIN.—No communications other than those already published have been received.

TEMPORARY LETTER-CARRIERS.

Mr. CARPENTER asked the Postmaster-General, *upon notice*—

1. Is it correct, as reported, that temporary letter-carriers are being employed at Fremantle at less than the minimum salary?

2. If so, at what rates are they being paid?

Mr. AUSTIN CHAPMAN.—The answers to the honorable member's questions are as follow:—

1. The Deputy-Postmaster General, Perth, reports that temporary letter-carriers, in the ordinary acceptance of the term, are not employed at Fremantle, but that two senior telegraph messengers, each of whom is being recommended for promotion as assistant, have been assisting in working off leave of absence, and also during the illness of permanent letter-carriers, thus qualifying for promotion.

2. See answer to No. 1.

DEFENCE OF FREMANTLE.

Mr. KELLY asked the Minister representing the Minister of Defence, *upon notice*—

Whether he has yet received any report from his advisers on the question of what guns should be mounted at North Fremantle fort; and, if so, will he lay the same on the table of the House?

Mr. EWING.—I am informed that the Minister has received a report, and I hope to be able within, perhaps, a week to inform the honorable member what action is to be taken, and to lay the papers on the table of the House.

PERSONAL EXPLANATION.

Mr. CROUCH (Corio).—In the debate which took place last Thursday afternoon, on my motion for the appointment of a Select Committee to report upon the Defence Regulations, the Vice-President of the Executive Council made certain state-

ments in regard to which I desire to be given an opportunity to make an explanation to the House. At the time, I did not regard them as serious, nor did I think that honorable members were taking the Minister seriously, because he has a way of bluffing, and treats all serious matters which come before him in a cynical and trifling manner. But, before making my explanation, I shall read the report of that part of the debate to which I wish to refer which was published on Friday last in a metropolitan journal, which at the present time is going in for the publication of sensational literature of all sorts—tales about "Thunderbolt" and the like. This is the sort of report which appears in that paper. The Vice-President of the Executive Council is reported to have said—

Now we come to Gunner Watt's case. Gunner Watt was an intelligent man, apparently, who desired to go up for examination, and a regulation provided that a board should be constituted to deal with such applications. It was stated that no poor man—no man without aristocratic influence—could get justice from Senator Playford.

Mr. HUTCHISON (S.A.) — Whoever said that?

Mr. EWING.—Mr. Crouch said that.

As a matter of fact, I desire to state that on no occasion have I said that no man could get justice from Senator Playford—and there is no report of such a statement having been made by me, either in *Hansard* or anywhere else. The newspaper report continues—

What were the facts? Immediately the Ministry was formed Mr. Crouch spoke to him (Mr. Ewing) with regard to Watt. The view he (Mr. Ewing) took was that any man, no matter what his position might be, was entitled to go up for examination. He told Mr. Crouch to consult the Minister of Defence. Mr. Crouch did so.

Mr. Crouch.—Excuse me; I never consulted Senator Playford.

As a matter of fact I did not.

Mr. EWING.—I don't like to say it, but I can give the House Senator Playford's assurance that the honorable member did consult him.

Then the newspaper prints the word "sensational."

Mr. CARPENTER.—That is where the "Thunderbolt" business come in.

Mr. CROUCH.—Yes. This journal is evidently trying to raise its tone up to that of its readers—

I have further knowledge about this matter which I won't mention. ("Oh, oh!")

Mr. CROUCH.—You told me that Senator Playford said the man could go up, but I was on no account to say so. The official answer was different. (Sensation.)

Mr. EWING.—Mr. Crouch's position appeared to be somewhat remarkable in the circumstances. Within 24 hours it was decided that Watt was to go up for examination, and Senator Playford had jumped on the board system and put an end to its existence.

Mr. J. COOK.—If he put his tiny foot on it he would squash it. (Laughter.)

Might I say that in this paper everything which comes from the Opposition is greeted either with "loud laughter" or "great cheers"?

Mr. SPEAKER.—What is the honorable and learned member explaining? He rose to make a personal explanation.

Mr. CROUCH.—I am going to explain that the statements published in this paper are incorrect, and to show that its comments on the remarks of the Vice-President of the Executive Council, so far as they refer to me, do me a great injustice.

Mr. EWING.—He issued a direction that under no conditions should boards be appointed again. But—

This is what I strongly object to—

Mr. Crouch left the House under the impression that Watt could not go up for examination. That was not fair to the Minister nor to the House. (Hear, hear.)

Mr. J. COOK.—Does the Minister say that justice has been done?

Mr. EWING.—Yes. I cannot conceive how Mr. Crouch could make these statements knowing what he did. (Hear, hear.)

Mr. CROUCH.—Your statements are grossly inaccurate, and you know it.

The paper goes on to say that I made a number of base charges which were groundless. I wish, therefore, to tell honorable members what the facts are, and to show them that the statements which I have read misrepresent them. On the 27th July last I asked the Vice-President of the Executive Council, upon notice, three questions, which are reported in *Hansard*, at page 215. The first of these questions is as follows:—

Whether Bombadier B. Watts, of the Permanent Forces, who has had service in South Africa, was refused permission to present himself for examination for a commission?

To that the Minister replied—

Yes. On notice being given in February last of intention to hold an examination for first appointment to a commission in the R.A.A., Bombardier (now Corporal) B. Watts, R.A.A., Victoria, submitted his name as a candidate. As, however, the application was not recommended, either by the special military board appointed by the Commandant, Commonwealth Military Forces of New South Wales, under paragraph 15 of part 3 of the Military Regulations, or by the Commandant of New South Wales (in whose command Corporal Watts was temporarily serving

while attending the School of Gunnery, Sydney), or by the Commandant, Victoria, to whose district he belongs, his application was not approved.

Then I asked—

Does not Bombardier Watts come under the preferential conditions of section 11 of the Defence Act?

That is a section which refers to the right of a ranker to go up for examination for a commission. The Minister's reply was as follows:—

In view of the foregoing, it was not considered that Corporal Watts' application came within the conditions of preference laid down by section 2 of the Defence Act.

The third question asked if the Minister would be willing to place all papers connected with the case in the Library, to which the reply was "Yes." It will be seen, therefore, that I was officially informed that Watts did not come under the terms of preference, and had not a right to go up for examination; but the Vice-President of the Executive Council was good enough to come to me a minute afterwards, with a note or two scrawled on an envelope—I do not know in whose writing—to tell me, to use his own words, "The old man," referring to the Minister of Defence, "is going to let Watts go up. But," he added, "you must not on any account say anything about this."

Mr. SYDNEY SMITH.—Then why did the honorable and learned member say anything about it?

Mr. CROUCH.—The Minister has referred to it publicly since. It has been made to appear that I deliberately attempted to suppress information which was given to me under such a pledge of secrecy that I could not make use of it. I thought it was only fair that Watts should have a chance to prepare for his examination if he intended to submit himself, and the next day I asked the Vice-President of the Executive Council if he had any objection to my telling him that he would be permitted to proceed. He said that he did not think there would be any objection, and I thereupon wrote to Watts, telling him that he would be allowed to pursue his studies, and go up for the next examination. I would ask honorable members whether under these circumstances it would have been fair on my part to tell the House that Watts was to be permitted to submit himself for examination? I was not concerned only about Watts as an individual, but was fighting for a principle, and I should not have been satisfied unless the Minister had

agreed that every man in a similar position should be permitted to qualify himself for a commission. Watts wrote to me in reply stating that he would require three months within which to prepare for examination, because his studies had been interrupted by the previous Minister. I then wrote to the Minister of Defence stating that I had been informed that Watts was to be allowed to submit himself for examination, and expressing the hope that three months' notice would be given to him in order that he might prepare himself by study. I could not understand the statement made by the Vice-President of the Executive Council that I had received information from the Minister of Defence with regard to Watts' case. I make no imputation against the Minister of Defence, because I think I have been able to satisfy him that I have had only two interviews with him, the subjects of which were quite apart from the case now under discussion. I would also point out that I received a letter from Watts this morning, in which he states that the first official notification he received from the Defence Department that he would be permitted to submit himself for examination came to hand last Friday—the day after the speech delivered by the Vice-President of the Executive Council upon my motion. Prior to that he had received no communication beyond my letter. Yet, in the face of this fact, the Vice-President of the Executive Council made the very serious statement that I had left the House under the impression that Watts would not be permitted to submit himself for examination. The present position has been brought about by the extreme care exercised by me with regard to a private statement made under a pledge of secrecy, and I think that the Vice-President of the Executive Council—

Mr. SPEAKER.—Perhaps I had better direct the attention of the honorable and learned member to the standing order relating to personal explanations. Standing order 260 reads—

A member who has spoken to a question—
Of course the honorable member spoke to this question when moving the motion which originated it.

may again be heard to explain himself in regard to some material part of his speech, which has been misquoted or misunderstood, but shall not introduce any new matter or interrupt any member in possession of the chair, and no debatable matter shall be brought forward or debate arise upon such explanation.

I have listened to the honorable and learned member for some time, and it does not appear to me that he has explained any matter in his own speech, which has been misquoted or misunderstood. He is criticising a speech delivered by the Vice-President of the Executive Council. Therefore, I do not think he is in order in proceeding upon the lines he has so far followed. If, however, he has practically concluded his explanation, and will speedily bring it to a close, I would not strictly enforce the Standing Orders against him.

Mr. CROUCH.—Is that, sir, the only standing order referring to personal explanations?

Mr. SPEAKER.—No. Standing order 258 reads—

By the indulgence of the House a member may explain matters of a personal nature, although there be no question before the House, but such matters may not be debated:

In this case the whole matter is before the House, and has been the subject of debate. I could not, therefore, allow it to be referred to by way of anticipation of further debate. The honorable and learned member can proceed only under standing order 260.

Mr. CROUCH.—I desire to refer to a misapprehension in the mind of the Vice-President of the Executive Council with regard to what I stated and proposed to do.

Mr. SPEAKER.—Has the honorable member practically concluded?

Mr. CROUCH.—No; I am about to enter upon a new branch of the subject.

Mr. SPEAKER.—Then I should not be justified in regarding the honorable and learned member's remarks as within the standing order.

Mr. CROUCH.—Perhaps you would inform me, Mr. Speaker, whether standing order 260 would not apply to the explanation which I am about to make. The standing order reads—

A member who has spoken to a question—
That is my case—

may again be heard to explain himself—

That is what I desire to do—

in regard to some material part of a speech—

It is very material—

which has been misquoted or misunderstood.

I contend that this newspaper—it may be only a vile "sensational" of which it is unnecessary to take any notice, but it has a

certain small circulation; I am referring to the *Argus*—says that I have made baseless charges which are, in themselves, base. That is a reference to a material part of my speech. I do not propose to introduce any new matter. I stated certain things about a man named Webb. I said that he had been treated very unjustly, almost mercilessly, and had been punished. I am sorry that I cannot quote the Minister's speech—I thought I should have been within my rights in doing so.

Mr. SPEAKER.—I would direct the attention of the honorable and learned member to the fact that he has the undoubted right to canvass all the Minister's statements in his speech in reply, but not on this occasion. That may be done only when the honorable and learned member is replying at the close of the debate, and I cannot permit him to proceed further upon the lines he is now following. I would suggest that he should permit the matter to stand over until he is entitled to close the debate.

Mr. CROUCH.—I should be only too glad to avail myself of that opportunity, but I am assured that it is the intention of the Government, and some of their supporters in the Opposition, to talk out my motion, and thus deprive me of an opportunity to make a reply.

Mr. DEAKIN.—I have heard nothing about it.

Mr. CROUCH.—All I can say is that if any such course is adopted, I shall take another opportunity of bringing the matter before the House, and will see that a Committee of the whole House considers the question.

Mr. EWING (Richmond—Vice-President of the Executive Council).—I desire, by way of explanation, to assure the honorable and learned member that it has never been a pleasure to me—nor could it be—to humiliate any honorable member. He has contended that he knew of a certain thing confidentially, and therefore did not know it. I am inclined to think that honorable members will see no difference between the confidential and full knowledge of the matter, except so far as the use of the information is concerned. The honorable and learned member a week or two ago informed the House that he did not know that the Minister of Defence had remedied Watts' grievance, and that Watts had the right to present himself for examination.

He said that he did not know that the regulations which were said to preclude a ranker from becoming an officer had been dealt with—and dealt with satisfactorily—by Senator Playford.

Mr. CROUCH.—Where does the Minister find that statement? It does not appear in *Hansard*.

Mr. EWING.—The honorable and learned member knows that he made that statement, and it is upon record in *Hansard*. When he assured the House that a Select Committee was required to inquire into Defence regulations, partly because Senator Playford had not dealt fairly with the case of Corporal Watts, I informed the House, not only that the Minister had remedied the matter, but that he had communicated that circumstance to the honorable and learned member. That fact is the only one at issue between us. I reiterate that I told the honorable and learned member that any information which came from the Defence Department must come through the Minister, and that consequently he must see Senator Playford himself. He did so, and Senator Playford informed the honorable and learned member that he had remedied Watts' grievance. The honorable and learned member then informed Corporal Watts. Furthermore, in the records of the Department, there is a letter from the honorable and learned member, which was written weeks before he made his speech in this House, and in which he virtually thanks the Minister for the action he had taken.

Mr. CROUCH.—Not at all. Produce the letter.

Mr. EWING.—I will produce it.

Mr. CROUCH.—As a matter of personal explanation, I desire to say that my utterances have been misquoted. The Minister affirms that I made a certain statement, and that it appears in *Hansard*.

Mr. SPEAKER.—I really cannot allow this matter to proceed further. The discussion is degenerating into a debate between two honorable members—a debate in which the rest of the House has no part.

Mr. CROUCH.—May I ask your ruling, sir? The Minister has asserted that I made a certain statement. I desire to show that I did not say what has been attributed to me, and that he has misquoted my utterances. Am I to understand that I am not allowed to do that?

Mr. SPEAKER.—Under the terms of the standing order to which I previously directed attention, I certainly cannot permit this discussion to proceed any further.

SECRET COMMISSIONS BILL.

In Committee (Consideration resumed from 5th October, *vide* page 3273):

Clause 4—

(1) Any person who, without the full knowledge and consent of the principal, directly or indirectly—

- (a) being an agent, accepts or obtains or agrees or offers to accept or obtain from any person for himself or for any person other than the principal; or
- (b) gives or agrees to give or offers to an agent or to any person at the request of an agent

any gift or consideration as an inducement or reward—

- (i.) for any act done or to be done, or any forbearance observed or to be observed, or any favour or disfavour shown or to be shown, in relation to the principal's affairs or business, or on the principal's behalf; or
- (ii.) for obtaining or having obtained or aiding or having aided to obtain for any person an agency or contract for or with the principal

shall be guilty of an indictable offence.

Penalty: In the case of a corporation, Five hundred pounds; in the case of any other person, two years' imprisonment or Five hundred pounds, or both.

(2) A gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation thereof would be in any way likely to influence the agent to do or to leave undone something contrary to his duty.

Mr. GLYNN (Angas).—I desire to remind honorable members of what is really being done under the provisions of this Bill. When the Attorney-General was moving its second reading, it struck me that he really advanced no strong reason why we should pass the measure at all. There is no occasion for this Parliament to interfere in the matter of these secret commissions. I believe that the Victorian Legislature has already passed a Bill dealing with the subject, and I believe that the Attorney-General has taken his cue from its action.

Mr. ISAACS.—Not at all. We had this matter under consideration long before any such measure was announced.

Mr. GLYNN.—At any rate, the authorities and the speech of the honorable and learned member consisted chiefly of quotations from the report of the Butler Commission.

Mr. ISAACS.—That was a Federal Commission.

Mr. GLYNN.—But this Bill was brought forward because of the secret commissions, which were heard of more largely in Victoria than they were in any other State.

Mr. TUDOR.—They were heard of in other States also.

Mr. GLYNN.—I freely admit that commercial transactions at the present time seem to be very viciously affected by these secret commissions. I wish to show, however, that the arm of the law is quite long enough and strong enough to deal with them without making what is at present a civil matter, a criminal offence.

Mr. ISAACS.—That is a question which should be discussed upon the motion for the second reading of the Bill rather than in Committee.

Mr. GLYNN.—Clause 4 is really the operative provision of the Bill, and this matter was not debated upon the motion for its second reading. The leader of the Opposition said that he accepted the principle of the measure and did not discuss it. I merely wish to call attention to the fact that our powers under the trade and commerce sections of the Constitution are not so extensive as those responsible for some of the Bills which have been submitted for our consideration, appear to think. When the Commerce Bill was under consideration I quoted from *Prentice and Egan* on the commerce clause of the Constitution, with a view to showing that our control over goods which may be exported does not commence until those goods have entered the stream of commerce.

The CHAIRMAN.—I scarcely think that the honorable and learned member is confining himself strictly to a consideration of the clause. I noticed his observation in regard to the second reading of the measure.

Mr. GLYNN.—I do not wish to elaborate my point, because it has already been discussed in connexion with the Commerce Bill. I am merely reminding honorable members of certain observations which were then made, and which really go to the root of the validity of this clause. If my contention applies to the whole Bill it ought certainly to apply to an equal extent to a particular clause which constitutes its main provision. My argument is that we really have no power to pass such a clause as that with which we are now dealing.

I think the Attorney-General will admit that in America a certain form of commercial gambling in relation to future contracts which affect trade and commerce with foreign countries is not a matter of Federal jurisdiction under the trade and commerce clauses. But acting on the suggestion of the Chairman, I will not elaborate that point. There is not one of the evils against which this Bill is directed which cannot be dealt with by the present law.

Mr. CHANTER.—What law?

Mr. GLYNN.—The common law of England which applies equally in Australia. That law applies within the States, and it is part of my argument that this matter of secret commissions is really one with which the States should deal, because it follows from my primary observations that if, for example, we have no jurisdiction over manufactured articles, until they reach the stream of commerce, our powers are strictly limited. In a number of English cases, it has been laid down that if an agent receives a secret commission, not only can his principal recover that commission from him, but the agent, by accepting it, disentitles himself to any commission. In other words, the ordinary commission which the principal contracts to pay to an agent is not recoverable where a secret commission has been bargained for or accepted.

Mr. ISAACS.—Even that decision has been limited by later judgments.

Mr. GLYNN.—I speak subject to any correction which the Attorney-General can give me by reference to more recent cases. The decision to which I have referred has been affirmed time after time. It was affirmed in a leading case, which occurred in 1878, and from that time till 1905 there are a series of decisions in which it is laid down that an agent who has agreed to accept a secret commission renders himself liable to an action for damages for a breach of the law of agency—the implied contract to honestly discharge a duty to his principal—and that the party who promises to give such a commission, or who actually gives it, can also be made separately responsible in damages. Each of them may be sued, and in addition to their being liable to a joint or several action for damages, the agent may be called upon to pay to his principal the secret commission which he has received,

and is not entitled to recover for work and labour done.

Mr. CHANTER.—Who is authorized to sue?

Mr. GLYNN.—The principal.

Mr. CHANTER.—The Attorney-General holds a different opinion.

Mr. GLYNN.—There can be no question about the correctness of my statement of the law.

Mr. ISAACS.—I was referring more particularly to the last proposition—that the agent is disentitled to any commission for work and labour done. That has been modified by a later decision.

Mr. GLYNN.—I know the case to which the honorable and learned gentleman refers. In order to put the matter clearly before the Committee, I may perhaps be allowed to quote a decision given in 1900, which lays down the general principle, and then to quote the case which the Attorney-General probably has in mind. In the case of *Grant v. the Gold Exploration and Development Syndicate*, 1900, Q.B.D. 1, page 244, it was laid down that—

The case in this Court of the *Salford Corporation v. Lever* is a clear authority that where an agent, who has been bribed so to do, induces his principal to enter into a contract with a person who had paid the bribe, and the contract is disadvantageous to the principal, the principal has two distinct and cumulative remedies: he may recover from the agent the amount of the bribe which he has received, and he may also recover from the agent, and from the person who has paid the bribe, jointly or severally, damages for any loss which he has sustained by reason of entering into the contract without allowing any deduction in respect of what he has recovered from the agent under the former head, and it is immaterial whether the principal sues the agent or the third person first.

That confirms my statement that it is open to the principal to sue.

Mr. CHANTER.—In the Victorian Butter Commission cases, the farmers were the principals. How could they sue?

Mr. GLYNN.—The honorable member is opening up another matter. If they were prejudiced they could sue.

Mr. CHANTER.—I understood the honorable and learned member to say that they were entitled under the State law to sue.

Mr. GLYNN.—If the person who had received the secret commission were the agent of the farmer, the latter could sue, but if he were not, the farmer could not do so, because he could not say but that the money was received ostensibly by the agent, but really, as the law implies, for the principal. Under this clause we not

only give a civil remedy, but make the receiving of a secret commission a criminal offence. I object to that. In the case of *Andrews v. Ramsay and Co.*, 1903, K.B.D., 2, it was held that—

An agent to sell property who has sold the property, but received a secret profit from the purchaser, must not only account for that profit to his principal, but is not entitled to any commission from his principal.

I come now to the later decision, to which the Attorney-General was probably referring—the case of *Hippesley v. Kneee Brothers*, 1, K.B.D., 1905. In this case, which was decided in October, 1904, it was held that where a commission was so customary as to imply that knowledge of the payment existed, the principal must have known, from the extent of the custom, that such a payment had been made.

Mr. ISAACS.—That was not the point in that case. I think it was held that the agent was not disentitled to his commission because he had received a rebate in respect of money paid for printing.

Mr. GLYNN.—The principle laid down was that where it is a matter of knowledge amongst commercial men that discounts, rebates, or commissions are paid, no wrong is done by an agent in receiving a commission, and that the auctioneer in question, who had received a rebate on payments made for advertisements was not disentitled by virtue of that fact to his ordinary commission as an auctioneer.

Mr. ISAACS.—Because he did the work of an agent, irrespective of the advertising associated with it.

Mr. GLYNN.—But had it been a secret commission—

Mr. ISAACS.—It was.

Mr. GLYNN.—The Court held that it was not. It decided that the custom of granting rebates on moneys paid by agents in respect of advertisements was so generally acknowledged that there was implied knowledge on the part of the principal himself that such a rebate had been made. Under these circumstances the Court held that the auctioneer was entitled to sue for his ordinary commission, but must credit the rebate.

Mr. ISAACS.—But the Court assumed for the purpose of deciding the case referred to that the commission was a secret one.

Mr. GLYNN.—Does not the Attorney-General agree with me that it was decided that when rebates were generally made to agents it must be assumed that the principal

knew of that fact; that, as he possessed that knowledge, the auctioneer was entitled to sue for his commission for work and labour done, and that, therefore, the decision of 1903 which I have already quoted, did not apply, as it related clearly to a secret commission. If that be so, I contend that by this clause we are adding to sufficient civil remedies very strong penalties. We are proposing to make the receipt of a secret commission a criminal offence, punishable on indictment, although the matter is amply dealt with by the civil law of the States. Is it necessary to take that step? We must remember that, in this connexion, the Federal sphere is very limited, and that, probably, the legislation we are now passing will overlap the legislation of the States. It does not follow that the terms of this clause will be identical with those of the penal clauses of the States Acts. If that be so, we shall make confusion worse confounded. It seems to me that there is too much definition about the clause itself. The principal word in the clause—the word person—is not defined directly in the Bill, but under the Acts Interpretation Act it is declared to include a corporation as well as an individual. Under this clause we start off by providing that any “person” who, being an agent, does a certain thing, shall be subject to certain penalties, and the word “agent” is defined in the Bill as including “corporations.” We appear to be using a word that has already been defined by the Acts Interpretation Act to include “corporations” as somewhat distinct from “corporations.” It is a technical matter, but I call the attention of the draftsman to it, as the disregard of the definition given in the Acts Interpretation Act may possibly lead to confusion. The clause goes on to provide different penalties in the case of corporations from those to be imposed in the case of individuals—for a penalty of £500 in the case of a corporation, and for two years’ imprisonment in the case of any other person.

Mr. ISAACS. — That provision must be read with clause 10, which brings in every individual of a company who aids and abets in the committal of the offence, and makes him liable to the same penalty.

Mr. GLYNN.—I know that; but at the same time I regret that, having in the Acts Interpretation Act defined the word “person” to include a corporation, we do not by reference adopt that word instead of

defining it to include a corporation, and thus using the word as if it had not already been defined by that Act. It would be far better, and far more systematic, if we were to stick to the terminology which is therein prescribed.

Mr. ISAACS.—I do not quite follow the honorable and learned member about the definition of the word "person." Where is it used?

Mr. GLYNN.—It is used in the first line of clause 4, and although it is defined in the Acts Interpretation Act to include a corporation, still subsequent parts of the clause seem to draw a distinction between a person and a corporation.

Mr. ISAACS.—No; it recognises the Acts Interpretation Act.

Mr. GLYNN.—I do not think so. If the common law is ample to deal with the matter, if our jurisdiction is as limited as I have suggested, I do not see why we should immediately follow the example set by a State simply for the sake of doing something. Besides, the clause really does not deal with the corrupt tendering or reception of bribes, and therefore the honorable member for Kooyong has given notice of his intention to insert the word "corruptly" after the word "who."

Mr. DUGALD THOMSON.—That word is used in the Victorian Bill.

Mr. GLYNN.—That confirms my *prima facie* impression of the clause, that for some reason or other the word has been left out.

Mr. DUGALD THOMSON (North Sydney).—In his speech on the second reading of the Bill, the Attorney-General said, in reference to the clause—

It is useless to penalize an agent unless we say to the third person who is going to benefit by his secret action, "You shall suffer in like circumstances."

Apparently it does not make provision for a selling agent to be punished if his principal and he have combined in an endeavour to give bribes to the employé of a purchasing firm.

Mr. ISAACS.—Look at clause 10.

Mr. DUGALD THOMSON.—That relates only to the commission of an offence against the Act. It says—

Whoever aids abets counsels or procures or is in any way directly or indirectly concerned in or privy to—

(a) the commission of any offence against this Act;
shall be deemed to have committed the offence, and be punishable accordingly.

Clause 4 omits to make the offering of a bribe by a selling agent with the consent of his principal, an offence against the Act. Paragraph *a* deals with only the party who accepts a bribe; paragraph *b* deals with the party who gives or offers a bribe, but he is entirely free from the penalty for the commission of an offence against the Act if he offers the bribe with the consent of his principal. Is that right?

Mr. ISAACS.—If his principal consents, why should it not be right?

Mr. DUGALD THOMSON.—Ought persons to be allowed to offer bribes under a Bill in which we are trying to check that sort of evil?

Mr. ISAACS.—This is only intended to insure that he shall not injure his principal.

Mr. DUGALD THOMSON.—Suppose that a selling merchant has a traveller who, by his instruction, offers a bribe to the employé of a buying merchant?

Mr. ISAACS.—Then the merchant is hit under clause 10, which says that whoever aids or abets shall be punishable.

Mr. DUGALD THOMSON.—No, because it will not be an offence against the Act.

Mr. ISAACS.—The agent will be hit under clause 4, and the merchant under clause 10.

Mr. DUGALD THOMSON.—Can the honorable and learned gentleman show me where under clause 4 a selling agent will be hit if he offers a bribe with the consent of his principal?

Mr. ISAACS.—The honorable member has omitted to say that the principal must be the person whose agent accepts the bribe.

Mr. DUGALD THOMSON.—There is no "must" about the matter. If we wish we can make provision against persons offering bribes to the employés of those to whom they are trying to sell goods. What I claim is, that the Minister has not done so in the Bill as it stands. Is that an intentional omission?

Mr. ISAACS.—No; it is intended to be provided for.

Mr. DUGALD THOMSON.—I cannot discover where any provision is made in the Bill for the punishment of an act of that kind. The worst features in connexion with trading are the offering of bribes by selling principals and agents, worse almost than the acceptance of them. The degradation of trade, the injury of

honest traders is largely created in the first place by offers made by the agents of dishonest traders. This is the only clause which specifies the offences. Paragraph *a* refers entirely to a person who accepts or offers to accept a bribe. Paragraph *b* refers to a person who "gives or agrees to give or offers," that person may be the agent of the selling principal. But he escapes altogether if the act is done with the consent of his own principal.

Mr. ISAACS.—That is, the buying principal.

Mr. GLYNN.—Clause 10 may affect it; the aiding or abetting provision.

Mr. DUGALD THOMSON.—I do not think that even that affects it, unless an offence is created under the Bill; that is, if the selling agent has the consent of his principal it is not an offence. Clause 10 only refers to any one who—

aids, abets, counsels, or procures, or is in any way directly or indirectly knowingly concerned in or privy to the commission of any offence against this Act.

If the act committed is not an offence against the measure, I do not see how clause 10 affects the point at all. Unfortunately, it seems to me that the Bill will be of very little use, because it will not go far enough. Such cases as were disclosed before the Butter Commission will not be affected by this clause, because they are cases within a State, and they are not sales to merchants abroad.

Mr. ISAACS.—Do they not concern the export trade?

Mr. DUGALD THOMSON.—That does not matter. The sales must be to a party abroad, and not be to a party in a State, to be affected by this Bill.

Mr. ISAACS.—In the cases before the Butter Commission were there not agents for export?

Mr. DUGALD THOMSON.—There were agents for export, but the sales were within the markets of a State. I am sorry that the Bill will go a very short distance in the direction required.

Mr. ISAACS.—We cannot make it go any further than we are permitted to go.

Mr. DUGALD THOMSON.—We cannot remedy the law in that respect. The only effective way of dealing with the matter would be by means of State action; and only to the extent that this clause and this Bill shows the way for State action will it be beneficial. Because, as a

matter of fact, when people are distant, such offences are not indulged in largely. It is only in the transactions of business between those in close touch that these secret arrangements are usually made. They do not exist so much between State and State or between one country and another. They enter into the daily round of business; and our Bill unfortunately cannot reach such cases. That is not the fault of the Attorney-General. I regret it, but I think that if this clause is to reach any one it ought to reach those who encourage the sort of thing complained of.

Mr. ISAACS.—I agree with the honorable member.

Mr. LONSDALE (New England).—I rather favour the position taken up by the honorable and learned member for Angas. It appears that there is a dispute between him and the Attorney-General as to whether the common law can reach the cases that have been referred to, except the one specially mentioned, namely, the case of an auctioneer. If the Attorney-General is right in his contention we should make provision in the Bill for such cases. It is well known that where an auctioneer has a large business, and is continually advertising in the newspapers, rebates are given. In my opinion, it would be wrong to make such conduct criminal. Every one who has to do with auctioneers knows that the practice is pursued.

Mr. GLYNN.—It is made an offence under clause 9.

Mr. LONSDALE.—I do not think it ought to be regarded as an offence. As to the contention of the honorable member for North Sydney, I agree that this Bill does not reach the very cases that it ought to reach—for instance, cases where a principal permits his agent to approach an employé of another firm, and to give him consideration to pass on business to the agent's principal. The clause does not meet such cases at all; and if the Attorney-General desires to bring them in, an amendment should be made. With regard to the case of the printer, in which the Court of Queen's Bench decided that there was no secret commission, on the ground that a well-known custom in the trade was followed, I say at once that if a practice is a well-known custom of the trade, it should not be made an offence. It appears to me that we are putting upon our statute-book

a law which, to a large extent, is unnecessary.

Mr. ISAACS (Indi—Attorney-General).—I do not intend at the present moment to go into the use of the word "corruptly." I understand that the honorable member for Kooyong has an amendment to move, and I will deal with the point when it is before the Committee. But with regard to the position put by the honorable and learned member for Angas, of course, if we have not power to legislate on such subjects at all, that fact gets rid of the whole Bill. But the second reading has been passed, and I think it would be very wrong of us to sit down and acknowledge that we cannot cope with these evils. However, although we have got past that stage, I shall bear in mind what the honorable and learned member for Angas has said, and when we come to deal with the point, if any suggestion is offered or amendment proposed, I shall be very glad to go into the legal reasons that led me to adopt the clause in its present form. With regard to the case put by the honorable member for North Sydney, I understand it to be as follows:—A is a selling merchant, and X is his agent. B is a purchasing merchant, and Y is his agent. X goes to Y and offers to sell with the knowledge of A, but without the knowledge of B. I think that illustration hits the case exactly. Y is an agent; and if honorable members look at clause 4, they will see that it provides that—

Any person who, without the full knowledge and consent of the principal,

that means his own principal, because it must be read in co-relation with the word "agent"—

directly or indirectly being an agent—

he is an agent—

accepts or obtains or agrees or offers to accept or obtain from any person—

any gift or consideration and so on, is under liability for a penalty. The agent of the buying merchant, who, without knowledge of his principal, agrees to accept a bribe, will be hit by this clause.

Mr. DUGALD THOMSON.—That does not agree with the Attorney-General's explanation of the clause.

Mr. ISAACS.—I think it does agree with the explanation. However, let us go

step by step. The next sub-clause deals with any person who—

(b) gives or agrees to give, or offers to an agent, or to any person, at the request of an agent—

any gift, consideration, and so forth. The man may be the agent or the principal who offers, but if he goes to another man's agent and offers the latter a bribe, he is equally hit by the clause.

Mr. DUGALD THOMSON.—Not if he does so with the knowledge and consent of his principal.

Mr. ISAACS.—I cannot read the clause in any other way. When we talk of principal and agent in correlation, we mean the principal of the agent and the agent of the principal; otherwise the clause would not apply at all. If a man went to the agent of another and offered a bribe, the former could say he was the principal, and that, therefore, the offer was made with his consent.

Mr. DUGALD THOMSON.—The principal of X must be A.

Mr. ISAACS.—Yes; but the principal of Y is B; and if Y takes a bribe, he must take it with the consent of his principal. If the honorable member looks at sub-clause a he will see that it refers to an agent who accepts or offers to accept a bribe.

Mr. DUGALD THOMSON.—That is all right.

Mr. ISAACS.—That must be Y in the case I put; therefore Y is liable, unless he gets the consent of his own principal; and then, as the honorable member for Angas interjected, anybody who assists, aids, or abets, is hit by clause 10.

Mr. DUGALD THOMSON.—The agent is not liable if he acts with the consent of his principal.

Mr. ISAACS.—That means the principal of the agent to whom the bribe is offered.

Mr. DUGALD THOMSON.—No.

Mr. ISAACS.—I can assure the honorable member that that is the way I read the clause, and the way in which I think any other lawyer would read it.

Mr. DUGALD THOMSON.—There is no provision which touches the principal of the man who offers the bribe.

Mr. ISAACS.—There is every provision. The agent of A who offers a bribe is himself hit by clause 4, and the principal, if the bribe is offered with his consent or connivance, is hit by clause 10. I think it will be found that every case

suggested by the honorable member is met. I can assure the honorable member that I did not intend any cases of the kind to be unprovided for; but I shall have a careful scrutiny made of the words, and if I find any possibility of evasion, I shall have the verbiage altered.

Mr. G. B. EDWARDS (South Sydney).—In my opinion the clause provides for all the cases mentioned by the honorable member for North Sydney; but still I think it might be made clearer. So far as I can see, both the seller's agent and the buyer's agent are brought within the operation of the clause, although the language might be made more definite. The cases referred to by the honorable member for North Sydney are the worst features of commercial life. A merchant has to employ buyers in various branches of his business, and he is entirely in their hands. These buyers, above all others, are open to the wiles of the briber; and while I am inclined to think, with the honorable and learned member for Angas, that our field of operations is exceedingly limited, we ought to provide as far as possible against these known vices of commercial life. Before the Bill is finally reported, the Attorney-General may be able to advantageously alter the phraseology of the clause.

Mr. DUGALD THOMSON (North Sydney).—In spite of the arguments of the Attorney-General, I am inclined to think that the clause does not provide for the cases which have been suggested. In the first place, if we turn to clause 3, we find that the term "agent" includes any person "employed or acting or having been acting or desiring or intending to act for or on behalf of any other corporation, firm, or person," whether he acts in the name of his principal or in any other name. It is made clear that what is meant is the agent's principal, and not somebody else's principal. The Attorney-General, in moving the second reading of this Bill, spoke of an agent who, "without the full knowledge of his principal, directly or indirectly, accepts or offers to accept a bribe."

Mr. ISAACS.—That is what I say to-day.

Mr. DUGALD THOMSON.—Then the agent must be the agent of his principal, and the principal referred to in connexion with "agent" must be his principal, and his principal alone.

Mr. ISAACS.—Yes.

Mr. DUGALD THOMSON.—Therefore the selling agent, having the consent of his principal, is not guilty of an offence.

Mr. ISAACS.—Will the honorable member just stop there for one moment? Does this agent accept or offer to accept the gift? Is he the agent who accepts the gift?

Mr. DUGALD THOMSON.—No; I am pointing out that he is the agent who offers the gift.

Mr. ISAACS.—That is not what the sub-clause says.

Mr. DUGALD THOMSON.—That is what I am pointing out. The Attorney-General, in his second-reading speech, spoke of an agent who, "without the full knowledge of his principal, directly or indirectly accepts or offers to accept" a bribe. That is the only sensible reading of the clause. Who is the principal of the agent? The employer is the principal of the agent, and not another man; and, therefore, the agent could not be found guilty because of the want of knowledge of another man's principal.

Mr. ISAACS.—In sub-clause *a*, does "agent" refer to the buyer's agent or the seller's agent?

Mr. DUGALD THOMSON.—The buyer's agent; and that is evident from the remarks of the Attorney-General in his second-reading speech. The words "or obtains from any person for himself or for any person other than the principal," were, I understand, inserted to meet the case to which the Attorney-General referred to when he moved the second reading of the Bill. A man's wife, for instance, might be given a present.

Mr. ISAACS.—That is referred to in another part of my second-reading speech.

Mr. DUGALD THOMSON.—That is so; but the words deal with the same point. To my mind, sub-clause *a* certainly deals with the agent who is offered the bribe.

Mr. ISAACS.—The buyer's agent.

Mr. DUGALD THOMSON.—Yes, in practice.

Mr. ISAACS.—Who is his agent?

Mr. G. B. EDWARDS.—I take it that the sub-clause applies to both buyer's and seller's agents; and what more could we have?

Mr. ISAACS.—The sub-clause applies to any agent.

Mr. DUGALD THOMSON.—If the buyer's agent, without the full knowledge and consent of his principal, accepts a secret commission, he is to be held guilty,

but if he does so with the consent of his principal, giving the commission to the principal, as he should do as an employé of the principal, he is not to be held guilty?

Mr. ISAACS.—That is so.

Mr. DUGALD THOMSON.—Now, I take the other side: A seller's agent, a traveller, if honorable members please, offers a bribe to a buyer's agent—

Mr. ISAACS.—That is under paragraph *b*.

Mr. DUGALD THOMSON.—So I have said.

Mr. ISAACS.—I direct the attention of the honorable gentleman to the wording of the clause—

Any person who, without the full knowledge and consent of the principal, directly or indirectly—

(*b*) gives or agrees to give or offers to an agent or to any person at the request of an agent—

When the word "principal" is used here the honorable gentleman must see that the principal meant is the principal in co-relation to the agent.

Mr. DUGALD THOMSON.—I think I know what the honorable and learned gentleman means, and yet I do not think that sufficient provision is made under this clause for punishing a selling agent.

Mr. ISAACS.—There would, under paragraph *b*. He would be a person.

Mr. DUGALD THOMSON.—Then, if he is a person, the question arises as to who is the principal?

Mr. ISAACS.—We need not ask that question. He is the principal. He is the person who gives to the agent of a principal.

Mr. DUGALD THOMSON.—It might be twisted into the clause, but I am of opinion that there is no distinct and proper provision for the punishment of an agent who is a selling agent.

Mr. ISAACS.—I admit the importance of the matter, and will take a note of the point raised.

Mr. DUGALD THOMSON.—From my business knowledge, I am able to remind the honorable and learned gentleman that this is the worst of these offences. If there is no offer of a bribe, there will be no taking of a bribe. It is the offering which introduces the system, and which very often induces a man, who would otherwise be honest, to go astray. I think the clause should make the matter to which I have referred, clear beyond question, and

should not leave an opening for the raising of legal points.

Mr. ISAACS.—The honorable gentleman has expressed only the views which I previously enunciated in my speech.

Mr. DUGALD THOMSON.—I do not doubt for a moment that the Attorney-General intended to meet the case, but I am afraid that the clause will not meet it. If it will, the provision is so vague as not to be evident to an ordinary mercantile man on reading it, nor is it so evident that a selling agent will know at once what would constitute an offence. I am afraid also that the vagueness of the clause might give rise to difficulties in Courts of Law.

Mr. ISAACS.—I agree with the honorable member, that if the provision can be made more clear, that ought to be done.

Mr. KNOX (Kooyong).—I move—

That after the word "who," line 1, the words "corruptly and" be inserted.

I am perfectly aware that the Attorney-General rather dislikes the introduction of the word "corruptly," but all the commercial bodies who recently waited on the honorable and learned gentleman, strongly urged the adoption of this amendment. They represented that they were entirely with him as to the object and purposes of this measure. Notwithstanding that it might be indicated that there might be a limit to the operation of the Bill, still, in so far as it will correct and prevent corrupt practices, the Attorney-General may be perfectly sure that all the mercantile bodies of the Commonwealth wish for the measure the fullest success. However, they desire that its provisions shall be expressed in such unmistakable language that there will be no possibility of its being misinterpreted either by an ordinary reader or by any Court. I am somewhat at a disadvantage in discussing the amendment to-day, as the honorable and learned member for Corinella is in possession of my papers, which he was kind enough to take charge of on Thursday night, when I was unable to be present. Some references to the manner in which the word "corruptly" is frequently used are, therefore, not now before me. However, the representations which I am now placing on record in *Hansard* have already been made directly to the Attorney-General. The honorable and learned gentleman is aware that in the draft Bill introduced in the House of Lords by Lord Russell, the use of the word

"corrupt" was accepted. The Bill was introduced as "A Bill for an Act to Check Corruption." He is aware, also, that there is an Act in Great Britain known as "The Public Bodies Corrupt Practices Act, 1889," and that there is in the jurisdiction of Ireland an Act known as "The Corrupt Practices Act, 1883." So that, although my honorable and learned friend does not like the word "corrupt," it is accepted by the highest legal authorities in the Empire. I find from the *Hansard* of the Imperial Parliament for 1903, volume 119, page 242, that the Lord Chancellor, Lord Halsbury, in referring to the Bill then under consideration, said—

The word "corruptly" governs the whole matter, and I think that without it there is not the smallest chance of passing the Bill into law. No jury would convict, and indeed ought not to convict, unless they came to the conclusion that the money passed corruptly for the purpose of influencing business.

He was dealing, of course, with the construction which would be put on the word "corrupt." Then Lord Alverstone, the Chief Justice, in the same debate, said—

The practice of secret commissions not only affects the relations between employer and employed, but leads to the goods being quoted at more than their full value in the market, as the commissions have to be provided for by additions to the price. Many people think that the Bill strikes at the payment of commissions under any circumstances. But there are many trades in which the remuneration is solely by commission, and therefore it is absolutely necessary to retain the word "corruptly," so that the Bill may affect only the agent who secretly pays commissions for the purpose of influencing persons to buy his master's goods. One of the elements in considering the question of corruption would be whether or not it was known to the person by whom the agent or servant was being employed. Without expressing a final opinion as to the desirability of inserting some explanation or definition of the word "corruptly"—as it may be better, perhaps, to leave the interpretation to the Courts—I would point out that if we attempt to include within the scope of the Bill commissions which are not dishonorable or secret, and not in that way corrupt, we should be defeating the object of the measure, and spreading the net far too wide.

Other right honorable lords also dealt with the matter. Surely the Attorney-General will pay regard to the opinion of the Lord Chancellor and the Lord Chief Justice of England, who thought that the use of the word "corruptly" was necessary in the English Bill. A measure similar to that which we are now considering was recently introduced into the Parliament of Victoria by the Attorney-General

Mr. Knox.

of the State. As drafted, it did not contain the word "corruptly," and the State Attorney-General, in moving the insertion of that word, on the 15th August last, is reported in the Victorian *Hansard* to have said—

The leader of the Opposition had asked whether the word "corruptly" covered everything that was covered by the clause as it was before. No, it did not; and he would tell honorable members why. He would ask honorable members to look at paragraph *b* of the clause as it stood in the Bill. It was provided that "if any person gives or offers to an agent without the assent of his principal any valuable consideration," for the purpose stated, he was to be guilty of a misdemeanour.

Mr. Mackinnon, who is also a lawyer whom most of us know and respect, asked the meaning of the word "corruptly," to which Mr. Mackey replied that the word "corruptly" is very much like the word "fraud," both being words of common acceptation, although it is difficult to precisely outline their exact meanings. As Lord Halsbury said in the passage which I have quoted, these words, without doubt, or question, have a meaning known to the mind of every man in the street.

Mr. ISAACS.—Did he say that?

Mr. KNOX.—He said that a person could not be convicted unless the word "corruptly" was used.

Mr. ISAACS.—I do not think that that quite represents what he said.

Mr. KNOX.—I have read his exact words, which, coming from such a quarter, are worthy of very grave consideration. I would not attempt to debate a legal question with the honorable and learned member for Angas and other lawyers, but, taking the ordinary business view of this matter, I ask the Attorney-General to have regard to the representations which have been made to him by persons of all classes, who are in entire sympathy with his efforts, and desire to make the Bill effective, but who ask that it shall be made clear that the action which is to be punished by such heavy penalties as are proposed shall be a corrupt action, taken for the special purpose and with the object of deceiving the principal. I do not wish to go into the intricate questions, such as who is the principal when there are two or three agents concerned, dealt with by the honorable member who preceded me, because I agree with the Attorney-General that the word "person" in paragraph *b* meets the objections which have been raised; but I hold that the Bill will lose nothing in

force or effect by the addition of the word "corruptly." I trust that the Attorney-General will not continue to oppose the amendment merely because he has opposed it hitherto, but that he will listen to the representations which have been made to him by the important bodies which have waited upon him, whose members, notwithstanding the very clear statement which he made, are still of the opinion that the Bill will not be satisfactorily and successfully applied unless the word "corruptly" is inserted in it. Surely it is desirable, where the influence and effect of Commonwealth legislation must be limited, to make it harmonious with that of the States, and in this case, as I have shown, the Victorian Parliament has, after careful consideration, decided to adopt the word "corruptly" and the words "corrupt practices."

Mr. ISAACS.—But the other States might pass legislation in which different words are used.

Mr. KNOX.—We can take example only from the State which has legislated on this subject.

Mr. ISAACS.—We must not regard the action of Victoria as governing that of the other States in this matter.

Mr. KNOX.—I agree with the honorable and learned member for Angus that it shows the folly of dealing with the subject before the States have taken action in regard to it. The honorable and learned member is a constitutional lawyer, whose great ability we all recognise, and he tells us that the measure will be very limited in its application. That being so, I do not think it should differ from the State legislation on the subject. I urge the Attorney-General, in view of the opinions of the high legal authorities of Great Britain, whose words I have quoted, in view of the action of the Parliament of Victoria, and in view of the representations which have been made to him by mercantile men, who look at this matter from a practical stand-point, to see that there is no want of harmony between the Commonwealth legislation and that of the States. Nothing will be lost by complying with this request. This measure has a characteristic common to several others which have been recently introduced. It is of a most sweeping character, and contains drastic provisions, for which experience affords no justification. In a departure of this kind, which we all commend as a step in the right direction, we should proceed cautiously. The

Bill, as it stands, would very seriously interfere with a number of business men who are honestly and honorably accepting commissions which are authorized by the customs of trade. It is undesirable to pass legislation that would plunge into all kinds of difficulties men who believe that they are pursuing a perfectly legitimate course, who have no idea that they are acting corruptly.

Mr. ISAACS.—Does the honorable member suggest that customs, which in themselves are corrupt, ought to be perpetuated?

Mr. KNOX.—No; but my contention is that the transition from present customs to a new order of things should be of a gradual character, and that the law should not be capable of too harsh an application to those who are in all honesty following out certain prevailing trade customs. The payment of commissions enters into all classes of operations in connexion with commerce and trade, and many of the practices now followed would, under the Bill, become serious misdemeanours. Surely it is only reasonable that we should specifically and clearly set forth that the law is directed against agents who accept commissions with intent to deceive their principals, who, in other words, act corruptly and wickedly. I am willing that the word "corruptly" shall be applied in its widest meaning.

Mr. ISAACS.—Would the honorable member put the onus of proof of innocence on the accused? That goes to the root of the question.

Mr. KNOX.—I understand that the principal will have to lay an information against his servant for having taken an illicit commission, and that the next action will have to be taken by the Attorney-General.

Mr. ISAACS.—At present the Attorney-General is not made a necessary party. The proceedings under the Bill would be the same as in any other prosecution. No presentment could be filed without the consent of the Attorney-General, but the initial proceedings could be taken independently of him.

Mr. KNOX.—I have the fullest desire that this Bill should be made effective and complete. I do not wish to narrow its operation in regard to illicit or corrupt practices. On the contrary, it is desired by myself and those with whom I am associated to make the Bill apply with the fullest force to persons who are deceiving or defrauding their principals. We wish to raise the status of trading and business operations

in our community. We may, perhaps, in so doing narrow the possibilities of doing business, because we are proposing to lay down canons of propriety which are higher than those adopted in other parts of the world; although they are none the less desirable on that account. I would point out, however, that the difficulties surrounding this question have been recognised by the House of Lords. I understand that the Bill is still in the Committee of that House.

Mr. ISAACS.—It has passed the House of Lords.

Mr. KNOX.—It was recently in the Committee of the House of Commons, perhaps. Difficulty has been experienced in disposing of it owing to the complexity of the questions involved.

Mr. ISAACS.—Difficulties which I hope will not prevail here.

Mr. KNOX.—Not to the extent of preventing the Bill from applying to cases of fraud and deceit. The London Chamber of Commerce incurred great expense in appointing a commission to take the evidence of the leading mercantile men of the United Kingdom. The testimony given showed that it was only fair and just that the word "corrupt" should be introduced into the Bill, but some difficulty was experienced in indicating its meaning and the extent of its application. All we desire is that a fair indication of corrupt practices shall be specifically set out in the Bill, and I trust that the Attorney-General will, in spite of the views he has already expressed, recognise that the view we take is a reasonable one.

Mr. ISAACS (Indi—Attorney-General).—I hope that the Committee will not agree to the amendment. I should like to state shortly the history of the word "corruptly," as it appears in the English Bill. When Lord Russell, of Killowen, introduced his Bill some years ago, he prefaced it by a statement which will be found in the Parliamentary papers of the House of Lords, vol. 5, 1901, page 511. In his memorandum he said, amongst other things—

Sections 1 and 2 make the gift, offer, receipt, and solicitation of any corrupt payments offences. Strictly speaking, corrupt payments are not defined by the Bill, but certain transactions are declared to be corrupt. The reason why no attempt is made to define corruption is that the thing is so protean that to define it is almost impossible. For this reason the Courts have always declined to define fraud.

In that Bill he did what we have done here. We set forth the acts which we think ought to be punishable. When Lord Russell, in his Bill, provided that agents who corruptly received or solicited any bribe should be punishable, he did not leave it merely to the chance of the personal view of a Judge, or the personal views of a jury for the moment, to determine whether an action was dishonest or not. Amongst other things, he went on to say, in clause 3, that—

Every valuable consideration given to any agent by or on behalf of any person having business relations with the principal of such agent, not being *bond fide* given to the agent for and on behalf of his principal, but under such circumstances as that, the same could be recovered by the principal from the agent on the ground of the fiduciary character of the agent, shall be deemed to have been corruptly given,

In this connexion, I wish to point out that Lord Russell set out what should be "deemed to be corrupt," which is practically what we say when we provide what shall be deemed to be an "offence." The clause in question continues—

and every valuable consideration in like manner received by an agent shall be deemed to have been corruptly received.

It was not left to a jury to say whether a certain act was corrupt. All that would be determined under such a provision would be whether an agent, without notice to his principal, had received from another person in antagonism to his principal a sum of money under such circumstances that the principal could have recovered it from the agent on the ground of his fiduciary position. If so, the agent's action would be deemed to be "corrupt."

Mr. KELLY.—Did not Lord Russell's first Bill make provision for certain exemptions?

Mr. ISAACS.—I will deal with that matter presently. The Bill further provided that certain other offers and solicitations should be deemed to be corrupt. In several clauses Lord Russell set out the circumstances under which the offer or the receipt of what I call "bribes" should be deemed to be corrupt. He was not content to declare that every agent who corruptly accepted money should be guilty of an offence. He did provide that every person who corruptly "received" or "solicited" should be guilty of an offence, and he went on to declare what should constitute a "corrupt receiving" or a "corrupt solicitation." The word "corrupt,"

however, was not approved by the House of Commons for some reason that I cannot define.

Mr. GLYNN.—Did not some members of the House of Lords object to defining the word "corrupt"?

Mr. ISAACS.—Yes. I would further point out that the form in which the Bill left the House of Lords was not that which the Lord Chancellor desired, and he said so.

Mr. KELLY.—If he thought that the amendments made in the Bill were serious he should have sacrificed it.

Mr. ISAACS.—The honorable member had better address that argument to the Lord Chancellor. Lord Halsbury pointed out that the amount of corruption which was going on, and which required to be checked, was such that the Bill—even in the form in which he could secure its passage—was better than nothing. He was forced to accept it in the form in which it left the House of Lords, although it was not the form in which he desired to see it. In that Bill the word "corrupt" is not left an open question, because nobody knows better than do lawyers the difficulty of defining it.

Mr. WILKS.—Can the honorable and learned gentleman define it?

Mr. ISAACS.—No. I do not think that any man can do so. At the same time it is a most improper thing to incorporate in a statute a word which is not defined, and which is open to so much elasticity that it is impossible for any man to know when he is committing an offence and when he is not.

Mr. CROUCH.—Will the Attorney-General accept the word "fraudulently" as a substitute?

Mr. ISAACS.—No. There are several provisions in Lord Russell's Bill—for example, clauses 3, 4, 5, 6, and, I think, 7 and 8—which practically declare what shall be deemed to be corrupt. I do not think that those provisions are a bit less or more stringent than is that which I have embodied in one clause of the Bill that is under discussion. "Valuable consideration" was undoubtedly subject to certain exceptions. I may tell the honorable member for Wentworth that we dealt with those exceptions the other evening. But those exceptions have been omitted from the later Bill, and, in most instances, they will be applicable only to cases in which we have to deal with transactions that are

not merely of a foreign or Inter-State character. The latest copy of the measure obtainable was ordered to be printed by the House of Lords on 3rd March last, and it makes provision against any agent "accepting" or "obtaining," and against any person "corruptly receiving." It also sets out that "consideration" means "valuable consideration of any kind." There is no exception made. If honorable members will refer to the English *Hansard* for 1905, volume 143—that to which the honorable member for Kooyong referred was volume 119, in which Lord Alverstone left the question of whether a definition of the word "corrupt" should be inserted in the Bill or whether it should be left to the Courts to determine, an open one—they will find on page 587 that when this Bill was under consideration, Lord James of Hereford, one of the greatest of English lawyers, submitted an amendment. The Bill contained the word "corruptly." Its inclusion had been insisted upon. Thereupon, Lord James pointed out that in 1904 the Lord Chancellor himself had admitted that the mere use of the word "corrupt" was not sufficient, and that the latter had framed two sub-clauses to meet the position. Lord James moved the insertion of those sub-clauses, as he said "not merely on his own authority, but on that of the Lord Chancellor."

Mr. BRUCE SMITH.—It is rather difficult for honorable members to distinguish between the Attorney-General's paraphrase of the speech in question and the actual speech.

Mr. ISAACS.—I have not yet quoted from the speech. I am merely pointing out that Lord James moved the insertion of two sub-clauses which he and the Lord Chancellor the previous year had thought necessary if the word "corrupt" was to be used. The first sub-clause read—

In any prosecution under this Act, evidence shall not be admissible to show that any such gift or consideration as is mentioned in this section is customary in any trade or calling.

And the next was as follows:—

For the purposes of this Act, where it is shown that any such gift or consideration as in this section mentioned has been taken, given, or offered without the assent of the principal, the burden of proving that such gift or consideration was not taken, given, or offered corruptly shall lie on the accused.

That is a very severe provision to make. In other words, as soon as it is said that a consideration of some kind has been given to

the agent, and that the principal did not give his assent to it, the accused is deemed to be a criminal unless he proves the contrary. That is a serious position, and one which ought not, in my opinion, to be taken up.

Mr. BRUCE SMITH.—That is the position taken up in the Commerce Bill.

Mr. ISAACS.—I think I could show that the honorable and learned member's statement is incorrect, but I do not propose to deal with other Bills. The Lord Chancellor framed this provision. Lord James pointed out that the amendment was not really his own—

When the Bill was under consideration in 1904 a question was raised as to the meaning of the word "corruptly" at the commencement of the clause, and which governed the whole clause. It was suggested that there would be a difficulty in construing the word, and on that being pointed out to the Lord Chancellor, the noble and learned Lord met the objection by proposing that the word "corruptly" should be defined more strictly by the two sub-sections he (Lord James) now brought forward.

He then proceeded to state what these sub-sections provided. The Lord Chancellor said—

My Lords, I am afraid I must object to the introduction of the sub-sections contained in the amendment, because I believe it is equal to moving that the Bill be read this day six months—

It was not because he disagreed with the inclusion of the word "corruptly"—

I do not disavow that the object with which these words were designed was a good one, and I should have been glad to give effect to the amendment, but it cannot be doubted that the sub-sections have created, and are still likely to create, opposition elsewhere. In the interests of the passing of the measure I adopted, with one exception, all the amendments that the Grand Committee made in the Bill in the House of Commons. I cannot help feeling that if your Lordships were now to re-introduce sub-sections which the Grand Committee struck out, the fate of the Bill would be tolerably certain. I am extremely anxious that the Bill, which has now been brought before Parliament for the third time, should pass, even at the sacrifice of what may be regarded as a more perfect form of words. If it is found in practice hereafter that there is any difficulty, owing to the lack of the words suggested by my noble and learned friend, it will be possible to try to amend the measure. I do think, in view of the consensus of opinion, that some legislation is absolutely necessary on the subject, it being clear that the amount of corruption is increasing day by day, a special effort should be made to pass this measure, even though we cannot adopt what would be regarded as the most perfect form of words. I am not alone in that opinion. I have here two letters, which, with your Lordships' permission, I will read.

He then proceeded to quote a letter from the Law Society, and concluded his speech by saying—

I believe that if the amendments standing in the name of the noble and learned Lord, particularly the one with which we are at present concerned, are passed, the Bill will never become law. For these reasons, I must resist the amendment.

Lord Avebury, in the course of the debate, said—

If he understood the Lord Chancellor correctly, he was most distinctly in favour of the amendment moved by Lord James, but opposed it on the ground that it would probably prevent the Bill from passing into law. He, for one, and, he believed, the commercial community generally, would rather get half a loaf than none at all; but, at the same time, they felt very great doubt as to what the word "corruptly" meant.

I may say that I have exercised very great care in dealing with this matter, and have been most strongly advised by Mr. C. B. Finlayson, a man who, I think, is second to none in his knowledge of the criminal law of Victoria, not to use the word "corruptly." It was to Mr. Finlayson, who is senior prosecutor for the Crown, that the question of whether criminal prosecutions could be instituted with regard to matters revealed by the Butter Commission was referred, and he has advised me most strongly—and has authorized me to say that he has so advised me—that it would be a mistake to insert the word "corruptly." Turning once more to the report of the debate in the House of Lords, we find that Lord James of Hereford, referring to the sub-sections in the amendment, said—

They were drawn up by the Lord Chancellor in order to get rid of the difficulties which every one foresaw would arise, and were accepted last year as a solution of a very great difficulty.

and so forth. In view of what the Lord Chancellor had said, he stated that he would not press his amendment. Lord Blackburn said, in a case that is reported, that—

To "corruptly" treat or do any other thing contrary to the Corrupt Practices Prevention Act 1854, 17 and 18 V., c. 102, does not mean to do it "wickedly, or immorally, or dishonestly, or anything of that sort, but with the object and intention of doing that which the Legislature plainly means to forbid."

We have to go to the Act. I have looked at the various cases, and have come to the conclusion that the effect of all those bearing on the question of secret commissions is that it is corrupt for an agent to take remuneration or reward from a person in

antagonism to his principal, if he does it secretly and without the assent of his principal. If that be the case—and I think it must be admitted that that is the crux of the whole position—let us set forth plainly what we mean. Do not let us use the word “corruptly,” and leave our meaning in doubt; let us declare, as the Courts have decided time after time, that if an agent takes a commission, without the knowledge and assent of his principal, he commits an offence. He may readily avoid committing the offence by going to his principal and saying, “Such and such is the position; may I accept remuneration, or part of it, from the other side?” If his principal, with a full knowledge of the circumstances, replies in the affirmative, the agent may accept the remuneration without committing an offence.

Mr. BRUCE SMITH.—Has the Attorney-General shown the Committee how the Bill as introduced compares with the result of the labours of the Grand Committee of the House of Commons?

Mr. ISAACS.—I have not obtained the Grand Committee’s expression of opinion. I have searched for it, and, being unable to find it, have put before the Committee the opinion expressed by the House of Lords.

Mr. BRUCE SMITH.—I thought that the expression of opinion on the part of the Grand Committee might be taken as the view of the House of Commons.

Mr. ISAACS.—The expression since given?

Mr. BRUCE SMITH.—Yes.

Mr. ISAACS.—I do not think that it is obtainable. I have quoted from the latest volume that I have been able to obtain. If there be other information available, I have not been able to secure it. A curious case reached the Court of Appeal in England a little while ago. It was one in which a member of the legal profession purchased a vessel for some £40,000, and discovered that his agent had received a consideration from the other side. It was pleaded in defence that the giving of such a consideration was customary. The primary Judge before whom the case came, said that would not be an answer, but as the principal had adopted the transaction, he could not both approbate and reprobate—after he had known that the agent had taken a commission from the other side he could not repudiate, and was bound to pay the commission charged.

The Court of Appeal, however, said that there was a vast difference between full disclosure and part disclosure, and inasmuch as full disclosure had not been made, the agent had done wrong, and could not recover his commission from the principal. When I proceeded to frame this provision, I asked myself the question—and it will be for the Committee to say whether or not I was right in doing so—“What is it at which the Court strikes”? I came to the conclusion that it was the secrecy of the transaction. If an agent acting for a principal wishes to take some reward from the other side, all that he has to do to make the transaction above board is to tell his principal the material circumstances, and obtain his assent. If he does that there will be no trouble about it; but if we put in a word, the exact meaning of which is known to no one, it will be a mere matter of chance how a Judge will sum up, and how it will be regarded by a jury. One jury may consider an act corrupt on one standard of ethics, and another jury may consider it wholly different and the criminality or non-criminality of any person may depend upon the merest chance. Surely it is far better for us to state what we mean to proscribe! It seems to me that the fairest and clearest thing to do is to say that any person who takes a commission without the full knowledge and consent of his principal—which, so far as I can learn, has always been the test in the decided cases—commits a nefarious act. All he has to do to prevent his conduct from being so construed is to give his principal the full information in his power, and get his consent. The Bill does not touch such a case. I wish the Committee to understand that if an agent can show that, however ugly the circumstances may look, he did communicate to his principal all that was material in the matter, and that his principal did assent to his taking the commission or reward, however great it might be, from the other side, he will be absolutely outside the provisions of the law. It would be wearying honorable members for me to take them through all the various legal references, but the result of the cases—which are all collected in a little book I have here—is that the question has always been “disclosure” or “non-disclosure.” It is not sufficient that a man who took the bribe thought it was a perfectly moral act. Not very many years

ago, in Victoria, a case came before our Full Court—with a full Bench, 'if I recollect rightly—where persons in promoting a company took secretly some advantage for themselves. The Court considered that it was a bribe—practically a fraudulent act—and that the money should be refunded, although the offenders may have thought that it was a perfectly legitimate act, because it was in accordance with what many other persons had done. That is not the standard. We think that the best form of words has been used here. We are satisfied that the form used in the English Bill is not that which would have been adopted if the Lord Chancellor could have had his own way. To use the word "corruptly," and then put the onus of proof of innocence upon the accused person is to impose too heavy a burden. I do not feel disposed to do that, because it seems to me to be, in cases like this, a little un-British. We should say to a man, "We tell you what we forbid you to do, and we must, at all events, prove a *prima facie* case against you." But if the word "corruptly" be inserted, I do not see any option but to put the burden of that proof upon the accused. That course is followed in the Victorian Act, but I think it should not be adopted here. The honorable member for Kooyong said that we ought not to take this drastic step until we have had a little more experience in these matters. We have had considerable experience. The Butter Commission—which was both a Federal and a State Commission—disclosed circumstances which would make it a subject of reproach to us as a Federal Parliament if we did not attempt to cope with them. When we find that such things can be done as were done, and can be done with impunity, so far as any punishment is concerned; when a Crown prosecutor like Mr. Finlayson can find no criminal law to reach such transactions, it is time that we enacted a law which would reach them, because there cannot be the least doubt that, according to the present law—Federal law, at all events—the producers are entirely at the mercy of the acuteness or the astuteness of persons who know a great deal more than they do, and who can find ways and means to benefit themselves in an illegitimate fashion. I hope that the Committee will help us to place upon the statute-book a

Mr. Isaacs.

clear and distinct provision which will enable persons to see at a glance whether what they are doing is lawful, or unlawful. No man can see at a glance, or even without full consideration, whether an action is lawful or unlawful if the word "corruptly" be used. He will have to stand the chance of the finding of a jury, and therefore, I hope that the Committee will see that the only clear and fair way for both parties is to say in regard to criminal matters what the Courts have said in regard to civil matters.

Mr. WILKS (Dalley).—No doubt, sir, you have often heard the phrase that a skilful lawyer can drive a coach and team through any Act of Parliament. That is not only a phrase, but a truism. If the word "corruptly" be inserted in the clause, it will be easy for a lawyer, skilful or otherwise, to drive a coach and team through the Act. I think that the Attorney-General has made out a strong case for allowing the clause to stand as it is. In the daily press, we have all read of numberless cases where men have escaped punishment in the Courts, because the law was not properly worded. To introduce the word "corruptly" would be to vitiate the Bill. I agree with the Attorney-General that there are in the community very many persons who regard the acceptance of commissions, secret or otherwise, simply as an emblem of their moral character. In Australia there seem to be a great many persons, who, like Pooh Bah, consider it a most moral act to accept a commission, and argue that if they did not, somebody else would. The inquiry before the Lands Commission in New South Wales has disclosed sufficient evidence that, if the word "corruptly" were contained in the law, many persons who might be charged later on would escape punishment on the ground that the act was not corruptly done. We should not load our measures with words that we cannot define. The honorable member for Kooyong admits that it is impossible to define the word "corruptly." It is sufficient for me as a layman to draw illustrations, not from the House of Lords, but from every-day life. Lawyers of great experience of the criminal law in Australia have admitted that they cannot secure the punishment of certain persons, because the word "corruptly" is used in the law. I think that the wording of the clause is quite sufficient to accomplish

the object desired. The mere fact that a man did an act secretly, without the knowledge and consent of his principal, is an admission that he did not wish the latter to be informed. The secrecy is the essence of the offence. I wish to prevent the growth of secret commissions, and I feel that if I were to vote for the amendment I should be assisting to defeat the intention of the Bill.

Mr. GLYNN (Angas).—The discussion and the observations of the Attorney-General strengthen my impression that it was a mistake to introduce this measure at all. There are, I quite admit, difficulties in introducing the word "corruptly" into this clause, because, unless it could be proved that an act was corrupt, it would be impossible to get a conviction. The honorable member for Kooyong has quoted an expression of opinion by the Lord Chancellor, showing how difficult it is to define the word "corrupt." He quoted from the Victorian debate, in which the opinions of Lord Russell of Killowen and Lord Alverstone were given to show that it was quite as difficult to define the word "corrupt" as the word "fraud." The Lord Chancellor, in a debate in the House of Lords, stated that no jury would convict except it was convinced that the act complained of was done with a corrupt motive.

Mr. ISAACS.—I do not think he said that.

Mr. GLYNN.—The Lord Chancellor said—

The word "corruptly" governs the whole matter, and I think that without it there is not the smallest chance of passing the Bill into law.

He was referring to the strong opposition that existed—

No jury would convict, and indeed ought not to convict, unless they came to the conclusion that the money passed corruptly for the purpose of influencing business.

In other words, unless the jury were convinced that the action was influenced by a corrupt motive, they ought not to convict. The honorable member for Kooyong says that we ought to have the word "corruptly" in the Bill. I see the difficulty, and it brings me back to my original point—why should we not leave this matter to the States? Why pass a Bill of this nature, which will not be identical in its terms with the Act already passed by one State? The Victorian Act includes the word "corruptly." It will not be in our measure. It must be making "confusion worse confounded" when we add another Act to the

statute-book affecting in different terms a matter with which the States can deal amply, and with which one of the States has already dealt. A man ought to know what his position is; and when he finds that certain conduct is proscribed, but that whilst one Act says that certain conduct is not illegal unless it is done corruptly, and another Act says that the conduct need not be corrupt, in order to be illegal he must be confused. We are making "confusion worse confounded" instead of making the law clearer. We cannot produce uniform legislation in this matter. If we pass this Bill it will not supersede the work of the States. If we do not pass it we shall not prevent the States from making their law apply to Inter-State as well as to internal commerce. If, for instance, the State of South Australia passes an Act dealing with this subject, it can make it apply not only to matters within the State, but also with regard to external commercial transactions. But if we pass an Act, South Australia cannot legislate in that respect. Hitherto the test of guilt, generally speaking, has been moral delinquency on the part of the person accused—guilty knowledge. Under this Bill that is not essential, and, as a matter of fact, is not the test.

Mr. ISAACS.—Surely it is.

Mr. GLYNN.—No, it is not. In the case of a bribe being given by a person to an agent, the test of innocence or guilt is the question whether the principal of the agent knew of it or not; not whether the person making the bribe knew that the principal knew, but whether the principal knew. That is the point. The person giving the bribe might think the principal did not know, or he might corruptly, or under a false assumption that the principal did not know, try to influence the agent. In that case he is morally guilty, but he is not legally guilty if the principal did as a matter of fact know. Innocence or guilt does not depend upon the state of mind of the person doing the act, but depends on matters external to himself in many cases. I do not want to object strongly to the omission of the word, but I see the difficulty of defining the word "corruptly." It seems to me that it would be far better to knock the clause out altogether, and to leave the States themselves to initiate such legislation as Victoria has already passed.

Mr. BRUCE SMITH (Parkes). — I think it is an unfortunate circumstance that

just as we are about to deal with this measure the Victorian State Parliament should have dealt with the same subject in a manner apparently different from that which is likely to be followed by the Commonwealth Parliament. But I quite agree with the Attorney-General that it would render the Bill useless for the purpose of prosecution if the word "corruptly" were put into it. One has to remember that this Bill is aimed at converting into a criminal offence a practice which has hitherto been considered commercially innocent for, one might say, centuries of time, and which extends from commissions in the highest channels of finance down to tradesmen's commissions to domestic servants. The giving of such commissions has hitherto been regarded as an allowable practice.

Mr. ISAACS.—Not by the Courts.

Mr. BRUCE SMITH. — Not by the Courts in civil instances. Every one who practices in the law knows that there are many cases in which persons have recovered enormous sums of money for commissions extending over many years.. There was, only a few months ago, a case in which something like £60,000 or £70,000 was recovered from a shipping broker by a shipping company. But I am talking of the criminal side. Every one knows that nowadays in England it is the commonest practice in the world for domestic servants in authority to make purchases for the master or mistress of the house, and to receive from the tradesmen a regular commission, either in kind or in money. The practice extends to some of the highest in the land; it extends to the merchant, it extends to the broker, it extends to the banker, it extends to the ship-owner—we cannot say how far it extends in the ramifications of our commercial and industrial life. I mention this because the honorable member for Kooyong has been contending that in this Bill it should be necessary for the Crown to prove that an act is done corruptly in order to obtain a conviction. But it seems to me that the introduction of that word, in addition to the very ample definitions of the offence in the Bill, would render a conviction almost impossible. Because, as I say, this offence from the criminal point of view has been regarded as allowable, as long as people were not sufficiently clearly discovered in it to enable others to recover. But if we seek to make criminal a practice which has hitherto been regarded as non-criminal, we cannot intro-

duce a vague word like "corruptly" without almost completely destroying the chances of a prosecution. There are words which are commonly introduced into Acts of Parliament relating to criminal offences, and which now have a very definite and recognised signification; and when the prosecution has thrown on it the onus of proof, it is not difficult to give evidence which will supply the particular adverbial attribute necessary to secure a conviction. But if the taking of a commission has hitherto, in any walk of life, been regarded as criminally unpunishable, and we require proof in any future prosecution that the taking of a commission is done corruptly, it will practically mean, as the honorable and learned member for Angas has pointed out, that there will have to be proof that the act was done with a corrupt mind. But it is not intended by the Bill that the act must be done with a corrupt mind. Hitherto, such an act has not been considered corrupt, though it has been regarded as a civil offence for which damages may be recovered.

Mr. ISAACS.—Equity Courts have considered such acts corrupt.

Mr. BRUCE SMITH.—The word "corrupt," as the Attorney-General said some little time ago, is of such vague signification that we cannot use it in a Bill of this kind. I support the Attorney-General's view.

Mr. ISAACS.—I quite agree with the honorable and learned member.

Mr. BRUCE SMITH.—If we used the word it would be unnecessary to define the offence with so much particularity. If we define the offence in all its possible bearings, with the particularity observed in the Bill, what we practically say is that hitherto the offence, in all its forms, has been regarded as a civil offence, but that in the future it is to be regarded as criminal—whether the offence be committed with an evil mind or not—although it may have been the practice in that particular branch of commerce, and it may not be, in the estimation of the offender, or of an ordinary jury, corrupt or wicked in a criminal sense—still, it will now be regarded as an offence of a criminal character which is punishable. I quite agree with the honorable member for Kooyong that, inasmuch as the law may not become known very quickly, or very universally, there may be a great deal of hard-

ship in some of the earlier prosecutions. It will be sought to be adduced in evidence—although by one of the clauses it is not legal evidence—that the taking of commission has been a customary practice in a particular class of business; but the Bill very properly provides that such evidence cannot be given for any purpose either as a defence or in mitigation of punishment.

Mr. ROBINSON.—Surely it might be given as evidence of *bona fides*, though not necessarily in defence.

Mr. BRUCE SMITH.—There is no such thing as *bona fides* under the Bill.

Mr. ISAACS.—Hear, hear! That is the point.

Mr. BRUCE SMITH.—The object of the Bill is to catch this practice by the scruff of the neck, if I may use strong, figurative language.

Mr. ISAACS.—To show it no mercy.

Mr. BRUCE SMITH.—The object is to punish every member of the community who secretly takes commission of the kind. The great point is the secrecy, because if the person, out of whose pocket the money is to come, is informed of the fact that he has to pay, there is no offence. The opening words of clause 4 are—

Any person who, without the full knowledge and consent of the principal, directly or indirectly—

accepts or agrees or offers to accept any gift or consideration. The clause does not speak of an actual consent, though consent may be implied; there must be full knowledge on the part of the principal. I quite agree, as I have said, with the honorable member for Kooyong in the idea that there may be a great deal of hardship at first through the operation of the axiom that ignorance of the law is no excuse for its infraction. Any man engaged in any branch of commerce, or in a profession must be aware that the practice of secret commissions—that is the best definition that can be given—runs its threads through every ramification of human activity. I do not speak of commerce only.

Mr. ROBINSON. — This Bill will “straighten up” the whole community.

Mr. BRUCE SMITH.—It will touch the whole community, and I am glad to see such a Bill introduced. There never was a more practical lawyer in England than the late Lord Russell of Killowen. That distinguished man had experience of every form of practice in the

common law side of the Courts, and he knew all the ins and outs—the crevices of life; and, having all that experience, he introduced a Bill of this kind, with a fixed determination to abolish what he regarded as one of the social evils of the day. I am very glad that we are passing such legislation, but, at the same time, it is a matter for regret that, while we omit the word “corruptly,” the legislation of the State in which the Parliament meets adopts that word. The honorable and learned member for Angas has suggested that, as the one State has dealt with the question, it would be better to allow the other States to deal with it individually. I take it, however, that one of the primary purposes of the Commonwealth Parliament is to assimilate the laws within the Commonwealth—that we should not have one law in one State and another law in another, but should, wherever it is possible and constitutional, so legislate that a man, whether he comes from the Gulf of Carpentaria, the most southerly point of Tasmania, or the most westerly point of Western Australia, may know that the law is the same throughout the continent.

Mr. GLYNN.—That cannot be done under this Bill.

Mr. BRUCE SMITH.—Why not?

Mr. GLYNN.—Because we can deal only with external and Inter-State commerce; we have no power to pass a uniform law.

Mr. BRUCE SMITH.—No doubt there are limits, but, at the same time, the law will apply to the whole Commonwealth. I should like the Attorney-General to note the fact that the honorable and learned member for Angas contends that constitutionally this Bill will not have the effect that an assimilating measure would have if each of the States had an Act of its own. I take it that the object is to apply this law to the whole of Australia.

Mr. ISAACS.—What I take to be the position is that we can legislate only for foreign and Inter-State commerce, and for our own Departments—that, so far as we legislate in that field, we are paramount. The States Acts will, of course, have only internal operation. I take it that it is very important, as the honorable and learned member for Parkes has pointed out, that we should have uniform law dealing with foreign and Inter-State matters.

Mr. BRUCE SMITH.—Even supposing that each State were ultimately to adopt a measure dealing with matters exclusively

within its own territory, no doubt great advantages would result from a measure passed by this Parliament dealing with Inter-State business throughout the Commonwealth.

Mr. ISAACS.—And with foreign matters.

Mr. BRUCE SMITH.—That is so; but I am speaking especially in relation to our own interests. The only question before us now, of course, is the proposed amendment of the honorable member for Koo-yong to introduce the word "corruptly." I can quite understand the spirit in which that amendment is proposed; I know the honorable member is acting with the very best intentions, regarding the question from the stand-point of the commercial world. But although this is a very drastic measure, I am perfectly certain it will have a very purifying effect upon our commercial life. I do not expect wonders from the Bill. I do not expect that it is going to transform our commercial or industrial life; but I am certain that no honorable man, who desires to conduct his business in what we may call an above-board manner, so that every one who deals with him may know exactly what he has to pay in a given transaction, has anything to fear. On the other hand, those who benefit by the credulity of simpler people—those who are making secret profits, which those credulous people know nothing of—will be struck a blow, with the approval of the whole community. On the whole, I regard this as a measure for which the Australian people will have every reason to be thankful.

Mr. ROBINSON (Wannon).—I should not have risen at this stage but for some remarks made by the last speaker with respect to the Bill passed by the Victorian Legislative Assembly. I can say definitely on the assertion of the honorable gentleman who had charge of the Bill in that House that after the most careful investigation of the subject, and the most ample perusal of the debates of the House of Lords, the proceedings of the Grand Committee of the House of Commons, and all the literature on the subject—

Mr. BRUCE SMITH.—Can the honorable and learned member say whether the Grand Committee of the House of Commons ever reported on the subject?

Mr. ROBINSON.—I believe they did, though I have not seen the report.

Mr. ISAACS.—Was it prior to the House of Lords debate to which I referred?

Mr. ROBINSON.—I am able to say that, after perusal of all the papers and reports to which I have referred, the honorable gentleman who had charge of the Bill in the Legislative Assembly of Victoria, came to the conclusion that it was impossible to work a measure of this kind unless the word "corruptly" were introduced in a manner somewhat similar to that suggested by the honorable member for Koo-yong.

Mr. ISAACS.—Was the word in the Bill as originally introduced in the Victorian Parliament?

Mr. ROBINSON. — It was not, but during the progress of the debate on the measure, after reconsideration, and after listening to the urgent representations of the leader of the Labour Party in the Victorian Parliament, that in our anxiety to prevent illicit practices we should be careful to do nothing that would hinder commerce, the honorable gentleman was forced, as he told me, into the belief that the word "corruptly" must be inserted. A man by virtue of documents and representations put before him might be induced to believe that an agent had the full knowledge and consent of his principal. If he subsequently found that the agent had not, he would be guilty of a crime under this Bill, and would be liable to be punished accordingly. The matter is one which has very little concern for me, or for the members of the profession to which I belong, except that, like a good deal of the legislation for which the Attorney-General is responsible, it will probably mean a good deal of costs.

Mr. BRUCE SMITH.—I know of many cases in which members of the legal profession get commissions. They are called procuration fees.

Mr. ROBINSON.—They have not come my way yet. The Attorney-General some years ago in the Victorian Parliament, in dealing with companies, induced that Parliament to enact a number of very stringent provisions, the chief effect of which has been to treble the cost of registering a company in Victoria. Those of us who get the fees do not complain, but those who have to pay the fees do complain.

Mr. ISAACS. — The measure protected shareholders as they never were protected before.

Mr. WATSON.—That is a minor consideration surely?

Mr. ROBINSON.—It is all very well for the Attorney-General to say that but if he were asked to draw up a prospectus that would walk round all those provisions no one in Australia could perform the task better than could the honorable and learned gentleman.

Mr. WATSON.—There are many in the profession who would try to do it as well.

Mr. ROBINSON.—This is a matter of no importance whatever to me personally, but I certainly do attach some weight to the opinion of a gentleman who went into the matter most carefully, and who, as I have said, after the fullest consideration and reconsideration, after listening to a debate, and to the representations of the leader of the Labour Party in the State Parliament of Victoria, came to the conclusion that a Bill of this kind could not be worked unless the word "corruptly" were inserted.

Amendment negatived.

Clause agreed to.

Clauses 5 to 8 agreed to.

Clause 9—

In any civil or criminal proceeding under this Act, evidence shall not be admissible to show that any such gift or consideration as is mentioned in this Act is customary in any trade or calling.

Mr. ROBINSON (Wannon). — This clause goes a little too far. In the Victorian Act it is provided merely that it shall not be a defence to say that any commission, gift, or consideration is customary. I think that ought to be considered sufficient. Certainly a man ought to be able to produce evidence that the giving of a commission is customary in mitigation of punishment, or for the purpose of showing that he acted in ignorance of the law and in the belief that he was doing what was right and proper. Surely it is not asking too much of the Committee to request that the clause should be amended in that direction. I do not believe that to show that a secret gift or consideration is customary should be a valid defence, but certainly such evidence should be admitted to show *bona fides*, or at any rate the absence of *mala fides*, and that a man acted in ignorance of the law.

Mr. ISAACS (Indi—Attorney-General). —I am sure my honorable and learned friend would not willingly do anything which would perpetuate an evil, but I think the effect of his suggestion would be to do so. The customs by which agents secretly receive commissions are the customs which

we want to put down. I cannot conceive of anybody being allowed to prove in his defence that the custom of secretly taking a bribe is proper. How could it be a defence? The suggestion made would offer a means of sliding through the Act.

Mr. ROBINSON.—How could it, when the man would still be guilty?

Mr. ISAACS.—It would be a step in the direction of getting him out of trouble. My honorable and learned friend, for instance, might get up and say on behalf of an accused person, "I will first prove that this is the custom, and I will then prove that everybody knew, or might be taken to know, that there was such a custom," and that would prove knowledge and assent. Under the Bill it is clear that no one need worry about acting in pursuance of a custom if he goes to his principal and says, "There is such a custom; may I give it?" He would then be outside the Act altogether, because his principal will have full knowledge, and would have given his consent. There would thus be an end to the liability of the agent. But if, without informing his principal, an agent chooses to act upon a custom, I say that if it is an evil custom it ought not to be brought forward in evidence at all.

Mr. BRUCE SMITH (Parkes).—I am very much in sympathy with the suggestion made by the honorable and learned member for Wannon, but I do not think it is practicable to give effect to it. I recognise that, although it ought not to be a defence, it is possible that evidence of a custom might be admitted to some extent in mitigation of the sentence which would follow on conviction. But one is met with the difficulty that of course the Act is aimed at these customs. To show that the giving of a commission or consideration is customary is only to prove the existence of a practice which the Bill is introduced to suppress. The honorable and learned member might, with a little more reason, have proposed the insertion after the word "customary" of the words "to the knowledge of the other party," but even then I see the difficulty or impossibility of incorporating such a suggestion in this Bill without really emasculating it as an effective instrument for the purpose for which it has been introduced. I admit that it is a very drastic measure, and I am quite sure that a great many people who might plead ignorance of the law will in the earlier stages of its operation be caught, so to speak, without a knowledge of the offence they have committed. But I

think that we can trust to, I will not say the leniency, but the tact and judgment of those who will have to administer the law, to recognise that in the beginning of its operation the stringency of its provisions will not have become generally known. The public will, in the ordinary course of affairs, be warned by the infliction of punishments in a few minor cases that they must strictly comply with the provisions of the measure.

Mr. PAGE. — Does the honorable and learned member think that it is too drastic?

Mr. BRUCE SMITH.—It is very drastic. The practice at which it is aimed has permeated British communities for many generations, and, indeed, centuries, because Pepys records in his diary that he added £50 to his little store of wealth by receiving a gift from a contractor who had supplied new sails, or a new boat, or something of the kind, to the navy, and there are similar records in Evelyn's diary, while I know from my thirty-five years' of business experience that it is still to be found in every channel of commerce, and amongst every class of the community, down to the domestic servant.

Mr. PAGE.—Every one looks for it.

Mr. BRUCE SMITH.—Every one looks for the commission, but no one looks for or expects the Bill. Many persons will be "flabbergasted," if I may use the term, when they know that their little peccadilloes are to be punished as crimes.

Mr. WATSON.—The receiving of a commission must be to the detriment of the employer. I do not think that the Bill would apply to the acceptance of a "tip" by a domestic servant.

Mr. BRUCE SMITH.—I mention domestic servants to show that the practice of receiving commissions obtains in every class of society. It is not peculiar to bankers, merchants, manufacturers, or traders.

Mr. WATSON.—But it is pernicious in every case.

Mr. BRUCE SMITH.—No doubt, and I sympathize with the desire to put an end to it. Although entering into the feelings of the honorable and learned member for Wannon, that some of the early offenders should be let down lightly, I think that, although the Bill may work some few hardships at first, it is better to trust to the moderation of those who will administer it than to stultify its provisions in the manner suggested.

Clause agreed to.

Clause 10 (Aiding and abetting offences).

Mr. GLYNN (Angas).—The English Merchandise Marks Act of 1887, from which I understand this provision to be copied, enacts that whoever "within the United Kingdom" counsels or abets an act which may have been committed outside the United Kingdom may be indicted under the Act. I ask why the words "in Australia" have not been used in this clause? Is the omission accidental or deliberate?

Mr. ISAACS (Indi—Attorney-General).—We can legislate only for persons within the Commonwealth. Any person who is a party to the commission of an offence by another is to be punished as if he himself had committed it, and we have tried to prevent a person in Australia from arranging for the receipt of an illicit commission outside Australia. The clause could not be taken to apply outside Australia, because the measure, like every Commonwealth Act, must be read by the light of, and be interpreted within the limits of, the Constitution.

Mr. GLYNN.—I see the reason for the omission. I thought at first that the intention was to give a wider scope to the clause than can be given under the commercial powers of the Constitution.

Clause agreed to.

Clause 11 and title agreed to.

Bill reported without amendment; report adopted.

MEMORIAL TO QUEEN VICTORIA.

Mr. DEAKIN (Ballarat — Minister of External Affairs).—I move—

1. That, in the opinion of this House, the Commonwealth of Australia should join with Great Britain, Canada, New Zealand, the Cape Colony, Natal, Newfoundland, and other parts of the Empire, in the erection of a Memorial in honour of the personal worth and beneficent reign of the late Queen Victoria.

2. That this House is prepared to approve of a grant of £25,000 for that purpose.

3. That the foregoing resolutions be transmitted by Address to His Excellency the Governor-General.

I regret to have to proceed at very short notice with a motion which I should have preferred to submit to a full House and to have had an opportunity of preparing for more fittingly. It will be observed from the first part of the motion that the proposal for a memorial to Her late Majesty is one which is in no sense restricted to the Commonwealth. On the contrary, we shall follow every other portion

of the Empire named in the resolution. Apart from any mention of the mother country, Canada, New Zealand, Cape Colony, Natal, and Newfoundland have already, through their Legislatures, expressed their approbation of the proposal, and their willingness, and, indeed, their anxiety, to take part in the movement. Therefore, this proposal is one of a chain of motions which have been adopted in every one of the dominions named. When we take our place beside the other self-governing communities of the Empire in common action to this end, we shall by that very circumstance place upon the movement a stamp of originality which will render it for ever memorable, and distinguish it from every other memorial or trophy with which I am acquainted. There are special circumstances which ought to commend this proposal to the representatives of the people of Australia. Although some slight settlement had taken place upon this continent prior to the reign of the late Queen, it was of a very small and imperfect description. It is, therefore, scarcely too much to say that the whole growth of Australia—at all events, the Australia we know—belongs to the reign of Her late Majesty. All the States were either founded during her lifetime,—indeed two of them, Victoria and Queensland, are personally associated with her by name—or were so remodelled and reshaped in their institutions and government as to have become practically creations of her time. Then, as a Commonwealth, we are particularly associated with the late Queen. It was under her rule that the movement for the Federation of the Australian States had its inception, and reached fruition. One of the last signatures which she appended to any document of importance set her final approbation as Monarch upon the Act under which the Constitution of the Commonwealth became law. The late Queen lived until after the establishment of the Commonwealth, although, unhappily, the official recognition of her death was one of the first proclamations which the first Ministers of the Commonwealth were called upon to authorize. So, throughout the whole of Australian history up to the present time, we have had the name of Her Gracious Majesty indelibly and indissolubly associated with us. Of course, we have to remember that this memorial is intended to be expressive of the sentiment, not merely of the great self-governing communities in the British Empire, but also of the peoples

of the whole of the late Queen's domain, including the great Empire of Hindustan, and also other far less civilized races to whom, as the "Great White Queen," she was a figure of surpassing interest and influence. She became in their minds the representative not only of the country to which we are proud to belong, but of all the forms of civilization, culture, religion, and progress which are the accumulated inheritance of our race. Whilst she appeared to them as a far-off mysterious dominating power, the appeal which she made to the hearts and minds of our own people was not so much owing to her queenly rank as to the fact that, as the then Poet Laureate sang, she attached their regard as wife, mother, and queen. If the recognition of her sovereignty most impressed the distant peoples under her benign sway, it was as a faithfully loving wife and as a tender mother that she made her way and retained her place in the hearts and affections of millions. The events which transpired during her reign were of the first importance to us, and to all her people. She was in name the first Empress of India, and she was in fact the first Empress of the Britons, because it was in that portion of the past century during which she lived that an enormous expansion of territory, of population, and of wealth in every part of the globe occurred, which made of the United Kingdom that world State to which only the somewhat unsuitable term Empire can be appropriately applied. During her lifetime was witnessed a transformation of the most marked character, not only within her own domain, but in the world at large. In the mother country profound political changes, initiated very shortly before she ascended the throne, culminated in a transmutation of the political, and also of the social and mercantile systems of the country. Although, happily, the reign of the late Queen was pre-eminently one of peace and progress, yet, when measured by what are customarily termed national glories, not even that of the good Queen Anne, nor of the great Elizabeth, can vie with the achievements which were then recorded upon the scroll of history in the name of her people. The spirit of the time in Great Britain was best embodied in her, so that among all the conspicuous or royal personages of Europe, she, from the very outset of her reign, appeared to be most closely in sympathy with the great pacific movement, the

great industrial revolution, and the great social changes which occurred during that period. The story of the nineteenth century, or the greater part of it, was effectively summed up in her, and in her rule, because there is, in the list of her deeds and aims, an entire absence of that seeking after personal aggrandizement which, in so many other countries, has brought the possessors of inherited authority into collision with their representatives or with their people. From the first she was associated with the aspirations which led to a great improvement in the condition of all classes in the mother country. The steps taken may have appeared slow; they were stumbling, but they were almost the earliest distinctive steps upon that path which the nations to-day are endeavouring more consciously—if not more conscientiously—to pursue. They sought an escape from the slough of despond, the hardships and miseries of toil, for those upon whom the burdens of life fell most heavily, and to whom opportunities and advantages were denied. As the earliest novels of one of her great Prime Ministers remind us, the social question, as we know it, had its birth during the earliest years of Queen Victoria, and has continued to grow in magnitude, with accelerated rapidity from that day to this. She, therefore, appeals to the modern mind by her acts and associations far more than any other monarch of modern times, and if at the end of her reign we have come to regard them as amongst the most essential questions to which the time and thought of legislators—indeed, of the whole community—ought to be devoted, we have largely to thank the long period of peace during which she presided over the councils of the nation. In another respect, too, even in an age which has seen many eminent rulers, she has become distinguished by reason of her early adoption and consistent adherence to constitutional principles. At no time during her supremacy did she attempt to traverse the precedents upon which the liberties of the mother country are based, and which have become our own. On the contrary, she moved with that great stream without resistance, with tact, and with wisdom. What personal preferences she may have had in politics are still matters of speculation. “Her court was pure, her life serene,” and although during her reign reform followed reform so quickly that their cumulative results would constitute a greater

Mr. Deakin.

revolution than the world has ever seen in any equal space of time, she, during the whole of these periods of change—during the whole of these processes of transition—was never out of harmony with them—was never in any respect an obstacle to the advances made by the people. We have cause to rejoice that she was not only true to the traditions of her House, but expanded them, and have also to recognise that, largely owing to her influence and example, the present King, her son, has never manifested himself more filially than during recent years, when he has won proud and universal recognition as the peace-maker of Europe. In these and many other particulars the late Queen must appeal to our broadest sympathies. Her long life—happily prolonged—allowed her to witness several celebrations in honor of the duration of her reign. They were jubilees which were in every sense national, and from which there were no exclusions. The particular circumstance to be recollected in this connexion is that in the public rejoicings at the maintenance of her rule, and the extension of her life, a great many public movements were undertaken in all parts of the Empire, and particularly amongst the self-governing peoples. These spontaneous demonstrations in her honour were most appropriately devoted to philanthropic ends. Queen's funds, and other funds without number, were started during her lifetime, in her name, and encouraged by her example, in which, as the most fitting tribute which could be paid to her character and services to the country, the generous and the charitable vied with each other in dedicating sums not to herself or to her family, but to charitable objects and philanthropic purposes. There is no part of the Empire, no country, no town of considerable size in which the late Queen's jubilees have not their memorials in the shape of special efforts put forward for the relief of suffering humanity.

Mr. WATSON.—Would not that be the best form for the proposed memorial to take?

Mr. DEAKIN.—I am leading up to that very question by pointing out that this is the form which it has taken, and that this was the form most acceptable to the late Queen, who during her lifetime, so far as her personal wishes on the subject were known, never desired any recognition

except of that kind. There has always been another chord of feeling which has been touched at those times, owing to the fact that it was a Queen and not a King, a woman and not a man, whose reign was characterized by those pacific developments which appear most in consonance with the disposition of her sex. That womanly quality was never lost at any time of her career. She is known to her people intimately, as wife, as mother, and as widow, and thus most deeply impressed herself upon their minds. While a Sovereign she parted with none of the qualities of her sex, she was never a masculine, but in every sentiment a true, Queen. Her family anxieties and affections, and the depth of her personal bereavements were the best testimony to the fact that, however elevated she was by her position and by her power, there was nothing else that separated her from the life of trial, and often of sorrow, which she shared with her sisters all the world over. The greatest duties were discharged by her without derogating from her womanly endowments. For many years, indeed, she obviously shrank from public gaze, and from public appearances, showing that, by her natural disposition in any sphere to which she might have been called, she would have been the woman she remained, even under the extraordinary circumstances surrounding her. We have always to remember, as was so often noticed during her lifetime, that she was associated, most appropriately, with the great advances in the condition of her own sex. Amongst all the transformations she witnessed probably none was greater than the difference in the status and the opportunities of women at the close of her reign and at the time when she ascended the Throne. In this respect it has always been felt that, in honouring her, we honoured her sex, because she became typical of the womanhood of her own country, and, to a certain degree, of the womanhood of all countries. It therefore seems most fitting that there should be some memorial which shall be a lasting testimony to the loyal feelings which she evoked, to the admiration, and, I may say, to the reverence with which she came to be regarded. If there is to be a lasting memorial—one which shall be distinguished from those recognitions already alluded to by its being an outward and visible sign of these sentiments—we find nothing in her life antagonistic.

No statue of a conqueror; no memorial associated with blood or suffering; nothing which would arouse in the mind feelings of regret or shame could be appropriate. On the contrary, what is proposed, so far as we know, is that in London, as the seat of the Empire, there shall be on a design not yet entirely determined but as part of a scheme for beautifying the city—a spacious avenue which, as I have seen it delineated, whether with or without authority I cannot say, in one of the English newspapers, will stretch from Westminster across St. James' Park, and terminate by Buckingham Palace. It will lead up, I understand, to a circle, within which, dominated by a statue of Her late Majesty, will be other groups symbolic of all the dominions of the Empire. The design is on a great scale, and will involve a heavy cost. I have seen the outlay estimated at a sum approaching £1,000,000. As honorable members are aware, the improvements which have been taking place in London in recent years have altered great portions of that old city almost beyond recognition, and this memorial is intended to be the crowning part of one of these great schemes of improvement and beautification. The idea is that the contribution of the mother country—as far as I am aware it has not been voted yet—will be about nine-tenths of the total sum. The remaining portions of the Empire which have acted already are Canada, which has voted £30,000, Cape Colony, which has voted £20,000, New Zealand, which has voted £15,000, Natal, which has voted £10,000, and Newfoundland, which has voted £2,000. Measuring them roughly by order of population, it has been estimated that on this scale a grant of £25,000 on the part of Australia will represent its fair contribution to the fund. That means that the outer Empire, so to speak, is expected to contribute about £100,000 of the £1,000,000, almost the whole of which will be devoted to the provision of a statue of the Queen, surrounded by statues or other emblems representative of all parts of the Empire over which she ruled. It was interjected a few moments ago that the proposed memorial might follow the precedents already set whenever honour was done to the late Queen; that is to say, that this money might be devoted to charitable or philanthropic purposes. That is always a proposition hard to dispute, because at no time that we are likely to see shall we find the flow of

generosity, however unstinted or magnificent it may be, sufficient to enable us to say that we are coping, even for a time, with the miseries that afflict a great portion of humanity. But, on the other hand, if that argument be pushed to its fullest extent, it would imply that in the presence of the great mass of pain and want by which civilization is confronted, we should abandon the pursuit of the beautiful or the endeavour to gratify the eye while appealing through the eye to the memory and to the heart—that we should make a sweep of the great memorials which are amongst the proudest possessions of nations. London itself, in its unkempt and straggling extent, contains ancient buildings, for the loss of which no sum could possibly recoup the nation. In that great city, it is true, there are hunger and suffering which would be well relieved.

Mr. MALONEY.—And death from hunger, too.

Mr. DEAKIN.—Unhappily of every other great city of the world the same may be said.

Mr. MALONEY.—Not so much.

Mr. DEAKIN. — That would not be helped to any appreciable extent, if it were helped at all, by our portion of the sum. If it were possible to imagine the great cathedrals, which take us back through many centuries, sold to millionaires from distant countries, and transported thither, the nation would feel that its loss was greater than could be compensated for by anything which the best disposition of that money could offer. The memorials upon which attention is sufficiently concentrated to render them potent influences upon the minds of those who behold them, and enable them by elevating the mind and inspiring the spirit to in-breathe a patriotic devotion to the great causes of national or human advancement are but few. They can be readily numbered. The proposal is to add another in honour of a woman who, as a reigning Queen, during a period of unparalleled advancement, was associated and closely in sympathy with that social development which awakes the great war cries and watchwords of the modern world. Although it is impossible to express the value of art or religion, of lofty thought or deep emotion, of our sacred family or national ties to a pound, shilling, and pence standard, the concordant testimony of mankind is that among its most precious possessions

are those works of art that recall great epochs, thus preserving to after generations an expression of the spirit and record of the achievements of generations that have passed away. Whatever is done in such a form has to appeal with dignity to the sense of beauty, and also to the sense of right; it must appeal to associations connected with patriotic or pious deeds, and thus with the development of humanity.

Mr. CROUCH.—If such a memorial is to be erected in London, it will be seen by only a few of the people of Australia.

Mr. McDONALD.—Not 1 per cent. of the people of Australia will see it.

Mr. DEAKIN.—That is true; but until we are so developed that the world becomes a parish, and we are able to be quickly transported from part to part, there will remain an inexhaustible wealth of loveliness and interest which must be sealed to all of us. If we could spend all our time in travelling to behold these sights we should lose the zest and the capacity to enjoy them. We have to be content with what is near. For my own part, while it has been a great privilege to me to be able to see some of the most magnificent memorials of the historic past, the fact that I have seen them makes me none the less content to live and to die in Australia. What is more—because of the privileges which we enjoy, springing as we do from that stock, whose late Sovereign it is thus proposed to honour—we should all be content to be here, and to contribute heartily to a memorial elsewhere that we may never see. There are national memorials here which the people of great Britain will never behold. The first and the greatest of these is this splendid continent itself. The next, if the people of Great Britain are not too proud to study them—speaking, I hope, without undue exaggeration—are the self-governing experiments that we are conducting. Although few of the people of the old world visit Australia, and thus come in contact with the experience which we have gained, or enjoy the sunshine which is our usual possession, to say nothing of the other advantages, opportunities, and resources of this great country, we should recollect that all these come directly or indirectly, to us as endowments from the mother country. They are ours to-day, only because in common with the rest of the Empire we stand shoulder to shoulder in mutual defence against aggres-

sion. What protects us at the present time in our immature youthful conditions are its flag and its fleet. It is true that these can be transferred to many parts of the globe; but all the British Fleet is not retained, and is rarely seen, even in British waters. It traverses all the seas, and we share in its shelter. To object to this proposal on the ground that the very striking and impressive memorial that it is proposed to raise will be so far from us that few of the people of Australia will ever look at it, is to take too narrow a view. Millions of our countrymen will see it. It will undoubtedly convey great lessons. The other dominions and dependencies will be associated in this undertaking. Even if we refused to take part in it, a memorial would be erected at their expense, and would be representative of them. I undertake to say that those Australians who visit London would take a pride in seeing Australia represented in the memorial.

Mr. MAHON.—It might cause persons to speak better of Australia than they do.

Mr. DEAKIN. — Let us hope that it would do so. There is certainly room for improvement. Our visiting citizens would take a pride in the memorial as being something of their very own — something standing in London to indicate the unity and fellow-feeling of our people, and to represent Australia where Australia needs to be represented. After all, among the vaunts we are accustomed to hear in reference to our country, none is more frequent than that, taking Australia as a whole, it is a rich country, of vast resources. The contribution we are asked to make is by no means a large proportion when measured even with the revenues of the smallest of our States. We must take into account the fact that the movements in the States to erect memorials in honour of the late Queen were arrested by the recollection that we had just become a Commonwealth, and that the proper representation of Australia in London was not by six divided States, but by the federation of the whole of its people. That was the reason many of these movements were not persisted in.

Mr. McDONALD.—Does the Prime Minister really believe that?

Mr. DEAKIN.—I am not speaking from memory. I have looked through the records, and find that this was the reason given by the Premiers of some of the States, and also by different public bodies.

I know also that private movements set in motion were checked by the suggestion that a complete memorial was to be erected.

Mr. McDONALD.—What was done in Victoria?

Mr. DEAKIN.—The movement was checked.

Mr. McDONALD.—They are not attempting to do anything, even at the present time.

Mr. DEAKIN.—The honorable member is referring to a proposal to add another memorial to those that we have already in Victoria. I am happy to say that we have in Ballarat a number of statues erected for our own purposes. At the time that the movement to which the honorable member refers was started, there was a proposal to erect a national memorial in London, and this led the people of Victoria to believe that Australia's part in it should be taken, not by the individual States, but by the Commonwealth.

Mr. MALONEY.—Has the Prime Minister any idea of what amount was collected in Victoria?

Mr. DEAKIN.—Not the least. The proposed vote of £25,000, when compared with the population of Australia, becomes insignificant. I do not wish, however, to deal with the matter from that stand-point, nor should I submit this proposal if it were not an adequate recognition, and, in the circumstances, the measure of support that we should be expected to render, having regard to what is being done by other parts of the Empire. Canada, New Zealand, and Natal have not hesitated to subscribe to this scheme, and when it is completed Australians who visit London, or who view representations of it here, would not feel proud if the place which ought to be occupied by something expressive of Australia were left vacant. I doubt if the people of Australia would consent to be content for any time with such a blank. The great memorials of the mother country mark events in her history. Their influence upon those who are receptive of such impressions cannot be assessed too highly, for it has endured from generation to generation, and from period to period, making them connecting links in national history. Amongst these memorials, not even the Abbey or the Tower will be likely to concentrate the attention, of

the English people, of the foreigners who visit England, and of those children of the great dependencies who visit the mother country more than this one associated with the life and personality of Queen Victoria. In itself it will be an object lesson where an object lesson is needed; for although London is one of the greatest of cities, a very large proportion of its inhabitants have very little idea of the greatness of the Empire. There at the very centre of its life, receiving through manifold arteries the blood that flows from all portions of that great organism which we name the British Empire, they are little conscious of how much of their welfare and of the power they possess is due to that which they receive from us; just as we, remote from the great populations of the old world, and having but scanty visible connexion even with the mother country, are often apt to undervalue the protection which is afforded by the power and prowess of the motherland. Among the elements—and the not inconsiderable elements, emotional or typical—which make, or ought to make, for a better understanding and for closer sympathies between us, must be reckoned memorials such as these, or I would rather say such as this, for it will be unique, and probably it may long remain unique, among the memorials, of which nations are proud. I do not know that one could add, or need attempt to add, more to the observations which I have thought it only due to make in support of this motion. The subject, of course, is inexhaustible, and I do not pretend to have touched upon more than a few points which at once arise upon any consideration of its significance. I am happy to leave them all in the hands of others better fitted to treat them. It is impossible to do any justice to this proposal, unless it be observed in its proper relation. It is not to be either the act or the influence of a moment. It is to remain, humanly speaking, in perpetuity. It is to continue long after we have passed away. It will remain, let us hope, as a reminder to the far future that in this age the pulse of unity beat strongly within us; that feelings of admiration for a great Queen were cherished throughout all parts of her dominions; that we realized our indebtedness to the country from which we sprang. From these motives and others combined, there comes this united action on the

Mr. Deakin.

part of all portions of the Empire, to place some memorial in the greatest city of the Empire, and the greatest city in the world, which should be in its beauty, in its grace, and in its appropriateness a memento of a great and good woman, filling the loftiest station, with all the temptations surrounding it, so purely as to leave her endeared to all portions of her people. As I have said, unless it be regarded from the stand-point of the future—looking backwards, so to speak, and viewing it as others hereafter will see it and be influenced by it, we shall fail to gather its meaning or its value. It is not merely for the present or for ourselves. It should accomplish purposes greater than we can foretell. We hope to see it remain while our great race retains its ancient vigour and independence, and its capacity to cope with the changing circumstances of a changing world, something more than a work of art. It will be built at a relatively great cost, if taken in its total, and reckoned at the moment when it comes into being; but if it fulfils our expectations, if it does indeed worthily embody and make visible the idea of a progressive and peaceful unity of peoples in this Empire, it will not have been reared in vain. It will be recognised as marking a beginning of social progress and of modern advance upon which generation after generation shall look, moved and touched to a sense of wider vision and higher relations with their race and its proud story. Of course, it is possible to expound indefinitely the influences by which we ought to be affected by a work aptly designed to this end. There may be other modes of remembrance which could rightly be preferred. But they would not detract from this. Let it stand by itself as a proper recognition on the part of a young and growing nation, with immense possibilities before it, to remind its people, moved not by coercion, but by ties of blood and deeper sympathies, by common aims and by common considerations, that they are treading a path of development which shall make the days to come better than those that are and have been—to remind them that there were some achievements in our period deserving a rich and permanent memorial, and that among them was the era of a great Queen, and the great Queen herself—a good woman, whose name will be always a precious possession of our race.

Mr. DUGALD THOMSON (North Sydney).—I regret, with the leader of the House, that some notice that this question—

great and important in all its bearings—was to be brought before us was not given. I do not, for that reason, raise any objection, or propose that there should be any delay in dealing with this matter. I recognise that possibly there has been already too much delay—that other parts of the Empire have acted whilst we have waited. One of the greatest recommendations of any recognition of merit, whether it be the merit of a monarch or merely a subject, is, and must be, its spontaneity. I am sure that the eloquent words of the Prime Minister, in speaking of one who was in many ways the greatest of English monarchs, will find acceptance on both sides of this House. If there is any difference of opinion, it will be, not as to the desirability of any contribution being made by the Commonwealth, but as to the character of the memorial which shall be erected with the proceeds of contributions from all parts of the Empire. There may be legitimate differences of opinion on this score, but I am sure that the House as a whole is at one with the proposal submitted by the Prime Minister. We must remember the history of the reign of Queen Victoria. In England there has been reform on reform. The franchise has been enlarged, if not year by year, at any rate, decade by decade. The self-governing powers of the people, not only of Great Britain, but of the Empire, have extended, generation by generation, placing the control, not in the hands of any small proportion of the community, but, bit by bit, in the hands of the whole of the people. We have also to remember the social improvements that took place during the reign of Her late Majesty, even though these improvements were not, perhaps, so many or so widely extended as we could wish. We have to remember the great upraising of the people which has occurred while Victoria occupied the throne of Great Britain, and we must never lose sight of the fact that in the monarch there was not an opposing but always an aiding disposition. We ought gladly to render some assistance in the erection of a memorial to a monarch in whose reign such advances were made. To come nearer home, we must not forget how Australia progressed during the reign of Queen Victoria. When the late Queen mounted the throne, Australia was practically a convict settlement, but as years went on, this country obtained the title deeds of the liberties we now enjoy. Last of all, we in Australia were granted constitutional government—the right to control

this vast continent. The Prime Minister has already told us that one of the latest acts in Her late Majesty's long life was to sign the charter which formed the detached Colonies of Australia into a Commonwealth, and, in my opinion, it is more fitting on our part than, perhaps, on the part of any other division of the Empire, to contribute to a memorial which will to future generations convey some idea of the great progress which was made during the long reign of Her late Majesty. We must always remember, too, that, as a woman, the late Queen set a splendid example to the people of Great Britain, and to the people throughout the British dominions. Her Majesty, by her virtues, raised the tone of English social life, and removed the cloud which had in some previous reigns rested on the Court of Great Britain. It has been suggested that the memorial should take the form of a charity, and, personally, I have some leanings in favour of such a proposal. But we must not forget that our contribution will form only a small part of the sum that will be required; and, therefore, we cannot do more than express our individual opinions. I take it that the representatives of the various contributors will decide as to what form the memorial is to take, and I am perfectly willing to allow the matter to be settled in that way.

Mr. CROUCH.—Is it not a fact that the Processional Row has been started?

Mr. DUGALD THOMSON.—I understand that that matter has not yet been finally decided.

Mr. WATSON.—Then there is all the more reason why we should express an opinion.

Mr. DUGALD THOMSON. — The Prime Minister might have given us a little more information if it is in his possession.

Mr. DEAKIN.—The matter is not finally decided, but the general plan is that referred to by the honorable and learned member for Corio. The actual design has not been agreed upon.

Mr. DUGALD THOMSON. — These matters must be left to those who will control the expenditure of the contributions, and I have no doubt that there will be some consideration of the views held by the representative of Australia.

Mr. DEAKIN.—It is settled that each contributor is to be separately recognised in the expenditure of the contributions.

Mr. DUGALD THOMSON.—That is, in the expenditure on one memorial?

Mr. DEAKIN.—On the general plan.

Mr. DUGALD THOMSON. — That does not meet the objection of those who desire to see some charitable institution erected as a memorial. As I have already intimated, I have a strong leaning in favour of a proposal of that nature. There is no doubt that the memorial, whatever form it may take, is intended to last for centuries; and, under all the circumstances, we ought not to insist on the contribution being expended in any special direction.

Mr. MAUGER.—May we not make suggestions?

Mr. DUGALD THOMSON.—Of course we may, but I think that ought to be done through the representative of the Commonwealth, who, doubtless, will have a voice on the committee which arranges all the details. While the suggestions made in the Commonwealth Parliament may, in the way I have indicated, be conveyed to those controlling the expenditure, I think it is hardly desirable for us to pass any resolution, even conveying a suggestion. In my opinion, the desires of the Commonwealth may be better expressed than by any definite resolution. Any attempt on the part of different contributors to insist, by the passing of definite resolutions, on effect being given to different views must prevent the establishment of any memorial. I hope that no attempt will be made to carry a hard and fast resolution on the subject. If a similar course were followed by all the contributors, no conclusion could be arrived at. As the Prime Minister has said, it would certainly be very lamentable if the Empire did not in this matter speak with one voice. We should all be contributors, and in that way indicate the oneness of the Empire. I trust that Parliament will adopt the motion, and that a memorial will be erected which will suitably recognise and carry down to generations to come a knowledge of the greatness of the reign of Queen Victoria. We may search English history from beginning to end, and I do not think that as regards true progress and true greatness we shall find any reign which so deserves to be honoured. I am certain that if we review the long line of English monarchs we shall find none who so much deserved to be honoured or to have the veneration of the people of her time embodied in a memorial which would cause her name and her reign to be remembered by the people of the future.

Mr. WATSON (Bland).—I share the regret which has been expressed that this matter should have come on rather unexpectedly, because personally I should like to have had an opportunity to look up available information on the subject. I must express some surprise that the Minister who was responsible for the recommendation arrived at in London in this connexion should not have brought the matter before this Parliament at an earlier period. The first Federal Government, of which the present Prime Minister was a member, was in office when the Conference was held in London at which this matter was considered. It was surely due to those who were also parties to the understanding there arrived at that the matter should be considered at as early date as possible. I believe that a very great deal of the force and effect of whatever may be done later will be lost as a result of the delay that has taken place. I wish to say for myself that I have no possible sympathy with the kind of memorial which it is proposed to erect, having regard to the vast sum which it is proposed to expend on it, no matter whether it be in relation to a great statesman or to the greatest monarch the British people have ever had. I give way to no one in my intense regard and admiration for the career of the late Queen Victoria. I think that her best memorial will be the record of her work as a monarch, and of her influence as a woman. I do not think that anything more than the knowledge of the fact that she endeared herself to the hearts of her people in both capacities is required to perpetuate her memory for practically as long as the Empire will last. But I would be prepared, having some regard to the aspects which the Prime Minister has so eloquently put before us, as to the desirability of having some visible form by which to appeal to the higher sentiments and feelings of the people, to gladly assist by my vote in the passing of a motion to contribute to some memorial which, while combining all that is necessary in the way of architectural beauty, would at the same time embody a function of usefulness for the community. The Prime Minister has said that the whole scheme, involving, in addition to the memorial, the creation of an avenue where none now exists—

Mr. DEAKIN.—Across a park.

Mr. WATSON. — Will entail an expenditure of £1,000,000. I believe that the actual memorial, if my memory serves

me right, and I looked at the papers some months ago, will cost about £500,000. That is to say, it is proposed that there shall be expended on inanimate stone and mortar a sum of nearly £500,000. I do say that that appears to me to be almost a sinful waste of money. I can quite understand the desirability of encouraging art, and of appealing to the artistic sensibilities of the people. I can sympathize with that object, but I say that we have no right to vote such a large sum of money for such a comparatively small result in that direction. If we desire to have some memorial of the late Queen, other than that which is established by the record of her life, it should certainly take the form of some scheme for the relief of the suffering and distress which exists here, and at the heart of the Empire. I am not anxious that it should be confined to any local memorial in the building of an hospital or an asylum for the poor in our midst. I should be content if such an institution were established in London, at the centre of the Empire, as an evidence of the gratitude of the people of the Empire towards a Queen who acted well and nobly during the whole of her life. But surely no one will say that the sum total of poverty and misery is exhausted in London? Surely no one can say that something cannot be done to relieve the sufferings of the people with the assistance of £1,000,000 contributed mainly, no doubt, by the people of Great Britain, but to some extent, also by the component parts of the Empire. If this be admitted, a memorial to her late Majesty would assume a much nobler form if it were to be a hospital or some institution of that character, rather than the form which it is now proposed the memorial shall take. The honorable member for North Sydney said it would be impossible to have any memorial if we insisted that it should take only the form which we approve.

Mr. DUGALD THOMSON.—If each contributor insisted on that.

Mr. WATSON.—Just so; if each contributor insisted that it should take the form which he favoured. I quite agree that if we are to get anything tangible, it will not do for each contributor to insist on the carrying out of his own particular design. But I am glad to have heard the honorable member express his personal preference for a memorial taking some form other than that which has been suggested. While, perhaps, it would not be wise to insist that the memorial should take a certain form, I do think it would be a proper thing for this

House to express an opinion. I trust that some honorable member will give us an opportunity to indicate our desire in that direction.

Mr. MALONEY (Melbourne).—While indorsing nearly every word that fell from the lips of the Prime Minister, I think that if the spirit of the good lady of whom he spoke could have hovered round the councils which have advised the erection of the proposed memorial, it would have suggested that it should be of such a character as would lead to the continual giving of assistance, and the constant doing of good to those who are in need. I have a knowledge of London, and of the mighty mass of its poverty, such as few honorable members have had an opportunity to acquire, and my observations are supported by the statement of Mulhall, that more people die of absolute starvation, as the term is employed in connexion with coroner's inquests, in the city of London than in all the capitals of Europe. To quote the words of one who was a Napoleon of gold medal winners in the London University, he having obtained three gold medals more than any other man, a distinction till then unequalled—I speak of Mr. A. G. Pepper—"for a person to be held to have died from starvation there must be a total absence of fat in the body, and no food in the stomach or intestines." If a person were so far gone that he could not recover, but had before death eaten even the stalk of a cabbage, he would be said to have died, not of starvation, but of want and privation. In view of these terrible facts, it being estimated that upwards of 220 persons die from starvation in London every year, I think that in this twentieth century, in which the feelings of humanity should have most sway, the money proposed to be expended on this memorial should be put to better uses. It might be spent in endowing a hospital, or establishing a lodging house, such as there is in Paris, where every one has the right to three nights' lodging, three breakfasts, and three dinners, while an endeavour is also made to find work for the applicants for admission. In London there is no such benevolent institution. In Paris, again, a woman, or a woman and her child, may find lodgings for a period of six weeks—and some have stayed for three months—until work and occupation have been found for them. I had six and

a half years' experience of London life, and, knowing the poverty which exists within a stone's throw of the wall surrounding the palace in which the good lady to whom it is proposed to erect this memorial lived, I think that I do not misrepresent her when I say that if she could imbue our counsels with her spirit she would say, "Let my memorial be something which will help the men, women, and children of the Empire, and not a mere mass of masonry, to the glorification of the city of London, and of those who subscribe to its erection." I know that the promise to subscribe to this memorial was made by a previous Government, Sir Edmund Barton having pledged the Commonwealth to the proposed contribution. That prevents me from strongly criticising the proposal of the Prime Minister. But we are here as custodians of the public purse, and the money which we vote away is not our own money. Therefore it is my intention to move an amendment which will relegate this question to the decision of the people, and, so that expense may be saved, I shall propose that that decision be expressed at the time of a general election. It may be that the people will then determine to increase the proposed contribution; but, in any case, they surely should have a voice in this matter. We know that if the surgeons of the day had not failed a woman in her hour of greatest need, Queen Victoria would never have come to the throne of England—a fact established in *Playford* and other classic works; but I do not for a moment think that the progress of the British race would have ceased had that good lady not ascended the throne. England would have advanced if Queen Victoria had never existed. But no one can doubt for a moment that the general peacefulness of her reign was due to the fact that her counsel was always for peace.

Mr. McDONALD.—What about the Boer war?

Mr. MALONEY.—I think that in that matter the poor lady was ill-advised, but it is said that her deep regret for that miserable capitalistic war weighed heavily on her declining days.

Mr. McDONALD.—She was opposed to the war.

Mr. MALONEY.—Yes; and I believe that its stupendous and colossal calamity hastened her death. This proposal to erect a memorial reminds me of a speech made by Lord Rosebery in reference to the statues

in the classic capital of Scotland. In Edinburgh they have statues at almost every street corner, and Lord Rosebery is reported to have said that he wished they could walk so that they could get off their pedestals, and jump into the Forth. Knowing how atrocious some of them are as works of art, I do not blame him for having said it. As one who has been privileged to live in London, I cannot agree with the Prime Minister that the services rendered by the great citizens of our nation have been accorded due recognition at the hands of the public. If one visits Trafalgar Square, he will see a large monument to a man who helped to kill off his fellow men, and nearly every monument in Westminster Abbey is erected to the memory of soldiers or sailors who have been engaged in the work of slaughtering their fellow-creatures. Another notable monument, that of Ajax defying the lightning, in Hyde Park, has been erected to the Duke of Wellington. The only monuments in London erected to the memory of a man of peace are the Albert Hall and the Albert Memorial, and there is no agreement of opinion as to the artistic merit of the latter. The three great men who will lend lustre and glory to the English race, when even Kings and Queens are forgotten—Shakspeare, Chaucer, and Milton—have no monuments, with the exception of a paltry two-penny half-penny fountain in Park-lane.

Mr. WILKS.—That is because they are immortal.

Mr. MALONEY.—The good acts of the late Queen should be immortal, and the truest memorial to her should be found in the hearts of the people. I do not object to a memorial being erected, but I desire that it should take such a form that it will be a source of blessing to future generations, and will cause people to thank God for the fact that such a good Queen as Victoria occupied the British throne. Some reference was made by the Prime Minister to the possibility of public memorials being sold to millionaires. He knows as well as any honorable member that the people have been robbed far more effectively than by the sale of public memorials. Take, for instance, the case of the Skye crofters, who were ruthlessly removed from the estates upon which they had lived for centuries. George Higinbotham was the greatest man we ever had in Victoria, and yet no public monument has been erected to him. The regard

in which the memory of George Higginbotham is held in the hearts of the people could not be expressed by the erection of any public monument. I move—

That paragraph 3 be left out, with a view to insert in lieu thereof the following words:—

“3. That the foregoing resolutions shall have no effect until a referendum of the citizens of the Commonwealth shall have been taken at the next general election, so as to save expense.”

In this manner I shall give effect to the wishes of my constituents. I recently addressed a large public meeting, and obtained from it an expression of opinion entirely against the proposal for the erection of a memorial to Queen Victoria. In addition to that, my committee have by formal resolution—a copy of which has been forwarded to the Prime Minister—requested me to record my vote against the motion, and I shall follow that course, unless a recommendation be added that the memorial shall assume some form such as I have indicated, namely, that of a hospital for the benefit of mankind, or a shelter for homeless women and children in the streets of London.

Mr. McDONALD.—I have an amendment which I desire to move before the amendment of the honorable member for Melbourne is considered.

Mr. SPEAKER.—I shall accept the intimation of the honorable member for Melbourne as an indication of his intention to move an amendment, and that will leave the honorable member free to take the course he desires.

Mr. McDONALD.—I should like to know if the Prime Minister will consent to the adjournment of the debate?

Mr. DEAKIN.—Although I have on two or three occasions intimated my intention to bring forward the motion, I do not wish to take honorable members by surprise, and I shall therefore consent to the adjournment of the debate.

Debate (on motion by Mr. McDONALD) adjourned.

ESTIMATES.

In Committee of Supply (Consideration resumed from 7th September, *vide* page 2029):

THE PARLIAMENT.

Division 1 (*Senate*), £6,987; division 2 (*House of Representatives*), £8,862; agreed to.

Division 3 (*Parliamentary Reporting Staff*), £7,016.

Mr. McDONALD (Kennedy).—I should like to point out that the practice has been

to deal with these Estimates in subdivisions.

Mr. DEAKIN.—These divisions are not large.

Mr. McDONALD.—Whether they are large or not, it is just as well that we should follow the usual practice.

Mr. DEAKIN.—Certainly, if the honorable member so desires.

Mr. TUDOR (Yarra).—I desire to direct attention to the item “Sessional typists at £4 10s. per week, £1,100.” Although I have heard no direct complaints regarding the treatment that is meted out to the men who are engaged in typing for the *Hansard* staff, I am given to understand from persons outside that they are unfairly treated, in that they are employed only for the session. To my mind, it would be much better—even if they were paid at a lower rate—to employ them permanently, in the same way as are the *Hansard* reporters. I do not know the exact nature of the provision that is made for typists by the various States Parliaments, but I think that the Government might well consider whether the gentlemen who are engaged in typing for the *Hansard* staff should not be given some security of tenure. Under the existing arrangement, their engagement is a sessional one, and they are, at its termination, turned adrift. We can easily understand that men in that position experience very great difficulty in obtaining employment with a private firm. Consequently, I ask the Minister in whose Department the matter is, to consider whether these typists cannot be provided with employment throughout the entire year, even if as a result they are obliged to accept a smaller weekly salary. I am given to understand that by utilizing their services in connexion with Royal Commissions during the recess it might be possible to give them continuous employment, without increasing the present cost of typewriting.

Mr. KING O'MALLEY (Darwin).—We all regret that it is absolutely impossible for these typists to secure any kind of work during the recess, unless they are prepared to accept sweating rates, which would be detrimental to those who follow typewriting for a living. I am sure that no honorable member desires to put these gentlemen, who discharge their duties so efficiently, in an unfair position, or in such a position that they will be obliged to undertake work at rates which will bring down upon them the odium and indignation

of others engaged in the same calling. I saw a good deal of that sort of thing last year. Then, again, when they are compelled to look for work during the recess, they are met with the objection, "Oh, but you are employed by the Commonwealth Parliament." As a matter of fact they are virtually out of employment during six months in the year. I hope that the Prime Minister will accede to the suggestion of the honorable member for Yarra, and see if something cannot be done for them.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I will call for a report upon the matter referred to by the honorable member for Yarra, but of course he must realize how different is the position of the *Hansard* shorthand writers from that of the typists. The *Hansard* reporters are not merely shorthand writers. They form quite a distinct species. Only one out of three or four of the best shorthand writers available possess the peculiar qualifications necessary to a *Hansard* reporter. Of course, in retaining them from year to year, we are thinking of our own interests quite as much as of theirs, besides which we are able to employ them during the recess in the work of preparing and indexing the proceedings of Parliament and upon Royal Commissions. The case of the typists, I think, has already been considered by the President and Mr. Speaker. Their positions are much better than are those of similar officers in the employ of the States. The practice of employing sessional typists is followed in all the States. In their case, so long as a typist can operate at a certain rate of speed, that is all that is required. The President and Mr. Speaker have had this matter under their attention previously, and if any method can be devised under which they can be dealt with upon a different basis, which shall be fair to them and to the public which pays them, it will be adopted. With reference to the observation of the honorable member for Darwin, as to sweating rates, I merely wish to remark that the rates paid to the sessional typists of the *Hansard* staff are about the highest paid for this kind of work anywhere.

Mr. HUTCHISON (Hindmarsh).—I think that we have to look a little further afield in discussing this question. I trust that the typists connected with the *Hansard* staff will be liberally dealt with by the Government, consistently with the work

which they perform. I am glad to hear that they are well remunerated, in comparison with others engaged in the same calling. But we have to be very careful about permanently employing not only typists, but any section of the public service, if there is not sufficient work to warrant that course being adopted. I have heard complaints from linotypers who receive only temporary employment. I take the view that we ought not to ask the Government to permanently employ any person who is well paid for the services which he renders unless there is work to keep him employed. The adoption of that practice would be unfair to the taxpayers.

Mr. McDONALD (Kennedy).—Although we have already agreed to the vote for the Parliamentary Reporting Staff, there is one matter concerning *Hansard* to which I should like to direct attention. I wish to point out that there are several improvements which might well be introduced into our parliamentary publications. For instance, I think it would be wise if a marginal note could be inserted, indicating the time at which each member of the Houses rises to speak.

Mr. DEAKIN.—That record is kept at the table.

Mr. McDONALD.—That is purely a private arrangement. It does not concern members of the House generally. The Chairman of Committees simply keeps a record for his private purposes. It would be of great advantage if a marginal note were inserted in *Hansard*, setting out the time at which each honorable member commences to address the House. To my mind that would constitute a distinct improvement. Then I am of opinion that under the present system of printing our *Votes and Proceedings* there is a good deal of wasted energy, and some unnecessary expense. I think that a better method could be adopted by means of which we could readily see upon any day what motions had been carried upon the previous day. Under the present arrangement, we have to get a separate paper upon certain days, in order to ascertain what has been done in this connexion. A similar remark is applicable to the *Division Lists*. If the result of each day's proceedings were incorporated in the *Votes and Proceedings* issued on the following day, we should be in a position to see at a glance exactly what had been done. At the present time we have to wade through

a number of papers, and if we are not very careful we are apt to miss some motions which have been carried. A reference to the *Votes and Proceedings* of the Legislative Assembly of Queensland will show the Printing Committee or whosoever may have to deal with this matter how the business is carried on. I am informed that their method is not only much cheaper than ours, but a great deal more convenient to honorable members.

Mr. BROWN (Canobolas).—In the Legislative Assembly of New South Wales the suggestion which the honorable member for Kennedy has made has been carried out, I think almost from the time when *Hansard* was established. As soon as an honorable member rises to address the House or the Committee, the time is noted by the reporter, and is printed in brackets after his name at the beginning of the report of his speech, and of course the time when he resumed his seat is indicated by the time when the next speaker began his speech. Another matter which might be considered relates to the attendance of honorable members here. As soon as a sitting of the House is begun, or an honorable member puts in an appearance, his presence is noted by the Serjeant-at-Arms, and that is our only record of attendances. At the end of every session in New South Wales, a list is compiled showing the number of divisions which were taken in the House and in Committees of the whole, and the number of times that each honorable member voted in either case. Our present method of keeping a record is a very good one, and should be continued, but it might be supplemented by the publication of a similar list to that I have mentioned at the end of a session. Under our present arrangement, all an honorable member need do is to enter the Chamber and make his presence known to the Serjeant-at-Arms, by whom he is recorded as being present, and then he may leave, neglecting the work of the House. If a record of his votes were kept, it would serve to indicate whether his presence in the Chamber was continuous. I think it would be wise to adopt the practice in New South Wales in these two respects.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—There is a good deal to be said in favour of the suggestions made. The recording of the time when an honorable member begins his speech will be specially easy, and will involve no extra labour. The

re-arrangement of the *Votes and Proceedings* demands more knowledge and a larger acquaintance with the records in the various States than I possess. I undertake to bring the two matters under the notice of the Speaker and the President, who have the power to make the necessary alterations.

Proposed vote agreed to.

Division 4 (*Library*), £2,831.

Mr. PAGE (Maranoa).—I should like the Prime Minister to explain why the salary of the Clerk in the Library is to be increased from £188 to £210. It is a substantial increase for the officer to get in one year.

Mr. DEAKIN.—His salary has stood at £188 for some time, and I believe that his services are very highly approved of.

Mr. PAGE.—No doubt he is a very good officer.

Mr. DEAKIN.—I am informed that this is the only increase which the officer has had for quite a number of years.

Mr. PAGE.—I wish to impress upon honorable members the fact that in all the States we are accused of reckless expenditure.

Mr. DEAKIN. — The honorable member will not find that many State officers are getting less than that salary.

Mr. PAGE.—Every one of the officers is getting a substantial increase. I notice that the officers who are receiving good fat "screws" are getting them increased.

Mr. DEAKIN.—In the States.

Mr. PAGE.—No, right through these Estimates, as I shall show when we come to deal with other Departments. So surely as we are in this Chamber, so surely will there come a time when all these salaries will be cut down very nearly by one-half, and that, I believe, will be before very long. We are getting to the end of our tether, and instead of hastening slowly we are rushing on at breakneck speed. By-and-by these officers will be marked out for decreases instead of going along steadily as they ought to do. I have no objection to the items in the proposed vote. I merely wish to warn the Committee as to what is bound to happen here sooner or later, just as it has happened in the States.

Mr. KING O'MALLEY (Darwin).—I do not rise to object to the proposed vote, but to raise a protest against no sum having been placed upon the Estimates for the members of the House. I desire to ask the Prime Minister what he proposes to do with

regard to increasing the starvation wages of honorable members?

Mr. DEAKIN.—We are going to do the thing which is right.

Mr. KING O'MALLEY.—Does the honorable and learned gentleman intend to reduce our wages or to raise them?

Mr. DEAKIN.—I am studying the question!

Mr. PAGE (Maranoa).—I notice an item of £200 for "fitting up rooms in basement." For what purpose are the rooms to be fitted up?

Mr. DEAKIN.—The money is required for the preparation of rooms in the basement which are necessary for the meetings of Select Committees and other meetings in connexion with the business of the House.

Mr. MCCAY.—Are all Select Committees to be consigned to the lower regions?

Mr. DEAKIN.—Yes, and very good work emerges from there.

Mr. MAHON (Coolgardie).—I have no objection to offer to the item, but I think that the Government ought to consider the fact that there is practically no accommodation available for honorable members when constituents call to interview them. There is no private room in which an honorable member can converse with a stranger. Some of the best and most convenient rooms are still reserved for the use of the members of the State Parliament, and I think that the time has come when the Prime Minister might ask the State Government to say whether we or they are to have the full use of this building.

Mr. McDONALD. — Surely we are not going to remain here for ever?

Mr. MAHON.—While we are here we ought to enjoy the full facilities which are provided in the building.

Mr. GROOM.—Only one room on each side of the building is reserved for the use of State members.

Mr. MAHON. — The use of that one room would be very convenient to the members of this Parliament.

Mr. GROOM.—But these rooms are reserved for the use of State members under the terms of an agreement.

Mr. MAHON.—It is not an irrevocable agreement. It is one which, I presume, negotiation and a little persuasion might lead the State Government to alter. The time has arrived when the effect of a little persuasion might well be tried. I think that nearly every honorable member will agree with me that much inconvenience

is at present experienced. There is no room in which an honorable member may have a private conversation with a visitor from one of the other States, and in the circumstances he must take him to the Queen's Hall. A very cheerful room on the Senate side is reserved for members of the Legislative Council, but I have never seen any one enter it; while on this side of the House a large room in the basement, reserved for members of the Legislative Assembly, is used very rarely. The Treasurer of Victoria announces to-day that he has a surplus of over £500,000, and that being so, he might be induced to provide rooms elsewhere for members of the State Parliament if additional accommodation be really required. According to the information that I have received, ample accommodation is provided in the Exhibition Building, and the rooms set apart for State members in this building are a mere surplus luxury.

Mr. MAUGER (Melbourne Ports).—Still greater difficulty is experienced in securing accommodation for Select Committees and Royal Commissions. At the present time the Navigation Commission is meeting in the room set apart for the Government Whip, which is small and exceedingly inconvenient, but there appears to be no other available. I understand that there are suitable rooms on the Senate side, but it would be necessary to enter into negotiations for their use. The business of Select Committees and Commissions would be facilitated by reasonable provision being made for their requirements.

Mr. HUTCHISON (Hindmarsh).—I wish to emphasize the complaint as to the insufficiency of accommodation provided for honorable members. I do not know of any other House of Parliament in the Commonwealth where the accommodation, especially for visitors, is so meagre, and I think something should be done to secure an improvement in this direction. I wish to draw the attention of the Prime Minister to the proposal to increase the salary of the clerk to the Library by £22 per annum.

Mr. DEAKIN.—After many years he is to receive that increase.

Mr. HUTCHISON.—I notice that £60 is provided for an office-cleaner, and that last year only £58 was expended. I should like to know whether the Prime Minister considers that the office-cleaner is doing hard work, and whether he has been working for many years without receiving an increase. I do not wish him to be paid

more than he is worth, but my experience is that those who work the hardest, not only in the Commonwealth service, but in all branches of labour, receive the poorest wages. If we are going to be generous to those who have congenial work to perform, we should also be generous to those who have to discharge more disagreeable duties.

Mr. FULLER (Illawarra).—The honorable member for Coolgardie has voiced the feelings of representatives of all the States in regard to the lack of accommodation. When members of the State Legislature of New South Wales and others have called on me, I have had to take them into the Queen's Hall, as there is not a room in which one may have a private conversation with a stranger. The only place set apart for strangers is the north lobby, which is really a passage, and is used by members of all parties. There is also a telephone there, and it is certainly an inconvenient place to carry on a private conversation with a friend. The whole building consists of halls and corridors, but there must be some parts in which suitable provision could be made in the direction I have indicated. I trust that something will be done to provide reasonable accommodation.

Mr. BROWN (Canobolas).—I think the Committee is entitled to an explanation as to the reason why only £58 was paid to the office-cleaner to the Library, although there was an appropriation of £60. It would also be interesting to know whether we are to have a repetition of this practice. Fifty-eight pounds per annum is a small sum to pay a cleaner.

Mr. DEAKIN.—It is the payment made to the charwoman.

Mr. BROWN.—The cleaner in the Queen's Hall receives £110 per annum, although I should imagine that his work is not so laborious as is that of the cleaner of the Library. I wish to indorse all that has been said by the honorable member for Coolgardie as to the lack of accommodation in this House. The building consists for the most part of corridors, and very little provision seems to have been made in the original design for the comfort and convenience of honorable members. It is now proposed to spend £200 in fitting up rooms in the basement. I should like to know to what purposes those rooms are to be devoted. The *Hansard* staff are at present housed in the basement, although it seems a very unsuitable place for any of the officers. If it is possible to secure accom-

modation in any other part of the building, it would be wise to do so, rather than to make a further expenditure in fitting up rooms in that part of the building. I presume that the item, "Books and bookbinding, including insurance against fire, £1,250," is to cover expenditure on books for the Commonwealth Library. Last year £1,284 was expended in this way. We have no complete catalogue of the books that have been purchased, and I trust that special attention is being given to the collection of rare works relating to the history of the States, and to the foundation of the Commonwealth. Great difficulty is experienced in securing a number of publications which for purposes of historical reference would be valuable. The same may be the case in connexion with the inauguration of the Commonwealth. All publications of the time should be secured for the Commonwealth library. It seems to me that it would be well to give special attention to that point. When the question of selecting the Federal Capital was under consideration, not only were publications issued by the Government Printer under authority, but a number of other publications also were issued by Capital Site leagues in the different centres that were considered by this Parliament. A considerable amount of labour, not only historical, but artistic, was put into the documents. It is very difficult, even now, when we are so near the time when they were published, to secure copies of these pamphlets. It appears to me that it would be very wise to obtain copies of them, as well as of all other documents relating to the question, for future historical purposes. I understand that the Minister of Trade and Customs, when he was Premier of New South Wales, commissioned Mr. Keenan, a press man, to prepare a history of the inauguration of the Commonwealth. What has been done in that matter? Has the publication been prepared? Is there a copy in the Library? A considerable amount of work was devoted to it, and I believe the publication is a very interesting one. Though I have not had the pleasure of seeing it, I saw a proof before it was put through the press. What has since been done in reference to it? I hope the Prime Minister will look into these matters, and see that something is done towards forming a true Commonwealth library.

Mr. KING O'MALLEY (Darwin).—I wish to ask the Prime Minister what

the meaning of the item, allowances to State officers, £63?

Mr. DEAKIN.—That was last year; we are not voting the amount this year.

Mr. KING O'MALLEY.—I also wish to allude to what the honorable member for Illawarra and the honorable member for Coolgardie have said as to the accommodation in this House. This seems to me to be more of a Russian Absolutism than a democratic Parliament. Some honorable members, no matter how insignificant their positions may be, have special rooms set apart from them, whilst private members have no place in this building to which they can take a constituent who calls upon them. One can take him into the general room, but then he has to explain to every member present who his friend is.

Mr. DEAKIN.—That is very awkward.

Mr. KING O'MALLEY.—It is; and it is something which I, as an Australian-American, do not desire to do. Why could not the leader of the Opposition, the leader of the Labour Party, and the Government whip occupy one room together? Then there would be two rooms to which members could take their private friends. This plan would create a spirit of harmony and good-fellowship among the gentlemen to whom I have referred. It is a great mistake to isolate them. Why should they be treated like quarantined small-pox patients? Unless accommodation is provided for the use of private members when they are being interviewed by constituents, the Prime Minister will have a wasps' nest about his ears next session. Perhaps the difficulty might be met by exchanging this building for the State Parliament House. There are plenty of rooms there, and this building would be far more convenient for State members. They would then be near to the Government Offices. We have no business to do with Lands Offices, Mines Offices, and the rest of the State's Departments. If the Prime Minister could effect an exchange he would satisfy the Victorian State members, and would, at the same time, be able to provide accommodation, which we cannot get in this building. Some of us, and our friends, may be humble, but humble as we are, and poor as we may be, we still have the spirit of the Lord burning in our hearts, and we are not going to have Russianism here. If we cannot effect an alteration in any other way, some of us will have to become leaders of three or four men and a couple of dogs, so as to get rooms for ourselves.

Mr. JOHNSON (Lang).—Without desiring to pose as a political Uriah Heap, on the score of humility, I certainly think there is much to be said in favour of the suggestion as to providing accommodation for meeting visitors who may desire to talk over matters with members. At the present time, one has either to talk to a visitor in one of the corridors, or in the Queen's Hall. There is no room where one can have a conversation without interruption. Some room of the kind ought to be provided. The matter mentioned by the honorable member for Canobolas is one which the Government should certainly take into consideration. An attempt ought also to be made to preserve all records which are or may be valuable relating to the inauguration of the Commonwealth. The honorable member for Canobolas has referred to the work of a Mr. Keenan, and has suggested that it is a very valuable publication.

Mr. DEAKIN.—Has it been published?

Mr. JOHNSON.—Possibly the material may be available, if it has not been published. I think there was some difficulty about the cost of publication, and as to whether it should be borne by the Federal Government.

Mr. DEAKIN.—It was a State matter.

Mr. JOHNSON.—There was some difficulty in the way. But if this matter is still available the cost of having it put in a form suitable for publication would, in moderation, be money well spent. I find that documents relating to the inauguration of the Commonwealth, and particularly to the visit of the representatives of Royalty, are getting very scarce; and some effort ought to be made to obtain and preserve as complete a record as possible.

Mr. DEAKIN (Ballarat—Minister of External Affairs). — I am informed that the item to which attention has been called by the honorable member for Hindmarsh is the payment made to the charwoman, who works for two or three hours each day. The payment, as measured by the ordinary standards, is extremely liberal, and there is no desire to reduce it. The truth of the statements about the inconvenience of this building in regard to individual members must be admitted. The complete plan of the building, of course, provides suites of apartments which would meet every requirement; but it is not likely that in our time that plan will be carried out. All that has been erected up to now are the two chambers, the great

hall, and the public appurtenances. The convenience of private members has been allowed to wait until the last, and that, I think, the honorable member for Darwin will admit is thoroughly democratic.

Mr. KING O'MALLEY.—I do not think so.

Mr. DEAKIN.—It is unfortunate that there are no rooms for visitors.

Mr. PAGE. — There will be plenty of room when we get into our own House.

Mr. DEAKIN.—I hope so. Of course, we are guests in this building; and it is a beautiful and extensive building, generously placed at our disposal without cost. Under the circumstances, we have to accept the accommodation therein, under pain of being required to find better if we do not like what we have got.

Sir FREDERICK HOLDER (Wakefield).—Some reference has been made to the desirability of collecting books, papers, and documents generally, relating to the early settlement of Australia and the formation of the Commonwealth. I may inform honorable members that the Library Committee have paid special attention to this question. We have now accumulated towards the Commonwealth Public Library—which we hope one day to possess—considerably over 10,000 volumes, a very large proportion of which relate specially to the earlier history of the States which form the union and to the movement towards Federation. We have, in addition, collected books, pamphlets, leaflets, advertisements, views, early photographs, and prints earlier than photography; in short, everything that could be done by a Library Committee representing both Chambers has been done during the past three or four years. Reference has also been made to the question of an index, and I may say that that matter was dealt with at the last meeting of the Library Committee two or three weeks ago, with the result that an index is now in hand. It is hoped that before Parliament meets again next session this index will be available for honorable members. The rooms referred to in the basement have been fitted up chiefly for the reception of books relating to Australia. Until recently there was considerable risk of very valuable papers and books, which, perhaps, could not be replaced, being lost; but now rooms have been arranged for their reception, and the books, which have been gathered together at considerable expenditure of time and money,

will be preserved for future use. I shall at all times welcome suggestions from honorable members relating to the affairs of the Library. As to the provision of accommodation generally, I should like to say that one of the most difficult tasks I have to perform is the allotment of rooms. We have very few rooms, and there are many purposes to which they might be put. The House Committee do not imagine for one moment that they can find accommodation for Royal Commissions, which have no necessary connexion with Parliament, but which only incidentally, or accidentally, now and again include amongst their members representatives in Parliament. The House Committee hope, however, to provide all the rooms necessary for Select Committees which consist exclusively of members of Parliament. Then there has been raised a question of rooms wherein members generally may meet. I have had this matter in my mind ever since I was appointed Speaker, and I should like to see some large room where members of all parties could meet in common, and so get to know one another better. That room I should like to see open also to members of another branch of the Legislature, so that the members of the Parliament might become more intimately acquainted. Unfortunately, however, no such room is available. As to rooms in which honorable members may receive friends, there is only one way to provide that accommodation, namely, by surrendering one or more of the apartments now devoted to party purposes. Every room is at present being made the best use of, and only by such a surrender as I have indicated could the accommodation desired be provided. I should be only too pleased if rooms were available to place them at the disposal of honorable members as soon as possible.

Mr. CROUCH (Corio).—I am sure we ought to be very grateful to the honorable member for Wakefield for taking part in this debate. I know that Mr. Wadsworth, the Librarian, is doing his best to collect all documents, papers, and books connected with the Federal movement; and I may say that I have kept some, which will eventually find a home in the Commonwealth Parliamentary Library. I think that the remarks of Mr. Speaker, coupled with some public announcement or invitation, might result in a number of valuable prints, engravings, and similar articles, being added to our

collection. I hope that the press will take notice of the remarks which have been made to-night on this subject.

Mr. BROWN (Canobolas).—There is another matter which might with some advantage receive the attention of the Library Committee. We have *Hansard* and the splendid index which accompanies it, but, so far as addresses delivered outside this House by Ministers and other prominent public men are concerned, there are no ready means of reference. Some little time ago I had occasion to refer to an address delivered by Sir Edmund Barton when Prime Minister of the Commonwealth. I could not remember the date on which it was delivered, and I soon found that I had no light task before me, if I were to wade through the newspaper files for a report of it. I happened to visit the Parliamentary Library in Sydney, and, knowing that an index of such addresses is kept there, I asked the Librarian if he could tell me when the speech in question was delivered. In two or three minutes, by turning up the index, he was able to tell me the date on which the report of the address appeared in the newspapers. An index of the kind might be compiled by our Librarian. It should not involve a great deal of work to compile an index of addresses delivered by leading Federal members or by State members who have discussed Federal matters, and there can be no doubt that it would be of the utmost help to honorable members for purposes of reference. The honorable and learned member for Ballarat some time ago delivered an address which attracted a considerable amount of attention both inside and outside of this Chamber. If in a little time one requires to refer to what the honorable and learned gentleman said on that occasion, he will have some difficulty in hunting up the newspaper reports of the speech. The index kept in the New South Wales Parliamentary Library supplies a record of each speaker, the principal subjects dealt with in his address, and the issues of the principal newspapers in which a report of his speech is to be found. I hope that some attention will be given to the desirability of providing a similar index for the benefit of members of this Parliament. I notice that there is an item of £250 put down for improvements connected with Parliament House. Some time ago our medical

experts, notably the honorable member for Hunter, expended a good deal of eloquence in describing the deficient ventilation of this Chamber, and its danger to honorable members. So far as I am able to judge, very little improvement in this respect has been effected. I should like to know if there is any possibility of some of the suggestions of the experts for the better ventilation of the Chamber being carried out in the near future.

Proposed vote agreed to.

Division 5 (*Refreshment Rooms*), £835; division 6 (*Water Power for Parliament House*), £250; division 7 (*Electric Lighting*), £1,348; division 8 (*Queen's Hall*), £604, agreed to.

Division 9 (*Parliament Gardens*), £482.

Mr. HUTCHISON (Hindmarsh).—The Prime Minister, if he can, might give the Committee some information as to the method adopted in valuing the services of Commonwealth officers. I find, for instance, that whilst the foreman gardener receives a salary of £168 a year, a clerk receives £210, and a senior messenger £188. I should, personally, be inclined to think that the position of foreman gardener was more important, and his services more valuable, than those of a messenger. Either the messenger, in this case, is getting too much, or the foreman gardener is getting too little. I cannot see how these salaries can be reconciled. For my part, I think I should prefer the duties of a messenger at £168 a year to those of a foreman gardener at £188 a year.

Mr. BAMFORD.—The gardener is a professional man.

Mr. HUTCHISON.—I suppose we all have some idea of gardening, and I know we can all admire the way in which the gardens about these premises are kept. I think that our foreman gardener is not too well paid. I should like some information as to how the value of the services of these officers is assessed.

Proposed vote agreed to.

Division 10 (*Miscellaneous*), £961.

Mr. WATSON (Bland).—I wish to direct the attention of Mr. Speaker, as a member of the Joint House Committee, to the item "Lift attendant, £78." I may say at once that the young fellow who fills this position has not spoken to me, or to any one else to my knowledge, on this subject. I have noted, however, that though we may sit until the early hours of the morning, the lift attendant must still be

at his post, and he has to attend again at 9 o'clock next morning. He is required to be in constant attendance also during the recess, as the lift is kept going, and in the circumstances I think, that £78 a year is too small a wage. He should be getting at least £110 a year, or 7s. per day. He has to work a very great deal of overtime, and when the recess arrives, whatever may be the case with respect to other members of the House staff, he has very few days off. I trust that the matter to which I have referred will be taken into consideration.

Mr. BROWN (Canobolas).—I indorse the remarks made by the honorable member for Bland. The lift attendant is at the beck and call of honorable members from 9 o'clock in the morning until the hour at which the House adjourns, whether that be 11 o'clock, 12 o'clock, or one of the "wee sma'" hours. Honorable members will notice that of the attendants in the Queen Victoria Hall, the chief messenger gets £188, a junior messenger gets £156, and a cleaner £110 a year. It seems to me that the duties appertaining to this position are equally severe and trying. I join with the honorable member for Bland in urging on the House Committee the advisability of considering the granting of an increase of pay to this officer.

Mr. SYDNEY SMITH (Macquarie).—I support the suggestion of the honorable member for Bland. Parliament never intended that its servants should be called upon to work such long hours as are worked by the lift attendant, for the low rate of wages that he receives. I hope that the matter will receive the early consideration of the House Committee, and that, if they cannot do what is necessary, the Government will take the matter in hand.

Mr. PAGE (Maranoa).—As a member of the House Committee, I wish to say that I understand that it is the intention of the Usher of the Black Rod to recommend that the pay of the lift attendant, when he attains the age of twenty-one years, be increased to £110, and that the young fellow is satisfied with that, as he reaches his majority next June. I spoke to Mr. Speaker on the subject this evening, because I thought that an increase was provided for, and he promised that something should be done at our next meeting.

Mr. STORRER (Bass).—I take it that attending to a lift is a boy's work. This young man commenced his duties as a boy,

and if he has grown up, so as to be now too old to do boy's work, he should be dispensed with, and a boy put in his place. We should consider the matter purely as a business arrangement, and as a business man I say that, if attending to the lift is boy's work, a boy should be provided for it.

Mr. WATSON.—Does the honorable member think that a boy should be kept at work during all hours of the night? We should have accidents if the lift were intrusted to a boy.

Mr. STORRER.—It is not because this youth comes under the immediate notice of honorable members that he should be thought more of than persons who do their work thousands of miles from here. Surely those who are in charge of this service know what is required in a case like this. If every public officer were treated similarly, the cost of our public departments would be doubled. We have to consider the interests of the tax-payers, as well as those of the public servants.

Mr. HUTCHISON (Hindmarsh).—Whilst I think that we should safeguard our expenditure as much as we can, I do not agree with the honorable member for Bass that the lift attendant is performing boy's work. Surely no honorable member thinks that a boy should be kept at work during all hours of the night, and until early morning. If the lift were in use only during the day-time, it could be attended to by a boy; but no boy could stand the strain which is put on the lift attendant by the present arrangements, and I think that the salary is not commensurate with the work required of him. Some honorable members are ready to seek relaxation on the slightest pretext, but the lift attendant must keep to his post as long as Parliament is sitting. I consider that he has hard and constant work to perform. I hope that in our Public Service boys will never be asked to stay at work during all the hours of the night, and I should like to see a Federal law enacted preventing the employment of boys after certain hours of the evening—for their own protection, and for the benefit of the race.

Mr. FULLER (Illawarra).—I indorse what has been said by the honorable member for Bland in connexion with this matter. I was rather surprised at the statement of the honorable member for Bass. It is not boy's work that the lift attendant has to do. He is here as long as either House

is sitting, and the safety of members depends to a large extent on the proper performance of his duties. He is now approaching twenty-one years of age, when, if he were in any other branch of the Public Service, he would under the Act be entitled to receive a minimum wage of £110 a year, although he is now getting only £78 a year. I hope that the House Committee will take the matter into consideration, and see that the lift attendant is treated as he should be treated.

Mr. McDONALD (Kennedy).—For some time after the Federal Parliament began to occupy these buildings the lift attendant was paid only £50 a year, but, attention being called to the fact that he is kept here for all hours of the night, and has to come again early next morning, he was, a little over eighteen months ago, given an increase. I think, however, that he should be given a further increase, and I was glad to hear the honorable member for Maranoa say that the matter will be favorably considered by the House Committee.

Proposed vote agreed to.

DEPARTMENT OF EXTERNAL AFFAIRS.

Division 11 (*Administrative*), £8,298.

Mr. BROWN (Canobolas).—I should like to know what is done in the way of providing the Governments of the States with copies of the Bills which are submitted to this Parliament.

Mr. DEAKIN.—The Governments of the States are supplied with copies of all Bills.

Mr. BROWN.—Are the Parliamentary Libraries of the States also supplied with them?

Mr. DEAKIN.—Yes.

Mr. SYDNEY SMITH (Macquarie).—I wish to speak about the manner in which the Commonwealth offices in the various States are supplied with public documents. I do not know what the arrangements in the other States are, but in New South Wales they are most unsatisfactory. The other day I called at the Sydney office for a copy of the proceedings of the recent Hobart Conference, but found it impossible to obtain one.

Mr. DEAKIN.—Is the honorable member aware that the report has not yet been presented to Parliament?

Mr. SYDNEY SMITH.—Yes, but that is no reason why it should not be made available to honorable members at the Commonwealth offices in Sydney. I had to go to the Government Printing Office in Sydney to obtain a copy of the report. Honorable

members should be able to procure at the Commonwealth offices any documents they may require to consult in order to prepare themselves for the legislative work that lies before them. We have a staff of officers in Sydney, and rooms provided for the convenience of honorable members, and it is very necessary that a full supply of parliamentary papers should be provided. I would suggest that a good supply of Bills should be kept on hand, so that honorable members may obtain copies if they desire them. The Commonwealth offices in Sydney are very largely availed of by honorable members, and the conveniences afforded would be largely added to if a complete supply of documents were available.

Mr. DEAKIN.—I shall see that the matter is attended to.

Mr. MAHON (Coolgardie).—I hope that the Government will not comply with the request of the honorable member, or attempt to build up a Federal Library in every State. There are Commonwealth offices in the capital of every State. In Perth, only one room is provided, and, although it is a fairly large one, it would be filled, to the exclusion of everything else, if a full supply of the various Commonwealth publications were kept on hand. If the honorable member for Macquarie had desired a particular document, why did he not keep the copy supplied to him? That is what other honorable members have to do.

Mr. SYDNEY SMITH.—My copy of the report was in this House.

Mr. MAHON.—The honorable member should not have begrudged the trouble involved in walking a few yards along the street to the State Parliament House in Sydney, where he would have been able to see what he required. The honorable member comes from a State in which money has been rather lavishly spent upon the printing and distribution of official literature, and I desire to put in a little timid word in favour of economy. Honorable members now have all the parliamentary literature that is good for them, and I do not think that any great hardship is involved in resorting to a State Parliamentary Library in order to peruse Commonwealth publications. The States Parliamentary Libraries are accessible to honorable members of this Parliament, and it seems to me that it would be the height of extravagance if the Government were to forward to the Commonwealth offices in each State a complete set of Commonwealth publications. The num-

ber of such papers would become so overwhelming that very soon an index would be required to enable honorable members to readily refer to them. There seems to be something extremely suspicious in the management of the Government Printing Office. In view of the fact that the *Commonwealth Gazette* is for the most part a very small publication, and is not issued every week, the cost last year, amounting to £1,691, was excessive. I have taken the trouble to watch the estimates of cost given in connexion with every document issued from the Government Printing Offices here and in Sydney, and I have noticed that the estimated cost of printing in Melbourne—I do not know anything as to the amounts actually charged to the Treasury—is, in many cases, 50 per cent. higher than the outlay upon similar documents in Sydney. At present I shall content myself with directing attention to this matter in a general way, and shall have something further to say upon the subject when the Estimates for the Government Printing Office are under consideration.

Mr. DEAKIN.—A large part of the cost is represented by postage. The *Gazette* has to be sent to every public office in the Commonwealth.

Mr. MAHON.—I think that the items ought to be separated, so that honorable members might be informed as to the amount charged for postage. I should like to know if the *Commonwealth Gazette* is registered at the Post Office for transmission as a newspaper.

Mr. DEAKIN.—I believe so.

Mr. HUTCHISON (Hindmarsh).—If the Government intend to adopt the suggestion of the honorable member for Macquarie, they will have to provide special accommodation in South Australia. At present honorable members who desire to peruse Commonwealth documents have to resort to the State Parliamentary Library. Any person wishing to see Federal representatives on business have to interview them in a room belonging to the suite attached to the Legislative Council, and we have heard remarks, which are not altogether pleasant, with regard to our occupancy of that room. Under present circumstances, it would be useless to spend the taxpayers' money in carrying out the suggestion of the honorable member for Macquarie.

Mr. JOHNSON (Lang).—I, too, have experienced considerable difficulty in obtaining parliamentary papers at the Com-

monwealth offices, Sydney, and I think that some better arrangement ought to be made for supplying those documents. I am glad to learn that there is such a publication as the *Commonwealth Gazette*, though I have never seen a copy of it.

Mr. DEAKIN.—Look at it.

Mr. JOHNSON.—If the expenditure involved is not too great I suggest that a copy of the *Gazette* should be supplied to every honorable member of the House.

Mr. DEAKIN.—It is already supplied to every honorable member who desires it.

Mr. JOHNSON.—I am glad to know that such a publication is available, because it is sometimes necessary to consult it in order to acquire certain information.

Proposed vote agreed to.

Division 12 (*Executive Council*)—£850 agreed to.

Division 13 (*New Guinea*)—£20,000.

Mr. McDONALD (Kennedy).—In view of the fact that honorable members had no notice of the intention of the Government to proceed with the Estimates tonight, I ask the Prime Minister to consent to the postponement of this division. Last session I referred to a number of matters which have since been reported upon by the Administrator of the Territory.

Mr. DEAKIN.—I will ask the Chairman not to put the division. That will meet the honorable member's purpose.

Division 14 (*Mail Service to Pacific Islands*)—£12,000.

Mr. BROWN (Canbolas).—As this division relates to the mail service to the Pacific Islands—a matter which created a great deal of discussion last session—I suggest that its consideration should also be postponed. As the result of the debate which took place upon this item and the preceding one last year, I understand that the Prime Minister instructed the Secretary to his Department to proceed to New Guinea, and report upon certain matters. I trust that that report will be in the hands of honorable members before we are called upon to deal with this division.

Mr. DEAKIN.—I will ask the Chairman not to put the division.

Mr. SYDNEY SMITH.—Is it within the province of the Chairman to refrain from putting it?

The CHAIRMAN.—The Chairman does not refrain from putting it, of his own option, but at the request of the Prime Minister.

Division 15 (*Miscellaneous*)—£1,350.

Mr. CROUCH (Corio).—I desire to know whether the item "advertising resources of Commonwealth, £200," represents the balance due to Mr. John Plummer, of Sydney, who has been writing a number of articles in reference to the Commonwealth?

Mr. DEAKIN.—Yes. This amount will cover the balance of the term for which he is engaged.

Mr. CROUCH.—Do I understand that his engagement is to be terminated in December?

Mr. DEAKIN.—Notice to that effect was given by the late Government.

Proposed vote agreed to.

ATTORNEY-GENERAL'S DEPARTMENT.

Division 16 (*Secretary's Office*)—£2,639.

Mr. PAGE (Maranoa).—I should like to know whether it was the Attorney-General's Department which gave the Public Service Commissioner legal advice in respect of a case of Mr. Hart, which was tried in Queensland by the Public Service Inspector? It is rumoured in Queensland that the Public Service Commissioner acted on the advice, not of the Attorney-General's Department, but of a member of his central staff, who is a Victorian barrister. I am referring, not to the case in which Mr. Hart is suing the Commonwealth Government for £1,000 for wrongful dismissal, but to his trial by three different boards. He was suspended for twelve months on full pay, and I wish to know upon whose advice the Public Service Commissioner acted?

Mr. ISAACS (Indi—Attorney-General).—This matter is not within my personal recollection, and I have just been informed by the Secretary to the Department that the whole case is *sub judice*.

Mr. PAGE.—It is not. I was speaking of the departmental inquiry.

Mr. ISAACS.—I am not in a position to give the honorable member a complete answer. I may say, however, that the question has nothing to do with this year's Estimates. I shall make inquiries, and if the honorable member will put a question on the notice-paper shall be prepared to answer it.

Mr. PAGE (Maranoa).—The honorable and learned gentleman's promise does not satisfy me. I wish to obtain an explanation while I have an opportunity to deal with the matter in connexion with the conclusion of the Estimates.

Mr. ISAACS.—I understand that the proper time to deal with the question will be when the Estimates of the Department of Home Affairs are under consideration.

Mr. PAGE.—No. All I wish to know is whether the Public Service Commissioner acted on the advice of the Attorney-General's Department?

Mr. McDONALD (Kennedy).—Ministers are taking up an extraordinary attitude. In other Parliaments, when a Minister is unable to furnish a reply to a question raised on the Estimates, he agrees to the postponement of the item, but in the Federal Parliament honorable members are put off from time to time with such a remark as "The item to which the honorable member refers did not come under my notice, and I cannot give him any definite information." It is about time that we put a stop to such a practice. The honorable member for Maranoa simply wishes to know whether the Attorney-General's Department advised the Commissioner. If the Minister cannot reply to the question, he should agree to the postponement of the item.

Mr. BROWN (Canobolas).—I am not familiar with all the facts of this case, but from the information furnished me when in Queensland, I understand that the Public Service Commissioner decided that Mr. Hart should be dismissed, and took the necessary steps to that end. At the last moment it was discovered that the legal advice tendered to the Commissioner was faulty, and the whole procedure had to be commenced *de novo*. The Committee is entitled to an explanation, and I think that the honorable member for Maranoa is justified in asking for further information.

Mr. ISAACS (Indi—Attorney-General).—I am informed that the question put by the honorable member for Maranoa has no relation whatever to the present year's Estimates. He has, of course, the right to ask any question regarding the Department; but I understand, from what I can gather, that the subject-matter of his inquiry was advice that was given—so far as can be ascertained without reference to the papers—even before the late Government took office. I am informed that, whatever advice was tendered, was given confidentially by one Department to the other.

Mr. PAGE.—Did the Attorney-General's Department give the Commissioner the advice on which he acted?

Mr. ISAACS.—So far as we can ascertain, some advice was given, but I do not

know whether it was in relation to the particular subject to which the honorable member refers. Advice was given by the Attorney-General's Department to the Department of Home Affairs in relation to Mr. Hart.

Mr. PAGE (Maranoa).—In the circumstances it may be well to state briefly the facts of the case. Mr. Hart was suspended from the Post and Telegraph Department for dereliction of duty, and was tried by a board, which forwarded its report to the central office. In the meantime, he appealed from the decision of that board, on the ground that it was not competent to deal with his case, as it related to the general division. His appeal was successful. He was then tried as a member of the clerical division of the service, with the result that he again successfully appealed, and was tried for a third time as a member of the professional division. I wish to know on whose advice the Commissioner proceeded? The Law Department of the Commonwealth denies all knowledge of the matter, and it is stated publicly in Queensland that the Commissioner relied upon the advice of a barrister who is employed as examiner in his Department, and that that was the cause of the difficulty in which the Commonwealth is placed.

Mr. ISAACS.—I have just been informed by the Secretary to the Department that upon the subject to which the honorable member refers, the Law Department gave no advice.

Mr. PAGE.—All I ask the Attorney-General to do is to inform the Committee upon whose advice the trials were held.

Mr. ISAACS.—I shall.

Mr. PAGE.—I know that the Law Department was not consulted in the matter. If my information be correct, what is the use of the Commonwealth maintaining an expensive Department for the purpose of supplying legal advice if the Commissioner is to take the advice of a barrister who is employed in his Department?

Mr. BAMFORD (Herbert).—It will be remembered by honorable members, that when the Estimates for the Department of Home Affairs were being considered last year, there was a great deal of criticism directed against an increase of £50 in the salary of this officer. One of the reasons which were assigned by the honorable member for North Sydney for the increase was that the officer was the legal adviser of the Public Service Commissioner. What

is the use of the Attorney-General's Department if other Departments are to be permitted to employ their legal advisers? The position is most unsatisfactory, and should not be tolerated any longer by the Attorney-General.

Mr. DUGALD THOMSON (North Sydney).—I do not think I gave as a reason for increasing the salary of this officer last year that he was capable of being legal adviser of the Public Service Commissioner. What I stated was, that amongst his other qualifications, legal knowledge was useful for the work he had to perform. I did not mean, of course, that he should take the place of the Attorney-General, because in all important matters it is supposed that there shall be a reference to his Department. I did mention the officer's legal knowledge as being of assistance in performing his particular work; but I did not express an opinion as to his capacity to give legal advice. The Attorney-General has said that the advice given in this matter was tendered before the late Government took office. I have no intention of discussing the merits of the case, because it would not be in order. My remarks last year were not intended to imply that the officer was qualified to be the legal adviser of the Commissioner.

Mr. PAGE.—I did not take the honorable member's remarks in that way.

Mr. McCAY (Corinella).—I notice that the item of £80 for books for the Departmental Library is very much less than the amount which was voted, or expended last year, and that the items for law books for the Crown Solicitor's office, and the High Court, have been very much reduced. I can understand that there is extra expense when a library is being formed; but it seems to me a penny wise and pound foolish policy to unduly stint the expenditure upon the departmental libraries. Of course, if the libraries in the Department are practically complete, all I can say is that they have been completed very promptly. It is a pity to cut down these items by so much. I do not know whether the Attorney-General is satisfied that he will have enough money available to get all the books which may be required during the coming year for the various branches of his Department. A sum of £125 for the purchase of law books is very small. I doubt if it will be sufficient to

provide the ordinary annual reports and the documents which will be required.

Mr. GROOM.—It will more than cover the ordinary reports.

Mr. McCAY.—It will not be sufficient if the Department is getting the American reports. I do not know whether the library for the Patent Office comes under this head or not.

Mr. ISAACS.—No.

Mr. McCAY.—Of course, if the Attorney-General is of opinion that £125 will provide all the books which may be wanted, every one should be satisfied; but it seems to me a very heavy reduction, and one which calls for an explanation. A sum for the defence of prisoners is a rather unusual item to appear in Estimates. For this purpose £100 was voted last year, but only £5 was spent. If the prisoner got only £5 worth of defence, probably he was convicted. We are now asked to vote £10 for this purpose. Is the power of assigning solicitor and counsel exercisable in the case of all offences?

Mr. ISAACS.—All Commonwealth offences.

Mr. McCAY.—Evidently we are going to be a singularly moral community during the next twelve months. From what little knowledge I have of the cost of defending prisoners, I am at a loss to know what class of offender can be defended for £10. It seems to me somewhat farcical to provide £10 for the defence of prisoners. Either more money should be provided, or nothing at all.

Mr. BROWN.—Is this at the usual rate?

Mr. McCAY.—I doubt it, unless it be on the alleged legal principle of taking all the prisoner has got.

Mr. HUTCHISON (Hindmarsh).—It will be interesting to the Committee to know how the £5 was spent last year—what prisoner was defended, what he was defended for, and what lawyer defended him? Then we shall know whether the £10 is likely to be well spent in the coming year. It will be interesting to discover that a prisoner can be successfully defended for £5. But it rather looks like sweating the members of the legal profession, who, however, speaking generally, so far as my experience goes—and I have had a good deal—are not inclined to allow themselves to be sweated. I thoroughly agree with the principle that if a prisoner is

not able to pay for his own defence counsel should be provided for him. But that ought not to be done in any hole-and-corner manner. It is not with me a matter of £5 or £5,000. I would vote the money cheerfully on the principle that any prisoner is entitled to a fair defence. Many prisoners do not get justice simply because they cannot pay. I trust that the Attorney-General will furnish us with an explanation.

Proposed vote agreed to.

Division 17 (*Crown Solicitor's Office*)—£1,980.

Mr. SYDNEY SMITH (Macquarie).—I am much surprised that a reduction in the vote for law books should be proposed. The less we have of law the better, but there are occasions when a Department has to obtain advice on matters affecting administration. I remember an occasion when trouble took place in reference to the carriage of our European mails. The Orient Steam Navigation Company asked for a clearance to Colombo. If the company's interpretation of the law had been correct it might have caused considerable trouble. I asked the Crown Law officers for advice as to the postal laws in operation in Colombo, and it was discovered that they had not a copy of the Statute in the Department. The consequence was that the Post and Telegraph Department had to cable to Colombo to ascertain the law upon the subject. As soon as we knew what the law was we were enabled to take up a much stronger position than we could do before. It showed that the Department was right and the Orient Steam Navigation Company wrong. Of course, I at once gave directions that copies of all foreign Statutes bearing upon postal matters should be obtained for the Department. But it was made clear that the Attorney-General's Department ought to be furnished with sufficient law books to enable the officers to carry on their work. It ought not to be necessary to cable abroad to obtain a statement of the law on such a subject. There should be sufficient information on hand to enable our officers to give us advice on all legal matters affecting the Commonwealth.

Mr. McCAY (Corinella).—I have looked up the Judiciary Act, and I find that the sub-section of section 69 dealing with the defence of prisoners is such that one may assume that the Department expects that no person will be entitled to claim the

benefit of it during the coming year. The provision is as follows:—

Any person committed for trial for an indictable offence against the laws of the Commonwealth may at any time within fourteen days after committal, and before the jury is sworn, apply to a Justice in Chambers, or to a Judge of the Supreme Court of a State, for the appointment of counsel for his defence. If it be found to the satisfaction of the Justice or Judge that such person is without adequate means to provide defence for himself, and that it is desirable in the interests of justice that such an appointment should be made, the Justice or Judge shall certify this to the Attorney-General, who may, if he thinks fit, thereupon cause arrangements to be made for the defence of the accused person. Upon committal the person committed shall be supplied with a copy of this sub-section.

Apparently if any person who is charged with an offence claims the benefit of the sub-section which I have quoted, the money will have to be voted hereafter. A sum of £100 was voted last year, and only £5 was spent. I am puzzled to know how it was spent. The provision of £10 in these Estimates seems to be based upon the rule-of-thumb conjecture that, as only £5 was spent last year, £10 will be sufficient for the coming year. But it has to be remembered that we are creating fresh offences under Commonwealth Acts, and are thereby increasing the chances of persons requiring to be defended. By the time we have passed a few more measures like the Secret Commissions Bill it will be very difficult on a dark night to avoid committing offences against Commonwealth law. One will have to go out with a lantern to avoid tumbling over some section of an Act of this Parliament. In view of the provisions of the Judiciary Act, I think it is trifling to provide the sum of £10 as the estimated expenditure.

Mr. PAGE (Maranoa).—The honorable member for Macquarie has taken the Government to task for not spending enough money on law books. I congratulate that honorable member on the result of the negotiations with the Orient Steam Navigation Company, because, had a settlement not been arrived at, there was a probability that a few ships might have been impounded, especially after the advice received from Colombo. The Government, of which the honorable member for Macquarie was a member, provided £300 for law books, and spent only £216; and yet I see that £80 is set down in the present Estimates for the library of the Department under discussion. For the Attorney-

General's Department £400 was set down for law books in the year 1904-5.

Mr. ISAACS.—That was for the High Court.

Mr. PAGE.—Of the £400, I see that only £255 was spent; and I should like to know where expenditure of this kind is going to land us. I have heard it said that extra room will be required, in order to find space for these books in the different departments; and I am glad to see that the vote has been cut down.

Mr. ISAACS (Indi—Attorney-General).—With regard to the defence of prisoners, I should like to inform the honorable and learned member for Corinella that it was his colleague who fixed the sum which has been adopted by the present Government.

Mr. McCAY.—That is not conclusive evidence.

Mr. ISAACS.—From August, 1903, when the Judiciary Act was passed, until now, we have had to spend only £5 under this head, and it is thought that £10 is all that will be necessary for the coming year. I want to assure honorable members that should more money be required, there will be no necessity for a further vote, because there is always the Treasurer's advance to draw upon. I can say that should action have to be taken under this section, I shall see that no man goes undefended.

Mr. HUTCHISON.—What was the £5 spent for?

Mr. ISAACS.—It was spent in the defence of a man who was charged under the Post and Telegraph Act in New South Wales. The money was given to counsel for defending the prisoner. As is always done, the Crown Solicitor handed all the documents and papers to the prisoner's counsel, and in this way, of course, the expenses were kept down. As to the law books, it must be understood that once a library is formed, the expense diminishes; and it is on that basis that we have reduced the vote. We have provided £80 for a departmental library, it having been found last year, after voting £300, that of that amount £84 was not required. Economy has also been exercised in the other Departments.

Mr. CROUCH.—Was the £5 counsel's fee?

Mr. ISAACS.—Yes.

Mr. CROUCH.—There was no solicitor employed?

Mr. ISAACS.—No; there were no solicitor's costs, because, as I have said, the Crown Solicitor handed over all the documents and information he had to the prisoner's counsel.

Mr. CROUCH (Corio).—The usual fee fixed by the Attorney-General's Department of the States is £7 7s.

Mr. ISAACS.—Is not that in capital offences only?

Mr. McCAY.—That fee is fixed only in case of offences punishable by death.

Mr. CROUCH.—Those are the only offences in which counsel is assigned by the States.

Mr. ISAACS.—But this Commonwealth provision applies to lesser offences.

Mr. CROUCH.—Does the Attorney-General hold that £5 is a fair fee?

Mr. PAGE.—It is too much.

Mr. ISAACS.—It is not a large fee, but, of course, the fee all depends on circumstances.

Mr. CROUCH.—I am pleased that the Committee take an interest in this matter. Apparently the prisoner's counsel is briefed, not by a solicitor for the accused, but by the Crown Solicitor. Under these circumstances, what chance has the accused? This would appear to be treating the Judiciary Act as a farce; because, in order to properly defend a man, there must be an independent solicitor, who will so place the facts before counsel as to make the best defence for the accused. It seems ridiculous to have a common solicitor for two opposing barristers.

Mr. HUTCHISON (Hindmarsh).—I was rather surprised when the Attorney-General explained that the expense was kept down by reason of the fact that the papers were handed over by the Crown Solicitor to the counsel allotted to defend the accused. I do not see of what value such information could be for the defence, unless there was something very wrong with the case for the prosecution. The information thus handed over is certainly not drawn up with the object of helping the prisoner, who really ought to have an independent solicitor.

Mr. ISAACS.—I think so, too. I am only explaining what was done in the case immediately under discussion.

Mr. TUDOR (Yarra).—I think that a very good precedent has been set, and, in my opinion, the honorable member for Hindmarsh should not defend the piling up of law fees on unfortunate individuals

who may have to appear before the Courts. It would be interesting to hear more about the case in which this £5 was spent. Considering that the Crown Solicitor knew both sides, I do not know any one more fitted to instruct counsel for the defence.

Proposed vote agreed to.

Division No. 18 (*High Court*), £4,250.

Mr. HUTCHISON (Hindmarsh). — I should be glad to hear from the Attorney-General whether the late disagreements between the Department and the Judges of the High Court have been amicably arranged, and whether everything is now working smoothly.

Mr. CROUCH (Corio).—I ask the Attorney-General to postpone the consideration of this division until to-morrow. Personally I have nothing to say in connexion with the matter, but I understand that the honorable and learned member for Northern Melbourne desires to discuss the correspondence which has passed between successive Attorneys-General and the Judges of the High Court.

Mr. ISAACS. — Can the honorable and learned member state the particular point which is to be raised? Any matter of importance in connexion with the matter can be dealt with at the report stage.

Mr. CROUCH.—I believe that there is a desire to discuss the whole matter. I know that the honorable and learned member for Northern Melbourne moved for the correspondence, and he is not present this evening. I read the correspondence with a great deal of interest. It seems to me that whilst some of the demands made by the late Attorney-General, Sir Josiah Symon, were insupportable, the present Attorney-General, apparently, upset all that his predecessor had done in the matter, and went out of his way to make concessions to the Judges of the High Court on points in connexion with which it seems to me a reasonable position had been taken up. I ask that these Estimates be postponed in view of the fact that honorable members were not aware that they would come on for consideration to-night. The matter involved is one which attracted very great public attention, and I believe that the course adopted by the late Ministry in this connexion had something to do with their retirement from office. The Attorney-General might well follow the lead of the Prime Minister, and consent to a postponement.

Mr. ISAACS.—So far as I know, there is no reason to postpone this division.

Mr. CROUCH.—I think that it should be postponed, because we had no notice that the Estimates would come on for consideration to-night. We have not the papers relating to this matter before us, and I think they disclose a good deal of justification for the action taken by the late Attorney-General.

Mr. ISAACS.—Then let us have it. The honorable and learned member has said that some things which we did were wrong, and I wish he would say what they were.

Mr. CROUCH.—I can assure the Attorney-General that if I had the correspondence here he would hear enough about it, but I have no desire to go into the matter now.

Mr. ISAACS.—The honorable and learned member has gone into it.

Mr. CROUCH.—I desire that the honorable and learned member for Northern Melbourne shall be present while these Estimates are being discussed. The late Attorney-General regarded the matter as of so much importance that he practically pinned his reputation to the action which he took in connexion with it.

Mr. ISAACS.—The honorable and learned member for Northern Melbourne had practically nothing to do with the correspondence.

Mr. CROUCH.—I know that he started it, and that his is the first letter which appears in the correspondence. He gave some opinion as to the correct reading of the Judiciary Act, which was supported by the late Attorney-General.

Mr. ISAACS.—What was supported by the late Attorney-General?

Mr. CROUCH.—The view taken by the honorable and learned member for Northern Melbourne in his first letter to the Judges of the High Court. I have no desire to go into the correspondence, but I feel that it is my duty to keep the matter open until the honorable and learned member for Northern Melbourne is able to take part in the discussion. The Attorney-General ought not to force me into this position, in view of the reasonable way in which the Prime Minister has acted in agreeing to the postponement of some of the Estimates in his charge. I have no desire to complain, but I know that the honorable and learned member for Northern Melbourne was sufficiently interested in the matter to move that the correspondence should be

laid upon the table of the House. The motion was at first opposed by the last Government, but after the present Government took office, it was allowed to go through, and we now have the correspondence before us. I am aware that the honorable and learned member for Northern Melbourne has independent views on certain phases of the question. The Attorney-General must be aware that no discussion of the matter can take place on the report of the resolutions from the Committee of Supply.

Mr. ISAACS — (Indi.—Attorney-General).—The honorable and learned member for Northern Melbourne while Attorney-General did not enter into the fray in any way whatever, and he is not responsible for any of the correspondence except a letter which merely suggested the carrying out of the Judiciary Act by means of an Order in Council, and so putting on a legal basis what was then being done practically. All the rest was left to my immediate predecessor. None of the controversial questions which subsequently arose were brought into being by the action of the honorable and learned member for Northern Melbourne as Attorney-General.

Mr. CROUCH.—Except that he gave a distinct reading of the Judiciary Act in which Sir Josiah Symon agreed.

Mr. ISAACS.—I have never heard of such a thing, and I am quite sure that the honorable and learned member for Corio is mistaken about that. He has stated that I have done some things with which he does not agree, and has imputed a fault or several faults, to the present Administration in connexion with the action which we have taken. His action in that respect has been distinct, and, under the circumstances, I decline to allow the division to be postponed.

Mr. CROUCH.—Is that the Minister's real reason?

Mr. ISAACS.—It is. I shall not allow a statement of that kind to pass unnoticed. It has never been indicated to me by the honorable and learned member for Northern Melbourne, nor, I venture to say, to the honorable and learned member for Corio, that he has any desire to challenge the action of the Government on this or any other division of the Estimates. If the honorable and learned member for Corio can say that the honorable and learned member for Northern Melbourne has expressed any such desire to him—

Mr. CROUCH.—I have told the Attorney-General that he has not.

Mr. ISAACS.—Then I see no reason for postponing the division.

Mr. McCAY (Corinella).—I am sure that the honorable and learned member for Corio will withdraw the imagined imputation which the Attorney-General resents, so that the division may be postponed.

Mr. CROUCH.—I withdraw everything.

Mr. McCAY.—We all know that the division involves expenditure which was the subject of considerable correspondence for a number of months. As a reason why the division should be postponed, I would point out to the Attorney-General that he himself can hardly have thought that Supply would be brought on this evening.

Mr. ISAACS.—I thought it quite possible.

Mr. McCAY.—As our lamented friend, Mr. Hancock, once said, in a democracy all things are possible; and this particular possibility has been proved. In my simplicity, I thought that the order of business on the notice-paper represented the order in which the several measures set down there would be dealt with. I was glad to see the Secret Commissions Bill put through, because I am desirous that the Papua Bill shall become law as soon as possible, and it was the second order of the day on the paper. Then came what is popularly known as the Bonus Bill, and the fourth order of the day was the further consideration of the Trade Marks Bill, the discussion of which, had it been commenced, would probably have lasted until now. Following it came the two orders of the day dealing with the High Commissioner Bill. Under these circumstances, honorable members cannot be expected to be in a position to discuss the Estimates. My copy of the correspondence on the subject of the expenses of the High Court is in my chambers, and I cannot get it now. The subject is one to which a good deal of attention was given by the public, and, as the honorable and learned member for Corio has pointed out, affected the fate of a Government. When the Estimates were under consideration last year, the Administration then in power was always ready to consent to the postponement of a division, if an honorable member intimated that he had not had time to make himself acquainted with the facts at issue, and I, in all seriousness, ask that this division may be postponed, in order that we may have an opportunity to refer to our papers. It affords subject for legitimate

discussion, and we cannot discuss it to advantage unless we are given an opportunity to prepare ourselves by referring to the necessary documents. Honorable members cannot be charged with having delayed the course of business to-day.

Mr. ISAACS.—I do not make any such charge.

Mr. McCAY.—I hope that the Attorney-General, whom I know to be possessed of great firmness, will justify my estimate of his character, which leads me to believe that the popular impression that that virtue may degenerate into something less desirable is a mistaken one, by not insisting on forcing the division through to-night. As a matter of fairness to the last Administration, whose action was largely criticised, and also in fairness to the Justices of the High Court, this matter should not be forced through in the teeth of the desire expressed by honorable members for reasonable discussion. The point of honour at first involved has disappeared, since the honorable and learned member for Corio has withdrawn any suggestion of an imputation on the Attorney-General.

Mr. ISAACS.—I have not yet heard any reason why the consideration of the proposed vote should be postponed.

Mr. McCAY.—It should be postponed for the simple reason that no one expected that the Estimates would be taken this evening.

Mr. DUGALD THOMSON (North Sydney).—I would point out, in support of the honorable and learned member's contention, that the Prime Minister himself at dinner adjournment did not anticipate that the Estimates would be considered this evening. He then intended to proceed with the discussion of the motion for a memorial to Queen Victoria. In view of this, and the fact that honorable members are not prepared with the documents they need to consult in reference to this debatable matter, it would be wrong for the Attorney-General to attempt to force a discussion at this late hour of the evening. Such action could lead to no good result, and I would suggest that the Attorney-General might agree to postpone the proposed vote for the High Court, and proceed with the rest of the Estimates relating to his Department.

Mr. ISAACS (Indi—Attorney-General).—I am very unwilling to postpone the

proposed vote. I have been informed that honorable members desire to have their papers with them, and to refer to certain correspondence; but no intimation has been given of their desire to challenge the vote. If, however, anything is to be challenged, I shall not throw any obstacle in the way, and thus place honorable members at a disadvantage. The honorable member for North Sydney has mentioned one reason why the proposed vote should be postponed, but I hope that honorable members will understand that it is not proposed to adjourn at this stage. The Estimates of the Department of Home Affairs will be proceeded with.

The CHAIRMAN.—It is unusual, as I have already pointed out, to postpone a proposed vote after discussion has taken place. That cannot be done under the Standing Orders and parliamentary practice; but if it is the wish of the Committee that the item shall be regarded as not having been put, that course might be adopted. That would amount to a postponement by leave. Is it the desire of the Committee that the proposed vote shall be regarded as not having been put?

HONORABLE MEMBERS.—Hear, hear.

Division 19 (*Court of Conciliation and Arbitration*), £100.

Mr. KELLY (Wentworth).—Do I understand that the proposed vote represents the whole of the expenditure that is contemplated in connexion with the Conciliation and Arbitration Court?

Mr. ISAACS.—Yes.

Mr. KELLY.—The Court is now definitely constituted?

Mr. ISAACS.—Yes; but the regulations have not yet been issued.

Mr. KELLY.—How soon will that be?

Mr. ISAACS.—Very shortly; they are practically ready now.

Mr. KELLY.—The moment that they are issued the Court will have a great deal to do, as there is every indication that a number of cases will have to be dealt with.

Mr. THOMAS.—What cases?

Mr. KELLY.—A number of cases which I need not particularize. Certainly £100 seems to be a very small amount, and I should like to know whether it is intended to cover the whole of the expenditure.

Mr. PAGE.—Is it not little enough?

Mr. KELLY.—It is obvious that this amount will be too small the moment the regulations have been gazetted. I should like to know how the Attorney-

General proposes to meet the position that will then be created.

Mr. ISAACS (Indi—Attorney-General).—Before a Court has commenced its operations, it is impossible to make provision for everything. My predecessor has provided for certain contingencies which are absolutely necessary, and should anything further be needed, we can always draw upon the Treasurer's advance account.

Mr. JOHNSON (Lang).—It seems to me that £100 is rather a large amount to cover such items as "postage and telegrams, writing paper and envelopes, including cost of printing and embossing thereon," &c. I notice that these contingencies absorb £80 of the amount mentioned. It seems to me that £100 is an excessive sum for us to vote as preliminary expenditure before the Court has actually been called into being.

Proposed vote, agreed to.

DEPARTMENT OF HOME AFFAIRS.

Division No. 20 (*Administrative Staff*), £8,776.

Mr. DUGALD THOMSON (North Sydney).—I would suggest to the Prime Minister that progress should now be reported. I think he must admit that honorable members on this side of the Chamber raised no captious objection to the Estimates being proceeded with to-night. But as there is likely to be a long discussion upon the Electoral Office, which comes within the scope of this Department, it would be wise to postpone consideration of the Estimates relating to it.

Mr. DEAKIN.—Let us deal with the administrative staff, and then we will report progress.

Mr. DUGALD THOMSON.—I am personally quite willing to agree to that suggestion.

Mr. SYDNEY SMITH (Macquarie).—There are several matters connected with the administration of the Department of Home Affairs which can properly be discussed upon the first item. I think the Prime Minister will admit that members of the Opposition have exhibited no desire to block the consideration of the Estimates. When I left the House at the hour of adjournment for dinner, I understood that there was no intention whatever to proceed with the Estimates to-night. I was under the impression that the debate upon the

motion relating to the erection of a memorial to the late Queen was to be continued. There are several matters connected with the Department of Home Affairs upon which I should like to have a general discussion. At the same time, I have no desire to go back upon any pledge which may have been given by the deputy leader of the Opposition.

Mr. DUGALD THOMSON (North Sydney).—I have intimated that I, personally, see no objection to dealing with the Estimates for the administrative staff of this Department to-night. At the same time, I do not wish to prevent any honorable member who may desire to do so from initiating a general discussion upon the first item. I suggest that the Minister should report progress.

Mr. PAGE (Maranoa).—I think that the Government have done very well this evening. No opposition has been offered to any item which has come before the Committee. We have dealt with the Estimates relating to the Parliament, the Department of External Affairs, and the Attorney-General's Department. If that is not sufficient for one night's work, I do not know what is. Personally, I should like to see the Department of Home Affairs wiped out altogether. It is nothing more nor less than a circumlocution Department. When the postal authorities in Queensland desire to obtain a window, costing 1s. 6d., they have to make application to the Department of Home Affairs, in Melbourne, for it. The latter employ a large staff to do nothing but record work connected with other Departments. These officials are of no use whatever. The Postmaster-General could run the Electoral Department. Indeed, the postal authorities are practically doing the work of the Department now. The postmasters are the proper officers to perform electoral work.

Mr. DUGALD THOMSON.—It was my intention to propose that, if I had been given an opportunity.

Mr. PAGE.—Such a proposal would meet with my support. I think, however, that the Minister might well agree to progress being reported.

Progress reported.

ADJOURNMENT.

TELEPHONES AND BETTING HOUSES.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. JOHNSON (Lang).—In view of the fact that the policy of the Post and Telegraph Department, as disclosed by the Post and Telegraph Act, is to prevent its services being used to facilitate gambling, I wish to ask the Postmaster-General whether he does not think that regulations might be framed to prevent telephones being used as a means of communication between race-courses and various betting-houses in this city? There may be a slight difficulty in the way of putting down the practice, inasmuch as all betting-houses have not been pronounced as "places" within the meaning of the Act by process of law. But there is, at least, one case in which a betting-house has been declared by law to be a "place," and I understand that there is power to prevent telephones being used in connexion with any establishment conducted for illegal purposes.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Postmaster-General).—In reply to the honorable member, I wish to explain that the whole matter has been for some time under the consideration of the Department. Some difficulty is experienced, however, not only in regard to framing the regulations necessary to meet the case, but in determining where we should start, and where we should end—whether the onus of proving that a house is used for betting purposes should rest on the Department, what are places to which the telephone service should not be extended, and in what cases should it be cut off. It appears on the face of it that it will be very difficult to determine these places, in the absence of action on the part of the State Government. The inclination of the Government is to endeavour, as far as possible, to prevent gambling, and we would cheerfully render every assistance to that end, but our regulations do not give us the power that the honorable member suggests. The whole matter is under review, and the Government are strongly disposed to support any action that the State Government may take. It would be useless, however, to single out one party or place. If action is to be taken by us in this direction, it must be comprehensive and satisfactory, and favour must be shown to none. If we are to aim at the suppression of gambling, we must not confine our attention to one particular place. Our regulations give us the power to refuse to extend the telephone service to any place in respect of which a conviction has been

recorded. So far as I know, no such conviction has been made. If a conviction were recorded, and my attention were called to it, I should be prepared to act. We hope, however, to take further power under the new regulations to enable us to deal with the matter.

Question resolved in the affirmative.

House adjourned at 10.45 p.m.

Senate.

Wednesday, 11 October, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

THE GOVERNOR-GENERAL.

ASSENT TO BILLS.

Senator MATHESON.—I desire to ask the Minister of Defence, without notice, whether he is aware that the messages conveying the Royal Assent to Supply Bill (No. 3), and the Appropriation (Works and Buildings) Bill, and bearing the signature of the Governor-General, as given at Government House, Melbourne, on the 28th September, were dated at a time when His Excellency was at sea off the coast of Western Australia? I should like to know how the honorable senator accounts for the signature of His Excellency being upon the messages.

Senator PLAYFORD.—My attention had not been called to the matter before. I certainly cannot account for it, unless the Governor-General could be in two places at one time.

PRESIDENT'S RULINGS.

Senator Sir JOSIAH SYMON.—I desire to ask you, sir, whether it would be possible to arrange that honorable senators shall be furnished with a print, in a more convenient and serviceable form than that issued, of the rulings given by you during last session?

The PRESIDENT.—If the Senate so desires, it can be arranged to have the rulings printed in the same form as the Standing Orders, and bound up with any honorable senator's copy of them, if it is sent in for the purpose.

Senator Sir JOSIAH SYMON.—It will not be necessary, then, to submit a motion on the subject?

The PRESIDENT.—No, I shall get it done.

Senator Sir JOSIAH SYMON.—I think it can be taken by you, sir, that the Senate would prefer to have the rulings printed and bound in that way.

HONORABLE SENATORS.—Hear, hear.

TELEPHONE LINE REPAIRERS: PERTH.

Senator PEARCE asked the Minister representing the Postmaster-General, *upon notice*—

1. Is it a fact that a number of the line repairers in the Telephone Department, Perth, Western Australia, are doing gangers' duties, though classed as line repairers, and receiving only line repairers' wages?

2. Is it a fact that a number of senior line repairers are working under the gangers referred to?

3. If the facts are as stated above, does the Minister consider that some recognition should be made of the men who act as gangers, and have added responsibilities?

4. If so, will the Minister make representations to the Public Service Commissioner to give recognition to these additional responsibilities?

Senator KEATING.—The answers to the honorable senator's questions are as follows:—

1. It is a fact so far as four such line repairers are concerned; but they receive a salary of £148 13s. 6d. per annum, that is, £28 13s. 6d. in excess of the classification maximum for line repairers, and nearly the maximum for senior line repairers.

2. There are two senior line repairers temporarily working under the line repairers referred to in order to obtain the experience necessary to enable them to take other positions, as they had previously no knowledge of town work.

3. As no change has been made in the work performed by the line repairers, and there are no such positions as gangers recognised in the Classification, it is not considered that any recognition, beyond the salaries they are already receiving, should be made.

4. Replied to by the answer to question No. 3.

WIRELESS TELEGRAPHY.

Senator STANFORTH SMITH asked the Minister representing the Postmaster-General, *upon notice*—

1. Is it the intention of the Government to allow a private company to instal a wireless telegraphy service between Australia and New Zealand?

2. Would not such a service seriously deplete the revenues of the State-owned cable between Australia and New Zealand, and thereby increase the financial responsibilities of the people of Australia?

3. If the establishment of any wireless telegraphy stations in the Commonwealth are deemed necessary, would it not be advisable for commercial, national, and defence considerations,

that these should be owned and controlled by the Commonwealth?

Senator KEATING.—The answers to the honorable senator's questions are as follow:—

1. No.
2. To the extent to which it was successful, it would have that effect.
3. Yes.

IMPERIAL MILITARY OFFICERS.

Senator HIGGS asked the Minister of Defence, *upon notice*—

1. Does he propose to re-engage, as their terms expire, Imperial officers brought to Australia to serve in the Commonwealth Defence Force?
2. What Imperial officers have lately been so re-engaged?
3. Is it the intention of the Minister to renew the engagement of Lieut.-Colonel Plomer?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. No.
2. None.
3. No.

COPYRIGHT BILL.

Senator HIGGS asked the Minister representing the Attorney-General, *upon notice*—

1. Is it true that books originally published in the United States of America are copyrighted in Great Britain and throughout its dependencies, including the Commonwealth of Australia, merely by simultaneous registration at the Stationers' Hall, London?
2. Is it true that, in order to secure copyright protection in the United States of America, Australian publications must be set up in type in that country, and the printing done there or elsewhere either from this type or from plates made therefrom, and that the publication must be simultaneous in the United States and Australia?
3. Is it the intention of the Government to make provision in the Copyright Bill whereby United States publications shall receive protection in the Commonwealth only on the same terms on which British publications get it in the United States?

Senator KEATING.—I do not propose to answer these questions categorically at this stage; but if the honorable senator, or any one else, desires to get the information asked for in them during the consideration of the Bill, I shall be prepared to give it with the reasons for my answers.

LEAVE OF ABSENCE.

"URGENT PUBLIC BUSINESS."

The PRESIDENT.—Before asking whether the notice of motion standing in the name of Senator Higgs is "formal"

or "not formal," I should like to direct the attention of the Senate to its wording. It reads—

That one month's leave of absence be granted to Senator McGregor on account of urgent public business.

So far as I know, no motion in similar terms has yet been moved, and it is for the Senate to say whether it is prepared to admit that any business is more urgent or important than its own business. I cannot rule the motion out of order, because it is strictly in accordance with the Standing Orders. Is the motion "formal" or "not formal"?

Senator CLEMONS.—Not formal.

The PRESIDENT.—One dissident voice prevents the motion from being taken as "formal," but it can be moved by Senator Higgs in the ordinary way.

Senator HIGGS (Queensland).—I move—

That one month's leave of absence be granted to Senator McGregor on account of urgent public business.

Senator MILLEN.—Can this motion be moved now, sir?

The PRESIDENT.—Yes. Standing order 47 provides that any such motion shall be called on before public business.

Senator HIGGS.—If there is any departure in this from the usual phraseology of such motions, it is because it struck me that it might be more correct to say that the reason for asking for the leave of absence is urgent public business rather than urgent private business.

Senator CLEMONS.—There is no reason given in the motion.

Senator HIGGS.—The reason is urgent public business. Of course another honorable senator might prefer that I should say public business. I am not certain, sir, that it is wise to introduce a discussion on a motion of this kind; at any rate, I do not propose to initiate a discussion, and, therefore, I merely submit the motion.

The PRESIDENT.—As there seems to be some misapprehension on the matter, I shall read standing order 47—

Leave of absence may be given by the Senate to any senator, on motion, after notice, stating the cause and period of absence; and such motion shall have priority over other motions.

Senator CLEMONS (Tasmania).—I was very glad, sir, to hear your remarks before the motion was called on, because I intended for more than one reason to oppose it. It would seem to follow from

standing order 47 that some reason should be given in a motion for leave of absence. Senator Higgs, however, has approached the subject in quite another way. Apparently he thinks it is quite sufficient to put a motion on the notice-paper for leave of absence on the very extraordinary ground of urgent public business.

Senator GIVENS.—There have been far more extraordinary reasons than that given here.

Senator CLEMONS.—I have not heard them. To ask for leave of absence for an honorable senator on account of urgent public business is from my point of view practically a contradiction in terms. The public business which is urgent so far as the Senate is concerned ought to be that requiring the attendance of an honorable senator here. The motion as worded carries with it the implication that certain business which has not been mentioned by Senator Higgs, but which we gather is public, is more urgent than the public duty of every honorable senator to be here when the Senate is sitting. I oppose the motion for reasons which although, so far, they have been unexpressed, must be in the mind of every one here. The grounds for asking for leave of absence rest entirely upon the fact that Senator McGregor is away with the Tariff Commission. When the question of any honorable senator absenting himself in order to discharge his duty on the Tariff Commission was before the Senate, I took up a stand which probably is remembered. The personal element does not enter into my opposition to the motion. It would have met with my opposition, even if it had asked for leave for Senator Higgs.

Senator GUTHRIE.—More so.

Senator CLEMONS.—No, the personal element does not enter into my opposition. I feel now, as I felt some time ago, that the prior duty of every honorable senator is to the Senate. There was no real reason why Senator McGregor, or any other honorable senator who happened to be a member of the Tariff Commission, should be called away from Melbourne while Parliament was sitting. Even if to some persons interested in the Tariff Commission, directly or indirectly, it had seemed desirable that its work should proceed even while Parliament was sitting, the position in which we now find ourselves ought to be unsatisfactory. In the debate to which I referred just now, no one urged that the duty of an honorable

senator to attend the meetings of the Tariff Commission was more urgent than his duty to attend the meetings of the Senate. In spite of the interjection from Senator Guthrie, I venture to think that the majority of honorable senators are opposed to any honorable senator absenting himself from the meetings of the Senate in order to attend the meetings of a Royal Commission. I feel quite confident that if a vote could be taken without any side issue being introduced, the opinion of the majority of the Senate would be against granting leave of absence for that purpose. Entertaining that feeling, I am compelled, if I am to be consistent, to oppose this motion. If the leave asked for be refused, no personal hardship will be inflicted upon Senator McGregor, because we have not yet reached that stage when he would be inconvenienced so far as his proper attendance here is concerned. I have taken care to ascertain that if this leave of absence be refused, Senator McGregor will be in no danger whatever of losing his seat. I admit that he will have to come back, but I make that admission with the greatest pleasure, because I think, first of all, that he ought never to have gone, and, secondly, that he ought to come back. Seeing that there will be no hardship, and that this principle of absence from the Senate to carry on any other public duty which, as Senator Higgs alleges, is more urgent, is in question, I hope that honorable senators will find it quite open to them to vote on the motion, wholly irrespective of the personal aspects of the case. I have therefore risen, not merely to oppose the motion by word, but with a determination to call for a division.

The PRESIDENT.—I wish to state that my memory led me astray when I said that no other motion such as this had been moved in the Senate. My attention has been called to the records for the 14th May, 1902, when leave of absence was granted to Senator Lt.-Col. Cameron "on account of urgent public business." That was on an occasion when Lt.-Col. Cameron went to England in command of a military contingent on behalf of the Commonwealth.

Senator GUTHRIE.—Was there any objection on that occasion?

The PRESIDENT.—I do not think so.

Senator KEATING (Tasmania.—Honorary Minister).—I hope that Senator

Clemons, who has objected to this motion being treated as formal, will not carry out the intention which he has just expressed of calling for a division. It seems to me that if he intends to do that, his opposition to the motion is not based upon the principle of the motion itself that Senator McGregor should be granted leave of absence, but is based on the ground that he should not be granted leave for the reasons assigned.

Senator CLEMONS.—I have already said that I objected to the motion on principle. Is Senator Keating doubting my word?

Senator KEATING.—I admit that Senator Clemons has no personal objection to Senator McGregor obtaining leave of absence, except for the cause assigned—that he is absent on account of “urgent” public business.

Senator CLEMONS.—Is not that the whole point?

Senator KEATING.—Very well, then; it seems to me that the objection is not because Senator McGregor is absent on public business. Senator Clemons never ventured to suggest a single argument to show that Senator McGregor’s absence was not due to public business.

Senator CLEMONS.—I said that the business of the Senate is the more urgent business.

Senator KEATING.—Then it is a question of the relative urgency of Senator McGregor’s attendance here or elsewhere. Upon that is based the whole of Senator Clemons’ objection to this motion. It appears to me that the question of the comparative urgency of the duty of Senator McGregor to be in attendance here, or of his duty as a member of the Tariff Commission to be somewhere else, is the matter sought to be put in in dispute. The point that it is, in any case, Commonwealth business upon which Senator McGregor is absent does not seem to appeal to Senator Clemons at all. It is not suggested that his absence is due to private business. No matter how urgent or otherwise the business may be, it is public business that is keeping him away from the Senate. The urgency of that business may, in the minds of some people, be very small indeed. Its urgency may seem to be overshadowed by the urgency of the call to duty in the Senate. But that is not the position with which we have to deal. Suppose the word

“urgent” were left out of the motion. Would Senator Clemons then oppose it?

Senator CLEMONS.—Undoubtedly.

Senator KEATING.—Very well; suppose the word “public” were left out, and it was stated that Senator McGregor was absent on urgent private business. Would Senator Clemons object then?

Senator CLEMONS.—It would entirely depend on circumstances.

Senator KEATING.—We have repeatedly, at the instance of different senators, passed motions granting leave of absence, extending in some cases to two months, on account of “urgent private business”; and, so far as my recollection serves, no one has asked the nature of the private business that detained the honorable senator in whose interest the motion was moved. If it is competent for an honorable senator to abstain from his public duty in the Senate on account of “urgent private business,” and if a motion to that effect is accepted as a matter of course, without opposition and without inquiry as to the nature of the private business, surely we may expect that when an honorable senator asks for leave of absence on the ground that he is in attendance elsewhere on public business, no matter how urgent, it may likewise be accepted without opposition.

Senator DOBSON.—The honorable and learned senator is not answering argument as to the question of principle.

Senator KEATING.—I am. I say that the Senate has repeatedly and invariably given leave to honorable senators to abstain from attendance on account of private business. We do not care whether that private business is urgent or otherwise. When an honorable senator moves that another be granted leave of absence on account of public business, no matter whether it is urgent public business or whether the urgency is equal to that of the business before the Senate, the fact remains that the ground of absence assigned is public business; and I say that public business, no matter how unimportant it may be relatively to other public business, is a sounder cause for granting leave of absence than private business, no matter how urgent the latter may be. If we are prepared from time to time to grant leave to senators to be absent on account of private business, no matter how extreme or otherwise its urgency, we ought to be

prepared to grant on like terms absence on account of public business, however unimportant; because public business ought to be of greater consequence to us in determining such a question than the most urgent private business. For those reasons, I ask Senator Clemons not to press for a division on the motion. If, however, he wishes to express his disagreement with the suggestion that the absence of Senator McGregor is on urgent grounds, why not take the course of amending the motion by striking out the word "urgent"? If he wishes to register his objection to the absence of Senator McGregor being designated as on account of "public business," why not move to strike out the word "public"? If he thinks that the honorable senator is absent on account of private business, why not move to insert the word "private"?

Senator CLEMONS.—Why should I do that? I am not asking for leave.

Senator KEATING.—But no one has protested against the formality of such motions on previous occasions. They have been passed without any discussion whatever. Are we to lay down the principle that if leave of absence is asked for on account of private business it is to be granted without question, but that if a senator asks for leave in the interests of public business, the Senate will at once begin to inquire what the quality of that business is?

Senator DOBSON.—The principle is that there is no quality of urgency.

Senator KEATING.—No one disputes that it is public business that is keeping Senator McGregor away. We are prepared to concede leave of absence in every case where private business is alleged as a reason. But the moment it is suggested that public business is being transacted by an absent senator, is the Senate to determine what is the relative urgency of that public business? I say that that is a most anomalous position to take up. We are practically saying that an honorable senator may subordinate his duty of attendance in the Senate to his own private business, but not to any public business affecting the Commonwealth, unless that public business is of such a degree of urgency as in the minds of other honorable senators should warrant his absence.

Senator Sir JOSIAH SYMON (South Australia).—We have seldom listened to a more irrelevant and misleading speech than that which has been delivered by my honor-

able and learned friend. He has entirely overlooked or given the go-by to the principle underlying the objection which Senator Clemons has taken, and which he took in the form of an affirmative motion some weeks ago.

Senator HIGGS.—It was defeated.

Senator Sir JOSIAH SYMON. — I am not such a walking encyclopædia as is the honorable senator, who carries the votes and proceedings of the Senate in his head, but I recollect that fact. I also recollect that on that occasion, at the instance mainly of honorable senators opposite, an amendment was proposed declaring that absence was not proper, either on account of a Royal Commission or on account of private business. Senator Guthrie was, I think, the honorable senator who moved to that effect. Senator Keating has espoused the principle that because we have been in the habit of granting leave of absence to senators on account of urgent private business without inquiry as to the nature of that private business—relying upon the assurance of honorable senators who took charge of such motions and on their good faith, and refraining from prying into the reasons for the absence—therefore, when urgent public business is alleged as a ground of absence, we ought not to inquire into it. But it is our duty to inquire. The honorable senator, expressing the views of the Government, puts the two cases on the same footing. I never heard of such a proposition in my life. There is a guard cast around private business which does not subsist in regard to matters of public business; and when a motion is tabled in this Senate asking for permission to be absent on the ground of urgent public business, and not on the ground of urgent private affairs, I say that it is the duty of the Senate to ascertain what the public business is, and to determine whether it is of such a character as to dominate the public business which requires us to be present here. To my mind, this is a high matter of principle, and I am sorry that the remarks which have been made on the responsibility of the Government tend to bring the discussion down from the high plane which it ought to occupy, and to make it a question of an application for leave simply in respect of a senator personally.

Senator HIGGS.—That question was decided on the motion proposed some time ago.

Senator Sir JOSIAH SYMON.—I am willing to reassure my honorable friend that, so far as I am concerned, I am looking at this matter purely from the point of view of principle. I am glad that Senator Clemons has objected to the motion being taken as formal. It would have been a degradation of the position and the status of the Senate if we had treated as formal a motion which asks us to take the view that absence from the Senate to sit upon a Royal Commission is to be tolerated when set against the claims that the business of the Senate has upon its members. If that were permitted, let us think for a moment what the result might be. Look at the power which is thus placed in the hands of the Government of the day. All the expenses of honorable senators attending the sittings of a Royal Commission are paid, insufficiently, it may be, and there is a competing influence as against the duties which they are called upon to carry out within this Chamber. Has there ever been a motion of this kind treated as a not-formal motion when reasons have not been given to show why leave of absence should be granted? This discussion has nothing to do with Senator McGregor personally. If Senator Higgs can show that Senator McGregor's position in this Chamber would be placed in jeopardy by the rejection of the motion, I for one will not vote against it. But I did expect Senator Higgs, when the motion was not regarded as formal, and when he realized the great principle which some of us, at all events, consider underlies it, to give reasons for the proposal. I expect him to not only give reasons in order to establish that this is urgent public business, to which the business of this Chamber is to be subordinated, but also to show that unless the motion is carried Senator McGregor's position will be placed in jeopardy.

Senator HIGGS.—This is the first time that reasons of the kind have been asked in the history of the Commonwealth Parliament.

Senator Sir JOSIAH SYMON.—This is the first time such a situation has arisen.

Senator PLAYFORD.—No; there was a similar situation when Senator Cameron was granted leave of absence to go home.

Senator Sir JOSIAH SYMON.—What is the good of the honorable senator, who happens to be Minister of Defence, saying that Senator Cameron's position was at all

parallel to the position of Senator McGregor? The whole Parliament—the whole of Australia, for the matter of that—agreed that there was an urgent reason why Senator Cameron should be granted leave. The present position is caused by the voluntary act and assent of the gentlemen who are members of the Royal Commission. I am not saying for one moment that there may not be adequate reason for this leave of absence, but there are other members of Parliament who are also members of this Royal Commission. Why should Senator McGregor not return, if his position is in jeopardy, and allow some other member of Parliament to take his place at the sittings of the Commission? I am not dealing with this matter personally, and blaming Senator McGregor, and suggesting that he should come back; but there is only a quorum required to carry on the business of the Royal Commission.

Senator CLEMONS.—There is more than a quorum of the Royal Commission in Western Australia now.

Senator Sir JOSIAH SYMON.—I do not know how many members of the Royal Commission there are in Western Australia; but, as you, Mr. President, have pointed out over and over again, by the appointment of these Commissions, when they consist of members of Parliament, we hand over a great power to the Executive Government, and make a competing influence as against the duties which we are placed here by our constituents to discharge. Then, in regard to leave of absence on the score of private business, the question rests first with the Senate, and secondly as between an honorable senator and his constituents. In the matter of public business, however, it is, I will not say remunerated, but at any rate that it is compensated—it is paid for, out of Commonwealth revenue, and is in competition with the public duties we are elected to discharge. As I say, if Senator Higgs shows that Senator McGregor's position is in jeopardy, the situation will be altered so far as the motion itself is concerned. But I ask Senator Higgs to show in what respect this is urgent public business.

Senator GUTHRIE.—Should not Senator McGregor be left to judge as to that?

Senator Sir JOSIAH SYMON.—It is not for Senator McGregor, but for the Senate to judge.

Senator GUTHRIE.—Senator McGregor is responsible to his constituents.

Senator Sir JOSIAH SYMON.—It is for the Senate to judge. The Senate is the tribunal which has to determine whether there is a case made out for leave of absence.

Senator GUTHRIE.—The same principle should apply to leave of absence on the ground of private business.

Senator Sir JOSIAH SYMON.—If this is urgent public business for Senator McGregor, why is it not urgent for Senator Higgs, who is also a member of this Royal Commission? Here we have two members of a Royal Commission, one of whom says that the business is not urgent.

Senator O'KEEFE.—The two cases are entirely different.

Senator Sir JOSIAH SYMON.—I do not think so. I shall not make any comparison, but Senator Higgs knows that I value very greatly his presence in the Chair.

Senator O'KEEFE.—Senator Higgs is an officer of the Senate, and that makes all the difference.

Senator Sir JOSIAH SYMON.—There are deputy Chairmen of Committees, and Senator Higgs' absence is provided for. This matter has been discussed previously, and there is no more reason shown why Senator McGregor should attend the sittings of the Royal Commission, than there is why Senator Higgs should attend.

Senator O'KEEFE.—Vastly more.

Senator MILLEN.—We can get a Deputy Chairman, but we cannot get a deputy senator.

Senator Sir JOSIAH SYMON.—That is a very effective answer, seeing that we have two Deputy Chairmen. If Senator McGregor has to judge as to the urgency of the business, the Senate has no control. Senator Higgs gave us no reason—he did not tell us that leave of absence was asked for on the ground of the business of the Tariff Commission. I do not think that he need have been so reticent. We are indebted for the information to Senator Clemons, who assumes that the reason is the presence of the Royal Commission in Western Australia.

Senator GUTHRIE.—Of course, Senator Symon did not know anything about that!

Senator Sir JOSIAH SYMON.—I suspected that that was the case. But why did not Senator Higgs tell us so?

Senator HIGGS.—I did not want to initiate a discussion of this kind.

Senator Sir JOSIAH SYMON.—I know that the Royal Commission is taking valuable evidence, and has done good work in its investigations; but I utterly deny any urgency that requires Senator McGregor's absence from this Chamber. I utterly deny the urgency which required the Royal Commission to go to Western Australia. The position is one which I deeply regret and I take this opportunity to express my opinion. I find from the press that communications have been addressed to the chairman of the Royal Commission, practically seeking to dragoon him and the other members into giving a progress report at an early date whilst they are busy prosecuting the inquiry. That is an extremely improper thing for the Prime Minister or any other Minister to do.

The PRESIDENT.—Does the honorable and learned senator think that those remarks are relevant to the question, which is the granting of leave of absence to Senator McGregor?

Senator Sir JOSIAH SYMON. — I am addressing myself to the question of urgency in connexion with the work of the Royal Commission. I do not intend to dwell on the matter at any length, but merely to say that, in my opinion, the alleged urgency is being furnished up—that it is not genuine. The position is due, first of all, to the dragooning of the Government by a section of the press, and, secondly, to an attempt to dragoon the chairman and Commission. We have seen really pathetic representations and appeals for mercy made by the chairman of the Royal Commission from time to time, and declarations by him that a progress report is impossible now, but will be produced when materials are ready. But the continual harassing of the Royal Commission is simply for the purpose of showing a fictitious urgency.

Senator GUTHRIE.—It was the Government of which the honorable and learned senator was a member who appointed this Royal Commission.

Senator Sir JOSIAH SYMON. — That is so; but that Government did not send the Royal Commission roving all over this great continent, and did not expose their self-respect to be humiliated by letters from the Prime Minister telling the Commission to hurry up with the report. Anything more scandalous never took place.

The PRESIDENT. — The honorable and learned member may discuss the urgency of the business so far as Senator McGregor is concerned.

Senator Sir JOSIAH SYMON.—I bow at once to your ruling, and will limit myself to the observations which I have made, and which I commend to the attention of Senator Higgs, who, I know, is sensitive, and would, as a member of the Royal Commission, resent the attempts which I have indicated to interfere with and dictate to him in the discharge of public duties. I regard this question, as you, Mr. President, have on previous occasions in connexion with Select Committees, as one of high public importance. I should be prepared to give Senator McGregor all the leave of absence he personally requires; and I think that is unanimous. Doubtless we on this side would prefer to have one less honorable senator on the other side to vote against us; but, apart from that consideration, the personal element has nothing to do with the question. It would be intolerable to any legislative Chamber, if it were held that, because we have not made an inquiry as to private reasons for leave of absence, we are, therefore, to be precluded from making inquiries as to public reasons. I disclaim most emphatically any desire whatever to deny leave of absence to Senator McGregor, or to do anything to interfere with or prejudice his position in the slightest degree. If Senator Higgs, when he replies, can point out that there is any possibility of that kind, I shall certainly keep an open mind on the subject. But in order to protest against the admission of a principle which would be most injurious to the conduct of business in the Senate—injurious, indeed, to the public political morality—I shall, unless such an explanation as I have suggested is given, vote with Senator Clemons if he calls for a division.

Senator STEWART (Queensland).—The closing remarks of Senator Symon were extremely amusing. The honorable and learned senator treated us to a diatribe on public morality, social morality, and so forth. What Senator Symon objects to, so far as I can discover, is that the plain truth has been told in the motion. A reason of some kind it was necessary to give, and the question was whether that reason had to be a true one or a false one. If we are to follow Senator Symon, the reason should be the truth, because he has

told us that he is an advocate and supporter of public morality. To be moral we must be truthful; and if Senator Higgs had asked for leave of absence for Senator McGregor on the ground of urgent private business, the reason given would not have been true.

Senator Sir JOSIAH SYMON.—Why should not Senator Higgs have said that the reason is that Senator McGregor cannot return in time to save his seat?

Senator STEWART.—I cannot enter into all the phases of the question which crop up in the honorable and learned senator's mind. I am only concerned with the fact that, so far as I have been able to discover, Senator Higgs has given absolutely the true reason why leave of absence is requested.

Senator CLEMONS.—No doubt the reason is true, but the question is whether it is a sufficient reason.

Senator STEWART.—I do not think there is any need to elaborate that point.

Senator Sir JOSIAH SYMON.—Are we to sanction the absence of an honorable senator in order to attend a Royal Commission?

Senator PLAYFORD.—Are we to sanction the absence of a senator on account of private business, which is the less important?

Senator STEWART. — As Senator Keating has pointed out, honorable senators are without question allowed leave of absence on account of urgent private business. Such motions have always hitherto been allowed to pass as formal. Now, however, when leave of absence is asked for on account of urgent public business, an objection is raised.

Senator CLEMONS.—Public business is under the control of the Senate, whereas private business is not.

Senator STEWART. — We know that Senator McGregor is absent on public business, and I believe the public business to be urgent. Of course, Senator Clemons may not take the same view; but that is the position. Senator McGregor was appointed a member of this Tariff Commission to inquire into the condition of various industries throughout the Commonwealth—industries which, if we are to believe what we have been told, are put into a perilous position because of the operation of the Tariff.

Senator Sir JOSIAH SYMON.—The whole of the evidence given at Kalgoorlie has been in favour of free trade in machinery.

Senator STEWART.—So much the better for the honorable senator. He ought to be delighted, instead of complaining about the Commission going to Western Australia, as he has done. The honorable and learned senator said, "Thank God, the Government of which I was a member did not send the Commission over there"—to get this fine evidence from their point of view. I am surprised that Senator Symon should now come out in quite a new light. The members of the Commission are obtaining the very evidence required to prove his case, and the honorable senator is not yet satisfied.

The PRESIDENT.—As I permitted Senator Symon to wander from the subject to some extent, I do not propose to pull up Senator Stewart; but I ask the honorable senator to make his remarks, on the point to which he is now referring, as brief as possible.

Senator STEWART.—The position appears to me to be this: I consider that the business in which Senator McGregor is engaged is public business. There is no doubt that that should have been stated in the motion, and I further consider that it is urgent business. If we are to take up the position that an honorable senator's first duty is in this Chamber, we may find that occasions will arise when exceptions to that rule should be permitted. Senator McGregor is absent for the purpose of securing information to enable the Senate to do its duty.

Senator GRAY.—Would not that apply to every Commission?

Senator STEWART.—I am dealing now only with a particular Commission.

Senator GRAY.—But the principle would be the same.

Senator STEWART.—If the honorable senator talks about principle, I point out where his principles might very often lead him. He is probably very fond of water. It is a very useful thing, and man requires it to quench his thirst, to make his tea, and to wash himself; but he does not desire to be drowned in it. Senator Gray will see that the best of principles may be carried to a very illogical and unreasonable conclusion. The business in which Senator McGregor is engaged at the present time is public and urgent, and the leave asked for should be granted to him, that he may be able to pursue the investigation in which he is engaged, without any fear that in the exercise of a public duty he may be

penalized by the loss of his seat owing to his non-attendance in this Chamber.

Senator DE LARGIE (Western Australia).—The debate has taken a turn which, I think, few honorable senators anticipated. It is strange to hear one of the principal members of the Government that appointed the Tariff Commission denouncing the necessity of it.

Senator Sir JOSIAH SYMON.—I never denounced the necessity of it.

Senator DE LARGIE.—Then, I fail to understand the drift of the honorable senator's argument.

Senator Sir JOSIAH SYMON.—I objected to the Commission going to Western Australia, when that involved members of this Parliament being taken away from their duties while Parliament was sitting.

Senator DE LARGIE.—Surely the honorable senator will admit that it was the duty of the Commission to visit Western Australia as well as the other States of the Commonwealth.

Senator CLEMONS.—They should have been sitting here.

Senator DE LARGIE.—I cannot accept Senator Clemons' opinion on a matter of this kind, because I think that his attitude in this connexion savours very much of the attitude of the dog in the manger. In the first instance, the honorable senator objected to go to Western Australia himself, and now that others have gone to carry out the work, he objects to their getting the leave of absence necessary to enable them to complete it. To object to leave of absence being granted to Senator McGregor in this case, to enable the Tariff Commission to complete their work in Western Australia, would be to take up a very unreasonable position, which could only be justified by one adopting the dog in the manger policy which Senator Clemons has pursued from the start. Senator Symon has laid down a new principle with regard to leave of absence. He contends that unless reasons are given, leave should not be granted.

Senator Sir JOSIAH SYMON.—I never said so. What I said was that, as the motion was declared not formal, reasons should have been given, because that was a call for reasons.

Senator DE LARGIE.—I cannot understand why reasons should be specially asked for in this case, when, since the inception of the Senate, no previous motion for leave of absence has been challenged;

though this is not the first occasion on which leave has been asked on the ground that an honorable senator has been absent on public business. Ex-Senator Cameron was granted leave of absence for somewhat similar reasons. No one can say that attendance at the Coronation ceremonies in London was of more public importance to the people of Australia than attendance at an inquiry on a great public question.

Senator Sir JOSIAH SYMON.—Ex-Senator Cameron was sent to England in command of a body of men at the wish of the Government and of Parliament.

Senator DE LARGIE.—And I dare say that there were thousands of men in Australia who would have been only too glad to accept the position, and who would have carried out the work quite as well, though I have no doubt Ex-Senator Cameron performed the duties of his position well. Honorable senators opposite are taking a new course, and it is possible that they may find that their action will have a boomerang effect. When, in the future, leave of absence is asked for by honorable senators opposite, a request may be made for good reasons for it. The Senate may demand good reasons for motions which are constantly being moved for leave of absence to honorable senators, on the ground of urgent private business. Reasons will then have to be given, whether it is a matter of good taste to demand those reasons or not.

Senator CLEMONS.—No one will demand good taste from the honorable senator.

Senator DE LARGIE.—I am quite sure that I shall never try to follow the example set by Senator Clemons, who is a paragon of everything opposed to good taste. It will, I think, be a mistake for honorable senators opposite to call for a division on this motion. If a division is called for the subsequent results may not be satisfactory to those who push their objection to this motion so far.

Senator MILLEN (New South Wales).—Undeterred by the threat just addressed to the Senate, I still venture, though not without some fear and trembling, to express my opinion. I could wish that this had been an abstract motion rather than one with which the name of an individual member of the Senate is associated, as my course would then have been abundantly clear.

Senator HIGGS.—An abstract motion could not have been brought forward in this case.

Senator MILLEN.—The principle involved might have been discussed on an abstract motion, as it was some time ago.

Senator HIGGS.—I do not think we could bring another motion forward on the same lines this session.

Senator MILLEN.—Probably not, but if we were dealing with an abstract motion I should be entirely opposed to the granting of leave of absence for the reasons stated. However, the Senate has practically arrived at a decision on the point that the mere fact that a member of the Senate wishes to be absent on public business is in itself some reason why an application for leave of absence for him should be granted.

Senator CLEMONS.—No, that was not the decision.

Senator MILLEN.—I put the reverse position. Senator Clemons contends that absence on public business is not in itself a sufficient reason for granting leave of absence from attendance in this Chamber. If that were put to me, without any reference to Senator McGregor, or any other member of the Senate, I should vote entirely in that way; but I am brought face to face with the fact that the Senate has already refused to adopt a motion of that kind.

Senator CLEMONS.—No, it did not.

Senator MILLEN.—Then what became of it?

Senator CLEMONS.—It would have adopted every word of that motion, with some other words added.

Senator GUTHRIE.—If all private business had been included.

Senator MILLEN.—In my opinion, Senator Guthrie occupies a most illogical position at present. The honorable senator has been prepared to say that leave of absence should not be granted for any reason.

Senator GUTHRIE.—If we are to lay down an absolute rule.

Senator MILLEN.—I am pointing out now that the Senate has declined to lay down the rule that leave of absence shall not be granted to enable an honorable senator to attend to public business, and I therefore hesitate to give a vote in support of a motion that the decision of the Senate shall not apply where a particular individual is concerned. In such a case, with whatever care we may select our words, our action will be open

to a suspicion of personal feeling. I quite recognise that honorable senators who have preceded me in opposition to the motion are free from personal feeling in the matter, but the very fact that threats of retaliation have been made should this motion not be carried shows at once that when a motion of this kind is discussed in association with the name of a particular honorable senator, the suspicion of personal feeling comes in. Although I should be opposed to the granting of leave of absence for the reasons set out in this case, as the Senate has declined to lay down a general rule, I think that I have no other course open than to vote for the motion moved by Senator Higgs. I should like to say, with regard to the argument addressed to the Senate by Senator Keating, that there is a wide difference between private and public business. A man's private business can be attended to only by himself. If we ask a man absolutely to divorce himself from his own private affairs, it would be impossible for him to take a seat in Parliament. Unless, when occasion arose, he could get leave of absence to attend to his own affairs, he could not accept a seat. With public business it is surely very different. Will it be contended that no one but a member of the Senate could take evidence on the Tariff Commission?

Senator CLEMONS.—Why are two of us here, and not with the Commission?

Senator MILLEN.—Exactly. Is it imperative that this public business should be conducted by those who are supposed to be here? The moment a man holds two public appointments, the duties in connexion with them clash, it is his clear duty to resign one of them. There is another matter to which I wish to refer, and I should not deal with it at this stage but for the fact that if I did not do so, it might be said later on that I should have referred to it when a cognate subject was under discussion. I have been seriously disturbed in my mind of late in connexion with the whole of these Royal Commissions as to whether the payments made to members of them, who are also members of Parliament, do not constitute an infringement of the Constitution.

The PRESIDENT.—I do not think the honorable senator can deal with that matter under this motion.

Senator MILLEN.—I make the reference relevant in this way: I point out that if there is an infringement of the Constitution in the acceptance by members of the

Senate of emoluments paid to them for work performed on Royal Commissions to that extent, the Senate might be said to condone what is being done by granting leave of absence to Senator McGregor on this occasion. I mention the matter now, not with a view of pursuing it further at this stage, but to make sure that no one will be able later on, if I bring the matter before the Senate, to say that I have condoned what I may ask the Senate to declare is illegal.

Senator GRAY (New South Wales).—I should not vote with Senator Clemons against the motion if I felt that there was the least probability of Senator McGregor losing his seat in the Senate. But there is not, and I feel that I am bound to vote with him, because the Senate contains a limited number of members. Already there are, I think, three or four Commissions and Committees sitting. Just prior to the meeting of the Senate to-day, I asked Senator Pearce whether it was possible for a certain Committee to go a short distance into the country during this week, as it would be very inconvenient for me to attend its meetings during next week, and he instantly replied that it could not possibly be done. If it cannot be done with a Select Committee, why should an exception be made in the case of the Tariff Commission?

Senator PLAYFORD.—The honorable senator is confusing a Select Committee with a Royal Commission.

Senator GRAY.—Are they not in the same category?

Senator PLAYFORD.—No.

Senator GRAY.—Substantially they are the same. I do not know that there is any difference between them.

Senator PLAYFORD.—A Select Committee of the Senate can only sit while the Senate is sitting, and dies when the Parliament is prorogued.

Senator GRAY.—Every honorable senator is elected to look after the interests of his State. If one Commission is allowed to go to Western Australia or another part of the Commonwealth during the sittings of the Senate, I take it that every other Commission can do the same thing. In view of the limited number of honorable senators it is necessary that all should attend as far as practicable to transact the business of the Commonwealth.

Senator HIGGS (Queensland).—I did not give reasons for the motion, because I felt that I should not be a party to initiating a discussion as to the reasons why an honorable senator should be granted leave of absence. Hitherto such motions have always been treated as formal business; not a single vote has ever been taken on this subject, and I ask whether it is wise for honorable senators to criticise each other's actions. Because, to my mind, the arguments advanced against the motion have been in the nature of a criticism of the action of Senator McGregor. If the conduct of one honorable senator is to be criticised on a motion of this kind, then another honorable senator may indulge in such criticism when leave of absence is asked on the ground of urgent private business, and we may have a discussion which will not, I think, enhance the dignity of the Senate.

Senator Sir JOSIAH SYMON.—I do not think that any one would inquire into the private affairs of an honorable senator.

Senator CLEMONS. — Except Senator Keating, no one wants to do so.

Senator HIGGS.—Is the object of those who oppose this motion to compel the attendance of honorable senators here? I take the view that inasmuch as the Senate is the States House, it is not the duty of any honorable senator coming from Queensland to criticise the conduct of any honorable senator coming from Western Australia. Each honorable senator is responsible to the electors in his own State, and if Senator McGregor or any one else stays away, no doubt his constituents are keeping an eye upon his movements, and will make him answer for his absence. If there be an objection to Senator McGregor being absent on public business, urgent or otherwise, is there not a far greater objection to an honorable senator being absent on his private business when it may be merely to take a holiday? Private business, though it is described with a certain amount of poetic licence as "urgent private business," may be merely absence in England on a holiday. There may be reasons of an urgent private character why an honorable senator should be absent.

Senator CLEMONS.—No one ever publicly inquires into the reasons for an honorable senator's absence. Is the honorable senator going to adopt the view of Senator Keating?

Senator HIGGS.—I shall not discuss that point. There may be other reasons—

such as the competitive influence which Senator Symon mentioned as arising in connexion with a Royal Commission. He spoke of a competitive influence which might have the effect of taking an honorable senator away from his public duties.

Senator Sir JOSIAH SYMON.—The whole question here is whether we should not protest against a seat on a Royal Commission involving a senator's absence from his duties in the Senate.

Senator HIGGS.—We can easily imagine urgent private business which would have a strongly competing influence against the influence which ought to prompt an honorable senator to attend here. But the view I take is that the Senate has already decided the question raised to-day by Senator Symon and Senator Clemons, that is, as to whether an honorable senator ought to absent himself under any circumstances on account of either urgent public business or private business. On the 2nd August, 1905, Senator Clemons moved—

That in the opinion of the Senate, it is contrary to the practice of Parliament, and the proper transaction of business, that members should absent themselves from the Senate for the purpose of attending sittings of a Royal Commission.

Senator Guthrie moved an amendment to add to the motion the words, "or for private business." It is curious to observe that the majority of the members of the Opposition voted against the amendment.

Senator CLEMONS.—No, they did not.

Senator HIGGS.—On the question as to whether the words "or for private business" should be added there were nineteen ayes and ten noes. The minority included Senators Dobson, Drake, Fraser, Gould, Gray, Matheson, Pulsford, Trenwith, Walker, and Clemons, so that Senators Clemons and Gray are of opinion that it is in accordance with the practice of the Senate—

Senator CLEMONS.—Nothing of the sort. The honorable senator asked us to vote that it was contrary to the practice of Parliament for members to absent themselves on private business when he and every one else knew that it was not the case. I refused to say what I knew to be untrue, but the honorable senator preferred to say what he knew was untrue.

The PRESIDENT.—Order, the honorable senator must not say that.

Senator CLEMONS. — Well, which was contrary to fact.

Senator HIGGS.—The motion was proposed in order to lay down a rule. Some honorable senators proposed to add the words "or for private business," and other honorable senators thought it was in accordance with the practice of Parliament and the proper transaction of business for honorable senators to stay away on private business. The amendment was carried, but the Senate, by a majority of eighteen votes to eleven, decided to reject the motion as amended, thereby saying practically that the majority were of opinion that an honorable senator might absent himself on public or private business. Senator McGregor went to Tasmania and Western Australia after the motion was defeated. If, however, the motion had been carried, and a rule had been virtually laid down that it was not right for an honorable senator to stay away on account of either private or public business, Senator McGregor would not have left. I have good reason to believe that if the Senate had voted in any other way, the chairman of the Tariff Commission would have reconsidered his position, and probably called a meeting of its members to reverse the order of proceeding.

Senator MILLEN.—In spite of its urgency?

Senator CLEMONS.—These are revelations.

Senator Sir JOSIAH SYMON.—Does not that defeat the honorable senator's reason of urgency.

Senator HIGGS.—I do not think it does. I think that in all probability the chairman of the Tariff Commission would have regarded the voice of the Senate as one to which attention should be paid. When the motion of Senator Clemons was defeated, no doubt the chairman felt quite sure that he was doing the right thing, and therefore he departed. Senator McGregor has been absent since the 31st August; the two months' absence will expire on the 31st October, but I do not think that the matter should be put on personal grounds. Senator Symon said that if it meant the jeopardizing of Senator McGregor's seat, he would not vote with Senator Clemons.

Senator CLEMONS.—And if I thought there was any danger of Senator McGregor losing his seat, I should drop the matter at once.

Senator HIGGS.—There will be plenty of time for Senator McGregor to return

if the Senate is of opinion that he should not be allowed leave of absence on this "urgent public business." I used that term in the motion because it seemed to me to be far more accurate than the term "urgent private business."

Senator CLEMONS.—It may be, but is it sufficient?

Senator HIGGS.—Some of us think it is urgent. If Senator Symon asks me to say why I did not go, I shall give the reply I gave before—that, as there are several protectionists on the Tariff Commission, and, as I think it has just about two too many members, my presence is not necessary. With three protectionists in attendance, I feel that the cause of protection is in good hands. Senator Symon said that this motion would pave the way for a Government getting members of the Senate and the other House out of the way.

Senator Sir JOSIAH SYMON.—No.

Senator CLEMONS.—Suppose that we have half-a-dozen Commissions in existence?

Senator HIGGS.—We must take each case on its merits. The Tariff Commission was appointed by the Reid Government, and, no doubt, Senator Symon had a voice in deciding upon the terms and the *personnel* of the Commission. Does he suggest that that Government wished to establish some competing influence?

Senator DE LARGIE.—He practically admitted that he agreed to the appointment of the Commission in order to hang on to office.

Senator Sir JOSIAH SYMON.—Is that remark in order?

The PRESIDENT.—Nothing that Senator Higgs has said is out of order.

Senator Sir JOSIAH SYMON.—Was the interjection in order?

The PRESIDENT.—I did not hear it.

Senator HIGGS.—Does Senator Symon suggest that Mr. Reid, in appointing this Commission, wished to set up some competing influence that might operate against the attendance of senators?

Senator Sir JOSIAH SYMON.—I never said anything of the kind. What I said was that the Government, by sending a Commission to sit in a distant State, might create a competing influence in public affairs.

Senator HIGGS.—Is it suggested that the Commission ought not to have taken

evidence in Tasmania and Western Australia, or ought not to sit while Parliament is sitting? That would mean that the proceedings would be protracted for a considerable time, and that the report of the Commission would be hung up for years.

Senator Sir JOSIAH SYMON.—Senator Higgs suggested a solution of the difficulty—that the Commission should sit in Melbourne while Parliament was sitting.

The PRESIDENT.—What has this to do with granting leave of absence to Senator McGregor?

Senator HIGGS.—I have in my possession several letters from the Secretary of the Commission, the Chairman, and Senator McGregor, that they heard me move an amendment that the Commission should sit in Melbourne during the recess.

Senator CLEMONS.—Then it should appear on the minutes.

Senator HIGGS.—Senator Clemons knows that there is no record in the minutes of amendments that are not seconded. The Commission is doing important public business in Western Australia, and the Senate ought, I think, to pass the motion so as to allow Senator McGregor to attend to that business. The suggestion that the Government might appoint a number of Commissions, and so take honorable senators away from their duty, is quite true, but a Commission having the scope of the present one may not be appointed for another twenty years.

Question—That one month's leave of absence be granted to Senator McGregor, on account of urgent public business—put. The Senate divided—

Ayes	...	...	19
Noes	...	...	7
			—
Majority	...	...	12

AYES.

Croft, J. W.	O'Keefe, D. J.
Drake, J. G.	Pearce, G. F.
Findley, E.	Playford, T.
Givens, T.	Smith, M. S. C.
Guthrie, R. S.	Stewart, J. C.
Henderson, G.	Story, W. H.
Higgs, W. G.	Turley, H.
Keating, J. H.	Zeal, Sir W. A.
Matheson, A. P.	Teller:
Millen, E. D.	de Largie, H.

NOES.

Baker, Sir R. C.	Symon, Sir J. H.
Dobson, H.	Walker, J. T.
Gray, J. P.	Teller:
Macfarlane, J.	Clemons, J. S.

Question so resolved in the affirmative.

PAPERS.

Ministers laid upon the table the following papers:—

Pursuant to the Post and Telegraph Act, 1901, Telephone Regulations—Statutory Rules 1905, No. 59; Registration Regulations, Statutory Rules 1905, No. 60.

Regulations under the Excise Act 1901, Statutory Rules 1905, No. 65.

ELECTORAL BILL.

Debate resumed from 4th October (*vide* page 3131) on motion by Senator KEATING—

That the Bill be now read a second time.

Senator O'KEEFE (Tasmania).—I have not much to say on the motion for the second reading of this Bill, but I intend to propose several amendments in Committee, some of which may be considered to affect important matters of principle. All my amendments are not yet in print, and I shall not deal with them until they are in the hands of honorable senators. But I may as well explain the most important of the proposals which I intend to make. The first involves an important alteration of principle. It relates to clause 14 of the Bill, which deals with the alteration of electoral divisions. That clause amends section 23 of the principal Act by adding the following new sub-section:—

- (2) Such proclamation may be made—
 - (a) whenever an alteration is made in the number of Members of the House of Representatives to be elected for the State; and
 - (b) whenever in one-third of the Divisions in the State the number of electors differs from a quota ascertained in the manner provided in this Part by a greater extent than one-fifth more or one-fifth less; and
 - (c) at such other times as the Governor-General thinks fit.

I intend to propose to strike out the proportion, one-third, and to substitute one-fifth, for the following reason: The Act now provides that the Commissioner shall have power to alter the boundaries of an electoral division at any time, when the number of electors in that division is greater or less than one-fifth over or under the proper quota. Taking the State of New South Wales, the quota will, under this provision, have to be defective in one-third of the whole of the divisions of the State before it will be possible to alter the boundaries of any one division. I submit that it is not right that there should be probably a larger discrepancy than one-fifth more or

less in one-third of the divisions of a State, before power is given to alter the boundaries. Therefore I propose to strike out one-third, and to make the proportion one-fifth. There are twenty-six electoral divisions for the House of Representatives in New South Wales. It would be necessary for the quota to be largely out of its proper proportion in eight divisions at least before the boundaries of any one of them could be altered. If we made the figure one-fifth, instead of one-third, that ought to be quite sufficient. I have given notice of an amendment, which I think involves a question of principle not dealt with in the Bill as drafted. Section 150 of the Commonwealth Electoral Act is as follows:—

In elections for the Senate the voter shall mark his ballot-paper by making a cross in the square opposite the name of each candidate for whom he votes. The voter shall vote for the full number of candidates to be elected.

The amendment which I intend to submit is that the words "the voter shall vote for the full number of candidates to be elected" shall be omitted. I take it that the principle underlying our electoral system is that the utmost freedom of political thought and action shall be extended to every elector. An elector is left to decide whether he shall have his name placed on the roll, and, if his name be there, he may please himself as to whether he votes.

Senator WALKER.—Is the honorable senator in favour of plumping?

Senator O'KEEFE.—I am in favour of leaving the elector to vote for as many or as few candidates as he chooses.

Senator WALKER.—That is plumping.

Senator O'KEEFE.—Not necessarily, though I should describe it as optional plumping. The elector at present is perfectly free in the particulars I have indicated, and the principle of compulsion, except in the one respect in which I desire to see the section amended, is in no way introduced into the Commonwealth Electoral Act. As the law stands at present, an elector may be placed in a very awkward position; if there were, for instance, a double dissolution, and nine candidates presented themselves for six vacancies in the Senate. If the question at issue were, say, free-trade *versus* protection, a free-trade elector might find only three of those candidates of his own particular political faith. An elector under these circumstances would naturally desire to vote for the free-traders, and yet,

compelled as he is to vote for the full number of senators required, he would have to vote for three protectionists also; and in this way he would practically lose his vote altogether. We profess to provide a free and democratic system of elections, and to give every eligible person a vote, and yet the law as it stands may be the means of depriving an elector of the value of the franchise. Personally, I favour preferential voting, which I regard as an ideal system. I recognise, however, that the large number of votes which were given against a proposal to adopt that system when the Electoral Act was passed renders it hopeless to attempt to carry out a reform of the kind in an amending Bill. I understand that Senator Mulcahy had some intention to submit an amendment providing for preferential voting, but that there was some probability of its being ruled out of order by the President. I do not think, however, that the President could take a similar view of the amendment which I have foreshadowed.

The PRESIDENT.—I cannot rule any proposal made in Committee as out of order; that is a matter for the Chairman.

Senator O'KEEFE.—However, I give notice of my intention to submit the amendment; and I feel sure that whatever grounds there may be for ruling the amendment suggested by Senator Mulcahy out of order as not relevant to the subject-matter of the Bill, the same objection cannot apply to my proposal. Any great question would illustrate my argument just as well as that of free-trade *versus* protection which I used. For instance, the question might be whether or not the Commonwealth Parliament should undertake the imposition of a graduated land tax; and in this connexion an elector might find himself in precisely the same position as the elector whom I previously instanced. These and other matters were debated at great length when the Electoral Act was passed some two or three years ago, and there is no need to dwell at length upon them now. When we reach the Committee stage I shall move several small amendments, which do not call for comment at the present moment.

Senator Sir JOSIAH SYMON (South Australia).—I do not propose to deal at any length with this Bill at the second-reading stage. I have had an opportunity to read, though I did not have the privilege of hearing, the excellent and exhaustive speech which Senator Millen made on this measure at a previous sitting of the

Senate. That speech appears to me to cover largely all the ground which might be traversed in a second-reading debate, and the honorable senator indicated certain amendments with which I am in entire accord. I wish to take this opportunity to say that I rather regret the departure from what was the plan of the late Government in respect to this Bill. I do not think I shall be open to the charge of making any irregular disclosures, when I say that the late Government intended that any changes in the electoral law should be proposed in the form of a new measure. To my mind, it is extremely unfortunate that that idea has been departed from, and that we have the proposals entirely in the form of an amending Bill, which makes many changes, and which, therefore, will be exceedingly difficult to dovetail into the existing electoral law.

Senator O'KEEFE. — The honorable and learned senator would like to see a Bill repealing the old Act.

Senator Sir JOSIAH SYMON. — Of course, a good deal of such a Bill would have been purely formal, but it would have provided a code within the four corners of one Act, which could have been readily followed and understood.

Senator DRAKE. — There is a clause which says that the Bill must be read with the Act.

Senator Sir JOSIAH SYMON. — As Senator Drake reminds me, there is a provision which will, to a certain extent, alleviate, if not remove, the mischief and difficulty to which I refer. It is infinitely better, even for Parliament, when dealing with a Bill of this description, to have the measure in the most intelligible form, and be enabled to consider the proposed alterations without any necessity to continually refer to the original Act. In connexion with an Electoral Bill especially it is desirable that he who runs may read. Whatever bears upon the conduct of elections and on the franchise and its exercise, should be in such a form that the "man in the street" may easily grasp the intention of the law by which his political liberties are to be controlled—controlled, we must always remember, in respect of the elector's choice of the candidates for whom he shall vote. Honorable senators will observe that the Bill consists almost wholly of amendments in each section of the Act

—each clause purports to amend or repeal some provision of the Electoral Act. There are altogether some fifty-five clauses in it, and it would have been very much better, and not open to any disadvantages I can think of, if it had come before us in the shape I suggest. At any rate, that was the intention of the late Government. I think it was a good intention, and I am sorry it has been departed from. Senator O'Keefe has dealt with a very important provision, contained in section 150 of the Electoral Act, in respect of which he intends to submit an amendment. This is the section which makes it obligatory upon every elector in elections for the Senate to vote for the whole number of candidates to be elected. I did not quite follow the details of the honorable senator's proposal.

Senator O'KEEFE. — I proposed merely to strike out those words in the Principal Act.

Senator Sir JOSIAH SYMON. — That might or might not be sufficient to carry out the honorable senator's intention. I do not know whether it would not be necessary to provide that an elector might vote for the whole or any less number of the candidates than the number of senators required. The honorable senator will bear with me in suggesting that it will be desirable to make his meaning absolutely clear, and that it must not be left to inference. I suggest for his consideration that it might be open to doubt whether the mere omission of the words to which he has referred might not still leave it obligatory on the voter to vote for the full number of members required, unless he is given express permission to vote for a less number. In regard to the principle which the honorable senator has advocated, and has illustrated in a most effective way, there is a good deal to be said on both sides. Elections for the Senate differ from elections for the House of Representatives, where there are single constituencies, and where the difficulty to which Senator O'Keefe has referred does not arise. It does not matter what issue may be placed before the electors in the case of an election for the Senate, there may be one, two, or three candidates whose views on some main question—because in all probability an elector will not agree with them in everything—may be more in accord with the particular elector's opinion than the views of some other candidates. He may feel that he would like to secure the return of those, whether one or more, who would give immediate and effective

expression to his own opinions, but he is placed at this disadvantage, as Senator O'Keefe has pointed out, that he cannot do anything to secure their return without at the same time voting for, perhaps, three or four others, whose views are diametrically opposed to his, and who when they get into Parliament may by their votes defeat the policy to which he would like to see effect given. That has always seemed to me to be a fetter upon the elector. At the same time, I supported the provision as it now stands in the Commonwealth Electoral Act, because I thought that, in relation to State representation, the balance of advantage was rather in favour of securing a solid vote, and that every elector should be compelled to vote for six representatives of his State. Some honorable senators may, perhaps, at the time have thought that we were cutting things a little too fine, and were laying down a principle in philosophy rather than a practical expedient applicable to ordinary work-a-day politics. But it struck me, having regard to the functions of the Senate, and its place in the Constitution if we could, so to speak, live up to it—though, to some extent, owing to responsible government, we cannot quite do so—that electors should be bound to vote for the whole number of members required. The full number required now at a periodical election would, of course, be three for each State.

Senator O'KEEFE.—It might be four.

Senator Sir JOSIAH SYMON.—It might be four, as has already occurred, where a casual vacancy required to be filled. Under the section to which Senator O'Keefe takes objection, an elector must vote for three candidates for the Senate. I am bound to say that further reflection has induced me to lean to the view that the balance of advantage is not so much in that direction as I had hitherto believed. All I can say now is that I am quite open to listen to a fuller exposition of Senator O'Keefe's desire in this respect. The honorable senator—and he need not be at all ashamed of the term, because it is a well-understood term—desires to introduce “plumping.”

Senator O'KEEFE.—That is so.

Senator MATHESON.—Does not plumping mean a cumulative vote?

Senator Sir JOSIAH SYMON. — No. Cumulative voting is a different thing from plumping as ordinarily understood, which

means that a voter records a vote for one candidate only, and throws away the rest of his votes. I do not know that Senator O'Keefe needs any encouragement, but my present inclination is rather in favour of the view he takes than against it. I am not going to pledge myself or promise my vote one way or the other. As I say, if I have regard purely to the principles underlying the functions of the Senate and its place in the Constitution. I feel that the vote ought to be for the whole of the representation of a State. At the same time, I agree that we must look at the matter as one of practical politics, and see which course will work out best in the general interests of the country. The only other amendment on which I propose to say anything now is one which has been indicated by Senator Millen, in reference to the removal from political and parliamentary influence of the question of a redistribution of seats. Under the method now in force, one Commissioner for each State is appointed to report, and the redistribution which he recommends has to be submitted to Parliament for its approval. Of course, the natural result of that is to bring to bear upon any proposed redistribution every political personal influence which may actuate any honorable member who naturally does not desire that his particular preserve—and there can be no harm in his regarding his constituency from that point of view—shall be interfered with. He is also naturally influenced to do that which, in his judgment, will make his calling and election sure whenever a new election shall take place.

Senator O'KEEFE.—I quite agree with Senator Millen on that point. Just before an election is not a proper time for Parliament to consider a redistribution scheme.

Senator Sir JOSIAH SYMON.—This difficulty is not one of theory, nor is it a mere abstract matter. We have had an example of it.

Senator PEARCE.—We have had two examples of it—one in the last, and one in the present, Parliament.

Senator Sir JOSIAH SYMON.—The one in the present Parliament has not yet been completed, but in the last Parliament we had an example which produced results which I venture to think have been regarded unanimously as a scandal. We know that the result in that case was that in many instances one vote did not possess one value, and that, owing to the fact

that the redistribution then submitted was not adopted a position of things arose which was not at all to the credit of the Parliament of the Commonwealth. We have this year another matter of redistribution arising in exactly the same way, as Senator Pearce has reminded me. It is proposed to remedy the evil by a Bill, which will come on for discussion later, but it was proposed to be remedied by another method, and on the same basis exactly, by the late Government. The reports and papers have been before us, but another method has been interposed to prevent our considering them. Still, we have another proposed redistribution brought before Parliament, thrown into the political arena, and made, if not a party, at least a personal political question with all the disadvantages, and the evil consequences which that course of action may bring about. If the existing system is permitted to continue, we may have a state of things which will be greatly to be deplored. If it does not turn out exactly as it did in the last Parliament, there is at least very good ground for apprehending that it will. It is natural that it should, and no one can point the finger of scorn at any one else in connexion with it, because we are all human, and are influenced by these individual considerations. I am sure that anything we can do to keep such matters out of the reach of parliamentary and political interference, for which there is no need, should be adopted. I do not know in what definite form Senator Millen proposes to submit the matter in Committee; but I should be perfectly willing to leave it entirely to the Commissioners without establishing a sort of court of review in the Parliament in respect to it. But if there is a feeling that perhaps the opinion of one man ought to be checked, that it might be hastily arrived at, in circumstances we can easily imagine, and that there ought to be more minds than one brought to bear on the subject, then I think it would be wise to adopt some such idea as was in the mind of the late Government, namely, that there should be three Commissioners in each State, whose decision should be final; and that one of them, the Chairman, should be a State Judge, whose entire absence of bias, and whose impartiality and capacity would be beyond question and beyond reproach. That was the idea we had. I do not know what my honorable and learned friend pro-

Sir Josiah Symon.

poses, but I shall lend him every assistance I can, and I hope that other honorable senators will do the same, with the view of removing this question of redistribution—than which nothing can be higher or more important in relation to the full representation of the electors in Parliament—from all political influence, and being affected by political or individual considerations of the men in politics. I am certain that, when we come to think of it, we shall agree that for ourselves it will be a good thing if that is done. Where the duty is cast upon us, and the temptation is thrown in our way, we must do the best we can; but it seems to me that we shall have reason to be grateful if we can absolve ourselves from so invidious a task as the present condition of things involves. I think that most, if not all, of the suggested amendments were contemplated by the late Government, although they were not absolutely revised and determined upon. It is in respect of the omissions that I think there is complaint to be made. At any rate, I hope that the result of passing this Bill will be that our electoral system will be improved. Any improvement therein is, of course, always in favour of the power of the voter and his freedom and opportunity to express his political views through his representatives.

Senator STEWART (Queensland). — I have no intention to discuss the merits or demerits of the various changes proposed by the Bill. What I wish to refer to is the very unsatisfactory manner in which it has been presented. Senator Symon has referred to this matter, and I think that every other honorable senator ought to express his opinion. I have had the greatest trouble in finding out exactly what amendments are proposed. The Act and the Bill have to be read together, and that is a most inconvenient and unsatisfactory system. In Queensland the practice was to show the additions to the principal Act by means of black letters, and the omissions by means of erased type. That method of presenting amendments was much more convenient and satisfactory than is the one embodied in this Bill. I should suggest to Senator Keating that in a similar case he ought to adopt that method in preference to one which gives a great deal of trouble to honorable senators, and prevents them in many cases from grasping the full meaning of the proposed amendments, except with very great trouble.

Senator KEATING (Tasmania — Honorary Minister).—When I moved the second reading of the Bill, I pointed out that the form in which it should be submitted was very carefully considered, and that it was thought that attention would not be so strongly directed to proposed alterations in the existing law if an entirely new Bill were submitted, because it would be very much more difficult for honorable senators to ascertain where any deviation had been made from the principal Act. It was considered that, by a reference to the marginal notes to each clause, honorable senators would see the subject with which it dealt, and that they would be able to check the new provisions by reference to the old provisions, and so very much more clearly ascertain the extent and effect of the proposed alterations. I am very glad to have had from honorable senators an indication of the portions which they consider defective, or which they intend to seek to amend. I trust that, in Committee, they will give us every opportunity of seeing the exact nature of the amendments they intend to move, so that they can be fully discussed. The object of the Government is to amend the electoral law as far as experience of its working has shown to be necessary. When the existing Act was drafted we were practically in the position of providing machinery for the accomplishment of something which had never been done before. The first Federal elections were conducted according to the States laws, and the existing Electoral Act was the first uniform law for the Commonwealth. It has been tested in practice, and, in the light of that experience, as ascertained by the Select Committee of the other House, the Government have brought down this Bill, which does not in any way savour of a party character, and we ask honorable senators to bring the law into conformity with what is considered by experience to be the necessities of the Commonwealth.

Question resolved in the affirmative.

Bill read a second time.

The PRESIDENT.—Contingent upon the Electoral Bill being read a second time, Senator Mulcahy has given notice of his intention to move—

That it be an instruction to the Committee of the Senate to include measures in the Bill to provide for the election of members of the Senate by the method of preferential voting known as the Hare System.

I do not intend to call upon the honorable senator to move this contingent notice of motion, but, as this is the first time on which the question of an instruction to the Committee on a Bill has come before the Senate, I propose to enunciate the principle which I think should be laid down, and to give the reasons why we should adopt a certain practice. The Standing Orders are silent as to the scope or limit of instructions on a Bill. It is evident that there must be some limit—some degree of relevancy between the subject-matter of the Bill and the subject-matter of instructions to the Committee on that Bill. For instance, no one would argue that on a Bill to impose a land tax an instruction ought to be given to the Committee to insert provisions concerning the transfer of State debts. The question is, what degree of relevancy should exist? I propose to state the rule and practice of the British Parliament, and of all other Houses of Parliament established under the British Crown, so far as I can ascertain them, and the principles on which they are founded, and then to show why we should adopt such rules and practice. According to the rules of the British House of Commons, an instruction may amplify the machinery to carry out the general purpose and scope of the Bill within the general framework and idea of the Bill, beyond which the instruction ought not to go. The general rule as to instructions is laid down in *May*, page 453—

In entertaining an instruction the House is subject to this primary condition, namely, that the amendments to be sanctioned by an instruction must come within a fair interpretation of the rule laid down by standing order No. 34, namely, that those amendments should be relevant to the subject-matter of the Bill. Thus, as the subject-matter of a Bill, as disclosed by the contents thereof, when read a second time, has, since 1854, formed the order of reference which governs the proceedings of the Committee thereon, it follows that the objects sought by an instruction should be pertinent to the terms of that order; and that the amendments, which an instruction proposes to sanction, must be such as would further the general purpose and intention of the House in the appointment of the Committee. The object of an instruction is, therefore, to endow a Committee with power whereby the Committee can perfect and complete the legislation defined by the contents of the Bill, or extend the provisions of a Bill to cognate objects; and an attempt to engraft novel principles into a Bill, which would be irrelevant, foreign, or contradictory to the decision of the House, taken on the introduction and second reading of the Bill, is not within the due province of an instruction.

In regard to the Tithe-Rent Charge Recovery Bill—Imperial *Hansard*, volume

339, page 1082, August 12, 1889—Mr. Speaker Peel ruled that—

An instruction cannot be moved which deals with a question which does not come within the scope of the Bill, and which would require to be dealt with in a separate Bill.

Mr. Speaker Peel also decided, on a Bill concerning evidence in criminal matters, an instruction could not be moved to give prisoners a right of appeal.—Criminal Evidence Bill, Imperial *Hansard*, volume 352, page 1564, May 7th, 1888. He also ruled that—

It is not competent to move an instruction which opens up a wide and independent question foreign to the Bill before the House.—Imperial *Hansard*, vol. 331, pp. 32, 33, Nov. 23rd, 1888.

He also ruled in two cases—Imperial *Hansard*, volume 345, page 347, July, 1890—as follows:—

When a Bill has been read a second time, the House has assented to the principle of the Bill. There is a reservation with regard to instructions. If an instruction were to traverse the principle of a Bill, or go so far outside the limits and scope and framework of the Bill as to set up an alternative scheme, or a counter proposition to the Bill, that would virtually be a Second Reading Debate over again. It would be an amendment to the principle of the Bill, and would, therefore, reduce to a minimum, and would nullify altogether, the provision which the House has passed in the standing order, which states that when the House is prepared to go into Committee the Speaker should leave the chair at once without any question put. There is nothing in the precedents which go beyond an instruction of this nature—an instruction to amplify the machinery of the Bill to carry out the general purpose and scope of the Bill within the general framework and idea of the Bill. There is no instruction since the alteration of the standing order which could be construed into the traversing of the principle of the second reading of a Bill. In Mr. Speaker's opinion, an abuse of the principle of instructions will be fatal to the transaction of business.

The instruction proposed by Senator Mulcahy to the Committee on the Electoral Bill ought not to be moved. The Bill is a Bill to provide for electoral machinery for the conduct of elections. The instruction would authorize the Committee on the Bill to alter the method of counting votes and practically make a radical alteration in the franchise. The proposed instruction goes outside the limits, and the framework of the Bill. It relates to a principle, novel so far as the Bill itself is concerned, and irrelevant to its contents. Its object does not come within the scope of, and it opens up a wider and independent question foreign to, the Bill. It is true that the Acts which the Bill proposes to amend do deal with the franchise, and

• President.

with the method of counting the votes, but the Bill itself does not deal with this matter. The fact that this is an amending Bill makes no difference. "The subject-matter of the Bill is disclosed by the contents thereof," and the relevance of the proposed instruction thereto is the sole question to be considered. A principle of the gravest possible importance, and a system for the election of members of Parliament founded on that principle, is sought to be embodied in a Bill to provide for amendments in electoral machinery. This would alter and greatly enlarge the scope, the purpose, and the object of the Bill, as read a second time by the Senate. A separate Bill should be introduced to deal with the question raised by Senator Mulcahy. There is one other objection to the proposed resolution which is, however, merely verbal, and could be abrogated by an amendment made by leave of the Senate. All instructions to a Committee must be permissive, not mandatory. The Committee is a deliberative body, and should have power to make amendments if it think fit, not be ordered to do so. The proposed instruction is mandatory in form. I do not propose to call upon Senator Mulcahy to move the motion.

Senator CLEMONS.—May I ask that special consideration may be given to the ruling which you have delivered?

The PRESIDENT.—The Standing Orders provide that, if a ruling is not objected to formally, it stands. I told Senator Mulcahy that I intended to give this ruling.

Senator CLEMONS.—Unfortunately, he is absent, but I feel sure that I am speaking on his behalf as well as, perhaps, for others, if I request that the ruling may be taken into consideration.

The PRESIDENT.—How can I abrogate the Standing Orders?

Senator CLEMONS.—If I enter a formal objection, will that enable the ruling to be considered?

The PRESIDENT.—Yes; the honorable and learned senator can make a formal objection that my ruling be disagreed with. The question will be considered on the next day of sifting. But the objection will have to be in writing. Does Senator Clemons object to the principle laid down, or to the application of it in this case?

Senator CLEMONS.—I am not objecting at all, except formally. I would rather do so in the least objectionable way.

The PRESIDENT.—Senator Clemons can object to the application of the ruling in this case.

Senator CLEMONS.—I hand in my objection—

That the ruling of the President be disagreed with, so far as the principles laid down apply to the Bill to amend the law relating to Parliamentary Elections.

The PRESIDENT.—That objection can be considered at the next sitting day.

In Committee:

Clause 1 (Short title and incorporation).

Senator MILLEN.—I think it is proper to draw attention to my belief that this Bill has not passed its second reading. The President, I believe, rose and put the question, but before he proceeded any further with the motion he went on to refer to Senator Mulcahy's contingent notice of motion. The result was that the second-reading motion was not carried. Consequently I must, in upholding the duty which falls upon us, object to you, as Chairman, going on with the Bill. I do not know whether I can move you out of the chair to report a progress which the Committee had no right to make, but I think that the President ought to return to the chair, and that the second reading ought to be properly carried.

Senator Sir JOSIAH SYMON.—I think Senator Millen is right.

Senator CLEMONS.—The Chairman cannot report progress on a Bill which is not properly in Committee.

Senator Sir JOSIAH SYMON.—Senator Millen has properly called the attention of the Committee to the fact that the motion for the second reading has not been carried.

Senator PEARCE.—The Chairman is illegally in possession.

Senator Sir JOSIAH SYMON.—Yes; I do not know whether we shall have to issue a writ of ejection. The President had to rule in respect of Senator Mulcahy's notice of motion before the motion for the second reading could be put. Immediately the motion for the second reading is carried the President is out of the chair.

The CHAIRMAN.—The peculiarity of my position is that, as Chairman, I know nothing of the proceedings referred to which took place in the Senate.

Senator Sir JOSIAH SYMON.—But we call your attention to what took place.

Senator DOBSON.—I should put the matter in this way: If the motion for the second reading has not been passed, because

the President omitted to put it, your position as Chairman of Committees is a nullity. You should vacate the chair, in order that the President may put the question properly.

The CHAIRMAN.—My recollection is that the President put the question, and that there was no division. The Clerk read the title of the Bill a second time, and then the President brought up the matter about the contingent notice of motion, which he declared to be out of order.

Senator MILLEN.—As far as my recollection goes, the President rose for the purpose of putting the question. He stated the question, but did not ask for the voices. He went on to say, "Before I put this motion I wish to refer to another matter"; and then he referred to Senator Mulcahy's contingent notice of motion. From that time until you, as Chairman, took the chair, no reference was made to the second reading of the Bill.

Senator Sir RICHARD BAKER.—As a member of the Committee, I may say that, as President, I did put the question, and declared "The ayes have it." The Clerk read the Bill a second time. I could not have referred to the contingent notice of motion until the Bill had been read a second time.

Senator MILLEN.—In view of the statement of the President of the Senate, I am prepared to believe that my recollection is wrong. I bow to the knowledge of the gentleman who says that he did certain things, but the statement does not tally with my recollection.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4 (Interpretation).

Senator MILLEN (New South Wales).—I suggest to the Minister that this clause should be postponed. Though it is innocent in appearance, it refers to one of the main principles to which the Bill asks us to give effect. The Electoral Registrar is now made a Divisional Returning Officer, acting as Registrar. There is another clause which might give rise to some discussion, and I think that this clause might be postponed until we have dealt with the clause which will render this enlargement of the interpretation necessary.

Senator KEATING (Tasmania—Honorary Minister).—I have no objection to postpone the consideration of this clause. An interpretation clause can nearly always, I think, be postponed with advantage.

Clause postponed.

Clause 5—

Section 5 of the principal Act is repealed, and the following section substituted in lieu thereof:—

"5. There shall be a chief electoral officer for the Commonwealth, who shall have such powers and functions as are conferred upon him by this Act or the regulations."

Senator MILLEN (New South Wales).—I should like to hear some reasons to justify this clause, and the way in which it is worded. I quite understand that it is proposed to put certain specific powers upon the Chief Electoral Officer, rather than leave them to the caprice of the Minister or some one else. But it should surely be sufficient to assume that he has the powers which this measure conveys. The clause uses the words "or the regulations." I think it should read "and the regulations," if we desire to include those words, but I object to them altogether. Unless the Minister can offer some good reasons for their retention, I propose to move to strike them out.

Senator KEATING (Tasmania—Honorary Minister).—Section 5 of the principal Act made provision that there should be a Chief Electoral Officer, who should, under the Minister, be responsible for the execution of the Act throughout the Commonwealth. It is proposed to give the Chief Electoral Officer such powers and functions as are conferred upon him. This provision makes the Chief Electoral Officer subject, not to the Minister, but, for the purposes of discipline, subject to the permanent head of the Department. That is thought advisable, because such a system leads to greater uniformity in administration. It is not conceivable that every possible power exercised by a Chief Electoral Officer could be contained in an Act of Parliament. There are many matters, important in themselves, but, so to speak, of a minor character, which do not involve questions of policy; and many of such if there had been a provision of this kind, could have been dealt with at the first election under the Commonwealth Electoral Law. Obviously it would be very hard if, in connexion with every such minor matter, the Government had to come to Parliament with a Bill to remedy defects, supply omissions, or make alterations when merely administration and not policy was involved. Therefore, under some of the regulations

provision will be made for certain work, and the Chief Electoral Officer will be charged with the responsibility of the administration. Under the circumstances, I think we should be well advised to allow the clause to remain as at present. The provision is more descriptive than anything else, and, as I say, places the Chief Electoral Officer under the permanent head of the Department. That should commend itself to Senator Millen as a desirable change.

Senator Sir JOSIAH SYMON.—Who is the permanent head of the Department?

Senator KEATING.—The Secretary for Home Affairs. The term "Minister" is used throughout the principal Act, and throughout this Bill; and the Acts Interpretation Act defines "Minister" in any Act as "the Minister for the time being administering the Act." The permanent head is the head of the Department which administers the Act.

Senator Sir JOSIAH SYMON (South Australia).—I think Senator Keating is mistaken. Of course, the Minister is the head of the electoral branch; but I think that the permanent head is the Chief Electoral Officer. I am afraid that to make the Chief Electoral Officer subordinate to the Secretary for Home Affairs might raise a hornet's nest in the Department. My view is that the Chief Electoral Officer is not under anybody if he be taken away from the control of the Minister.

Senator KEATING.—I am informed that the electoral branch is now, and always has been, a sub-department of the Department of Home Affairs.

Senator Sir JOSIAH SYMON.—Yes; but is Senator Keating assured that the Chief Electoral Officer is responsible to the Secretary for Home Affairs?

Senator KEATING.—No; at present the Chief Electoral Officer is responsible to the Minister.

Senator Sir JOSIAH SYMON.—By removing the Minister, is the Chief Electoral Officer made responsible to the Secretary for Home Affairs?

Senator KEATING.—I could not say; I think not.

Senator Sir JOSIAH SYMON.—Then I think Senator Keating is mistaken in saying that the object is to remove the Chief Electoral Officer from the control of the Minister, and leave him responsible to the Secretary for Home Affairs. I do not say whether such a position is good or bad, but

it appears to me that the Chief Electoral Officer ought to be independent, as far as possible, and, if no longer under the Minister, he should not be in subjection to anybody. I take it the object of the clause is to remove the Chief Electoral Officer from the control of the Minister, and to leave him the permanent and uncontrolled head responsible for the administration of the Act. There is one suggestion which I should like to make in order to cause the clause to be not quite so cumbersome as it is at present. The section of the Commonwealth Electoral Act which it is proposed to repeal by this clause is as follows:—

There shall be a Chief Electoral Officer for the Commonwealth, who shall, under the Minister, be responsible for the execution of this Act throughout the Commonwealth.

In my view, all that is necessary is to strike out the words "under the Minister." And this suggestion will, I think, meet the view of Senator Millen, and also what I take to be the view of Senator Keating, if the object is—and it is one with which I agree—to remove the Chief Electoral Officer from the control of the Minister or anybody else. I move—

That after the word "shall," line 5, the words "be responsible for the execution of this Act throughout the Commonwealth" be inserted.

I propose, if this amendment be accepted, to move the omission of the remaining words of the clause.

Senator STEWART (Queensland).—Is there any need for an officer of this character? We appear to be multiplying officials unnecessarily, and adding largely to the cost of carrying on the government of the Commonwealth. There is a Chief Electoral Officer in every State, responsible, according to the original Act, to the Chief Electoral Officer, who, in turn, I understand, is to be made responsible to the Secretary for Home Affairs.

Senator KEATING.—The Chief Electoral Officer is responsible to the Secretary for Home Affairs by virtue of the Public Service Act.

Senator Sir JOSIAH SYMON.—I understood Senator Keating to say that that was not so.

Senator KEATING.—The honorable and learned senator is mistaken.

Senator STEWART.—I find that the Chief Electoral Officer is also a public works officer, and a deputy public service inspector; and he receives a salary of £520 per annum. My contention is that

this officer is superfluous. If we are to have such an officer, he ought to be independent, but I do not think an official of the kind is necessary, in view of the fact that there is a Secretary for Home Affairs. The Minister and an Under-Secretary ought to be quite sufficient for the administration of this Act.

Senator CLEMONS.—Who would be responsible?

Senator STEWART.—The Department of Home Affairs. Does Senator Clemons wish to place no responsibility on the Minister?

Senator CLEMONS.—I wish to take the administration of the Electoral Act from the Minister.

Senator STEWART. — Does Senator Clemons doubt the honesty of the Ministers? Personally I do not, and should be quite prepared to leave the whole administration of this Act in their hands.

Senator STANFORTH SMITH. — Why did we not take that course in connexion with the Public Service Act?

Senator STEWART.—That is another matter. The administration of the Electoral Act is a simple business, and it will be in the hands of the Secretary for Home Affairs, to whom the Chief Electoral Officer is to be made subordinate. He is responsible to him.

Senator Sir JOSIAH SYMON.—He is not responsible to him, as Chief Electoral Officer.

Senator STEWART.—He is in his Department. Why should this official be appointed at all? What is the Secretary for Home Affairs for? It appears to me that we are simply multiplying officials unnecessarily, and so wasting the public funds. This work could be done quite well without a Commonwealth Chief Electoral Officer. We have a Chief Electoral Officer in each State, who ought to be responsible to the Secretary of the Department of Home Affairs, who is himself responsible to the Minister. I think we shall be acting wisely if we save £520 a year by excising this clause and abolishing the office.

Question.—That the words proposed to be inserted be inserted—put. The Committee divided.

Ayes ...	...	...	12
Noes ...	...	...	13

Majority ... 1

AYES.

Baker, Sir R. C.
de Largie, H.
Dobson, H.
Gray, J. P.
Henderson, G.
Macfarlane, J.
Matheson, A. P.

Millen, E. D.
Symon, Sir J. H.
Walker, J. T.
Zeal, Sir W. A.

Teller:
Clemons, J. S.

NOES.

Croft, J. W.
Findley, E.
Givens, T.
Guthrie, R. S.
Higgs, W. G.
Keating, J. H.
O'Keefe, D. J.

Playford, T.
Stewart, J. C.
Smith, M. S. C.
Story, W. H.
Trenwith, W. A.
Teller:
Pearce, G. F.

Question so resolved in the negative.

Amendment negatived.

Senator MILLEN (New South Wales).—I invite attention again to an amendment suggested early in the proceedings, and that is the elimination of the words "or the regulations." With these words, the clause means something more than it would mean without them, or else they are surplusage. If they mean something more, and give some power other than the clause indicates, we should know what it is. It would be like signing a blank cheque to agree to this clause without some explanation of these words. If the clause does not mean any more with than without them, they may as well be struck out. I invite the Minister to decide on which alternative he will take his stand.

Senator KEATING (Tasmania — Honorary Minister).—As I said before, in answer to the criticism of the honorable senator, this clause describes the functions of the Chief Electoral Officer. It points out to any one who reads the Act that the Chief Electoral Officer is invested with the powers conferred on him by the Act and by the regulations.

Senator MILLEN.—"Or" by the regulations.

Senator KEATING.—I have no objection to the substitution of the word "and" for the word "or." The intention of the clause is that he who runs may read and understand what are the functions of the Chief Electoral Officer, as described in the Act, and in the regulations made under it. As I have already pointed out, there are many matters of administration which are not matters of policy, so to speak, that crop up from time to time in the administration of such a measure as an Electoral Act. It is obviously desirable that these matters should be dealt with administra-

tively, and that the power to deal with them should be given by regulations under the Act.

Senator MILLEN.—Are they powers outside the Act?

Senator KEATING.—No.

Senator MILLEN.—Then they would still be vested in the Chief Electoral Officer, if the words "or the regulations" were struck out.

Senator KEATING.—That is not the point with which I am dealing. I am pointing out that any one who reads the measure should at once be able to recognise that the Chief Electoral Officer is a man vested with certain functions, which may be ascertained by reference to the Act and to the regulations under it. It is desirable that the measure should be so framed that every one will be able to understand where he must go to find out what are the functions of the Chief Electoral Officer, and in what circumstances and under what conditions he is called on to discharge them. I ask the Committee to adhere to the clause as it stands.

Senator Sir JOSIAH SYMON (South Australia).—He who runs through this Bill must come to the conclusion that the Chief Electoral Officer has to perform the duties imposed on him by the Act and the regulations under it. I cannot see what necessity there is for the words "or the regulations." The words which I proposed to insert would have given effect to what it appears the Government desire. The object, as I understand it, is to appoint a Chief Electoral Officer, to make him independent of the Minister, and to charge him with the responsibility of carrying out the provisions of the Act. The Committee did not think it wise to adopt my suggestion. The clause simply means that there shall be a Chief Electoral Officer, who shall do what the Act and the regulations require him to do. What necessity is there for that? Of course, as it stands the clause is absurd, and the Minister concedes that the word "or" should be "and." It seems to me that Senator Millen's contention that there is no necessity for the words "or the regulations" at all is a very sensible one. The Chief Electoral Officer is referred to over and over again in the principal Act and throughout this Bill, and he has to do what the law requires him to do. Why should we encumber the Statute with words which may mislead but cannot assist the person who runs and reads? Some one must

be responsible for the execution of the Act, and the policy of the amendment is to throw the whole of that responsibility on the Chief Electoral Officer. With reference to what Senator Stewart has said, I may point out that the Chief Electoral Officer might be the Secretary for Home Affairs. The purpose of the Bill is to withdraw him from responsibility to any single soul, as regards his duties under the Electoral Act, to make him responsible only to the law itself, and to the Parliament which makes the law.

Senator PEARCE.—Regulations are read as part of an Act.

Senator Sir JOSIAH SYMON.—They are. I am not wedded to the amendment which the Committee has rejected, but I put it to my honorable friends opposite that we should try to make the Bill as simple as we can, so that, as Senator Keating has properly said, he who runs may read.

Senator MILLEN (New South Wales).—The more I consider this clause the more it seems to me that in its present form it ought to be struck out altogether. The words "There shall be a Chief Electoral Officer for the Commonwealth," must, of course, remain, but the rest of the clause is unnecessary. The Chief Electoral Officer will necessarily have such powers and functions as are conferred upon him by the Act and regulations made under it, without any express declaration to that effect. If we pass an Act of Parliament, conferring certain powers and duties on an individual, we do not require a special clause to say that we have done so. Take, for instance, the first function imposed under this Bill on the Chief Electoral Officer. We provide that he shall, whenever necessary, ascertain the quota for each State. Do we need another clause to say that he shall do what he is told to do? That is what we say in this clause. With a view to test the question of the retention of the clause, I move—

That the word "have," line 5, be left out.

I really wish to strike out the words "who shall"; but, as we have already dealt with an amendment to insert certain words after the word "shall," I cannot go back to an earlier portion of the clause. If that amendment be carried I propose to move the omission of the balance of the clause, and later on the Minister could take steps to secure its recommittal, with a view to striking out the two words, which would then be surplusage.

Senator PEARCE (Western Australia).—The course suggested is, I think, rather novel. I believe that in all machinery Acts we have not only named the officer, but used this formula of words to say that he shall be responsible for carrying out the Act.

Senator MILLEN.—We do not say that in this clause.

Senator PEARCE.—Practically we do. We say that the officer "shall have such powers and functions as are conferred upon him by the Act," and throughout the Bill we specifically define his powers. In the Customs Act and the Distillation Act the honorable senator will find that this form of words is used. I hope that the Committee will not agree to the amendment, although I must say that I do not see the necessity for the words "or the regulations." If in every case the regulations are to be read as part of the Act, those words are unnecessary; but, if that provision is not contained in the Acts Interpretation Act, I see a necessity for their retention.

Senator MILLEN.—According to section 210 of the Principal Act—

(1) The Governor-General may make regulations for carrying out this Act.

(2) All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

Senator PEARCE.—It does not necessarily follow from that section that the regulations will be part of this measure. If there is any doubt on the point I should like it to be cleared up.

Senator Sir JOSIAH SYMON (South Australia).—Senator Pearce has said that the same course has been adopted in this clause as was adopted in the Customs Act and the Distillation Act, but on examining those Acts he will find that he has been misinformed. When I moved my amendment I had forgotten that section 7 of the Customs Act says—

There shall be a Comptroller-General of Customs, who, under the Minister, shall be the permanent head of the Customs, and shall have the chief control of the Customs throughout the Commonwealth.

My amendment was to insert the words "be responsible for the execution of this Act throughout the Commonwealth," and if I had recollected the existence of that provision in the Customs Act before I might have offered it to honorable senators as a precedent. So

far as I am able to discover, the Distillation Act contains no provision on the subject. It simply provides in the interpretation section that "Comptroller" means the Comptroller-General of Customs, and that "Collector" means the Collector of Customs for a State. And wherever a duty is cast upon the Collector, or something is left for him to do in the administration of his office, in taking security, and all that sort of thing, it is specifically mentioned that he is responsible. Honorable senators will see that in this clause there has been a departure for no reason, but with the effect, I think, of, perhaps, confusing matters or giving rise to the question of whether or not the regulations impose certain duties other than those contemplated by the provisions of the Act.

Senator KEATING (Tasmania—Honorary Minister).—Senator Symon has shown that in the Customs Act there was a provision made somewhat similar to the existing provision in the Electoral Act. That draft, it seems to me, would be perfectly correct when the following words are used:—

Who shall under the Minister be responsible for the execution of this Act throughout the Commonwealth.

That is the form of the draft in the existing Act, but in this clause now the Minister is not mentioned at all. Later on in the Bill, however, as in the existing Act, reference is made to the Minister, and to his powers and functions in connexion with electoral administration. In the clause now before us we simply say that there shall be a Chief Electoral Officer for the Commonwealth. We have abandoned the principle that he shall be "under the Minister." But recognising the fact that the Minister will have certain functions, we expressly state that the officer shall have the powers and functions conferred upon him by the Act, or the regulations.

Senator MILLEN.—Would he not have such powers and functions without the use of these words?

Senator KEATING.—I have no doubt that he would. We are taking away the existing responsibility of this officer to the Minister, but that is no reason why we should accept the amendment. The officer's powers and functions are to be determined by the Act, or the regulations, and by nothing else. With regard to the necessity for the words, "or the regulations," let me point out that the word "or" is

not used disjunctively, but distributively. He would have power under the Act or the regulations, or under both. In some Acts we have made express provision to the effect that when regulations are framed under an Act they shall have the force of law. They derive their validity from the Act, but they are not necessarily deemed to be part of the Act. When we find that in particular instances we have made express provision that regulations framed under an Act shall be deemed to be part of the Act, it follows, as a rule of construction, that where we have not made a similar provision a like consequence does not necessarily follow. Under these circumstances, I think it will be safer to use the words "this Act or the regulations." The Acts Interpretation Act is silent on the question as to whether regulations made under an Act are to be deemed part of the Act. Seeing that we made express provision to that effect in the Customs Act, and purposely refrained from making a general provision of that character in the Acts Interpretation Act, I think it would be advisable to declare in this clause that the powers and functions of the Chief Electoral Officer shall be those determined by this Act or the regulation.

Senator MILLEN (New South Wales).—The Minister conceded the whole of my contention by the reply he gave to my interjection. I admit at once that he then passed on as rapidly as possible from the subject, and proceeded to deal with a matter which I do not regard as vital. My point was that without the words in this clause the Chief Electoral Officer would still have such powers and functions as are conferred upon him by this Bill or the regulations. When I asked the Minister whether, in the absence of this provision, the officer would not have the powers and functions, he said "Yes."

Senator KEATING.—Suppose that a question arose as to whether he had any powers other than those conferred upon him by the Act or the regulations?

Senator MILLEN.—How could he have any other powers?

Senator KEATING.—He might say that he had powers incidental to the powers conferred upon him by the Act.

Senator MILLEN.—If the officer could contend that under the authority of these words he had certain powers, he could equally contend that he had those powers if the sections of the Act did not contain them. That is another instance of where the

Minister, being unable to find a good reason for retaining words, still shrinks from having an impious finger laid upon a clause of his Bill.

Senator KEATING.—Not at all.

Senator MILLEN.—I would appeal to the Minister to satisfy himself that the words are not mere surplusage.

Senator CLEMONS (Tasmania).—There are certain words in the clause about which I have grave doubts, and these are the words "or the regulations." Not because of any technical interpretation, but because I think that in framing an important measure, we ought to know definitely what are the powers and functions of the important officer who will administer its provisions. It is one of the cases where it is undesirable, possibly dangerous, to allow these matters to be determined by regulations. We know the method in which regulations are brought into force. Fair opportunities are given to us to see all regulations made under an Act; but, as a matter of fact, very few honorable senators ever do see them. The regulations to be made under this Bill might confer on the Chief Electoral Officer powers and functions which now escape our notice and which we should be very sorry indeed subsequently to discover that he possessed. I intend to vote for the clause as it stands, with the exception that if I get an opportunity I shall vote for the omission of the words "or the regulations."

Senator STANFORTH SMITH.—If they are struck out he will still be bound by the regulations.

Senator CLEMONS.—The regulations cannot confer upon the Chief Electoral Officer any powers beyond those conferred by the Act. We should be in a position to know what those powers and functions are.

Senator KEATING.—Is it not desirable to be able to empower the officer to act in matters of small importance without coming to Parliament?

Senator CLEMONS.—There is something to be said on that side. Where the powers and functions to be given to the officer are not of great importance, that sort of elasticity is desirable. I do not say that I should always oppose it; but in this case we should hesitate. It is not desirable that by regulations most important powers and functions should be conferred upon the Chief Electoral Officer of the Commonwealth.

Amendment negatived.

Amendment (by Senator MILLEN) put—
That the words "or the regulations," lines 7 and 8, be left out.

The Committee divided.

Ayes ...	...	...	9
Noes ...	...	...	14
			—
Majority ...	...	...	5

AYES.

Givens, T.	Symon, Sir J. H.
Gray, J. P.	Walker, J. T.
Macfarlane, J.	Zeal, Sir W. A.
Millen, E. D.	Teller:
Pearce, G. F.	Clemons, J. S.

NOES.

Croft, J. W.	O'Keefe, D. J.
de Largie, H.	Playford, T.
Dobson, H.	Stewart, J. C.
Drake, J. G.	Story, W. H.
Findley, E.	Turley, H.
Henderson, G.	Teller.
Higgs, W. G.	Guthrie, R. S.
Keating, J. H.	

PAIR.

Pulsford, E.	Smith, M. S. C.
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Question so resolved in the negative.

Amendment negatived.

Clause agreed to.

Clause 6—

Section 8 of the principal Act is amended by omitting the words "except the powers of that officer, under Part X. of this Act."

Senator O'KEEFE (Tasmania).—I ask the Committee to negative this clause, which is intended to amend section 8 of the original Act. That section is as follows:—

Assistant Returning Officers may be appointed to exercise within or for any portion of a division, subject to the control of the Divisional Returning Officer, all the powers of the Divisional Returning Officer, except the powers of that officer under Part X. of this Act, but no Assistant Returning Officer shall be appointed in or for any portion of the division in which less than 100 electors are enrolled.

The effect of the amendment proposed to be made will be to give an Assistant Returning Officer powers equal with those of a Divisional Returning Officer under Part X. of the original Act. That will be rather dangerous. Under section 8 of the original Act, an Assistant Returning Officer is expressly precluded from exercising the powers under Part X., which refers to voting by post.

Senator DOBSON.—Does not the honorable senator wish to facilitate voting by post?

Senator O'KEEFE.—Only so long as the door is not opened to corruption. I do not wish to facilitate such cases as were proved to have occurred in Melbourne at the last general election.

Senator MILLEN.—The report of the Electoral Committee gives glaring instances.

Senator O'KEEFE.—Gross abuses under that part of the Act were publicly exposed.

Senator MILLEN.—But the Select Committee recommended this amendment.

Senator Sir JOSIAH SYMON.—At that time the existing limitation upon the powers of Deputy Returning Officers existed, so that the abuses could not have arisen from that cause.

Senator O'KEEFE.—An Assistant Returning Officer may, or may not, be a responsible person, but a Divisional Returning Officer is. I do not think that Assistant Returning Officers should be vested with such great powers as will be given, if we accept the amendment.

Senator STANFORTH SMITH (Western Australia).—Our object in passing this amending Bill should be to make the registration of votes as easy and simple as possible, provided there are sufficient safeguards against wrong practices. If applications for voting papers can only be made to a Divisional Returning Officer, who is the Chief Electoral Officer for the division, very great hardships will be created. In Western Australia the electoral district of Coolgardie is as large as the whole of New South Wales. It is, therefore, difficult for a person desiring to vote by post to apply to the Divisional Returning Officer. I see no reason why Assistant Returning Officers should not be vested with power to issue postal voting papers, especially as we have created an additional safeguard, by requiring the applications for postal votes to be witnessed by reputable persons who know the applicants. In that way opportunities for fraud are eliminated. If we do not confer these powers upon Assistant Returning Officers, we shall penalize those electors who happen to live in large electorates, and who may consequently reside at great distances from a Returning Officer. While in Tasmania the electorates are comparatively small, in other States like New South Wales, Western Australia, and part of South Australia, they are very large. In parts of the Commonwealth there are constituencies almost as large as some of the States; and, under the circum-

stances, it is very difficult to make application to the Divisional Returning Officer. The people in these large electorates are in a much worse position than are those who live in some of the smaller electorates, and the safeguard of a competent witness eliminates the probability of fraud. Under the circumstances, I think we should allow the clause to pass.

Senator STEWART (Queensland).—I am sorry I cannot agree with Senator O'Keefe as to the desirableness of this amendment. Those who apparently seek to place obstacles in the way of people voting by post, fail, in some measure, to grasp the principle which underlies this provision. The clause is inserted for the convenience of people who have reason to suppose they will not be able to attend at the polling-booth on the day of election, and it applies principally to electors who live a long distance away, or who may be sick. Every one must admit that the principle of the clause is splendid. We have conferred the franchise on every man and woman in Australia, and provided that, with certain safeguards, every elector, whether sick or well, or whether living near or at a distance, shall have an opportunity to place his vote on record. Senator O'Keefe maintains that, because a provision of the kind has been abused in Melbourne, the principle is a bad one.

Senator O'KEEFE.—A provision of the kind is always likely to be abused when the administration is in the hands of an irresponsible person.

Senator STEWART.—Honorable senators who think that the principle of postal voting is bad, ought to vote against its adoption. Personally, I believe in the principle.

Senator O'KEEFE.—I would confine the clause to persons who are sick.

Senator STEWART.—The honorable senators, to whom I have referred, would punish honest people because of the conduct of some rogues who have abused what I regard as a most excellent provision. We should not punish innocent people who live in the back country, but ought to insert provisions which will operate against those who break the law. My own electorate of Capricornia extends away west to Clermont, Jericho, and Gladstone, and, if the new boundaries are agreed to, it will take in Bundaberg. The Divisional Returning Officer for the electorate lives at Rockhampton and I do not see why an

elector at Bundaberg, who desires to vote by post, should be obliged to write to the former place. No one can apply for a postal voting paper until the issue of the writ, and honorable senators ought to remember that all electors do not live in places like Sydney or Melbourne. There are electorates in Queensland as large as the whole of Tasmania; indeed, we have one as large as New South Wales. An elector in Bundaberg ought not to be compelled to make application at Rockhampton, when he might as easily apply to the local Assistant Returning Officer. If an Assistant Returning Officer is not, as has been suggested, a responsible person, he ought never to have been appointed.

Senator STANFORTH SMITH.—There are places in Western Australia where a reply could not be obtained from a Divisional Returning Officer in under two months.

Senator STEWART.—I could understand those who are opposed to postal voting, seeking to excise this portion of the Bill, but it seems a left-handed kind of policy to retain the clause, and throw obstacles in the way of obtaining voting papers. In many cases there may be only two weeks between the issue of the writ and the polling-day, and when, after the expiration of a week or ten days, a voting paper has been received, there is the trouble of hunting for a responsible witness. It is provided that a witness must be a person holding some public position, and there are many portions of Queensland where an elector might have to travel 100 miles before meeting such an official.

Senator O'KEEFE.—Surely the honorable senator does not want to make voting by post more easy?

Senator STEWART.—What is the object of permitting voting by post?

Senator O'KEEFE.—The system was first instituted for sick people and sailors.

Senator STEWART.—The object is to enable sick people, particularly women, seamen, commercial travellers, and those who live far away in the bush to record their votes. I do not see why there should be voting by post, except for sick people, in a place like Melbourne, where, in any case, a medical certificate might very well be demanded. The clause is very much more liberal, and more likely to be appreciated by the people of the back blocks, than is Senator O'Keefe's amendment.

Senator TURLEY (Queensland).—I am altogether opposed to voting by post, be-

cause I think the system lends itself to much corruption. As in New Zealand, the system was, I take it, instituted to meet the case of those who were likely to be away from home on polling day. In that Colony, for instance, those connected with shipping could make arrangements at the Customs-house for sending their voting papers to their electorates. But I would limit postal voting considerably, because it affords ways and means of, to a great extent, interfering with the secrecy of the ballot; and I prefer secrecy even to the facilities which Senator Stewart favours.

Senator SMITH.—Is secrecy not maintained in postal voting?

Senator TURLEY.—I do not think so; at any rate, there was not secrecy in some cases during the last election. I do not know that there is any particular strain on an elector who has to write from Bundaberg to Rockhampton in order to obtain a voting paper. There is a daily mail by train between the two places, and electors in Clermont and Springsure can obtain a reply from Rockhampton in three days.

Senator STEWART.—It would be more likely a week from either of those places. I gave very favorable instances.

Senator TURLEY.—The honorable senator is aware that the places to which I have referred are connected by rail with Rockhampton. There are very few places in the district to which he has referred that are far away from the railway line. He says that we are trying to put difficulties in the way of people who are living in the back country. I contend that we are not. If an elector is at work on a grazing farm, a long way from a town, he must in the first instance come into the town to get an official to witness his application for a ballot-paper.

Senator MILLEN. — I hardly think the honorable senator is correct there. To have his application witnessed by an authorized witness, as now proposed, it might not be necessary that he should come into the town.

Senator TURLEY. — The authorized witnesses proposed are all public servants.

Senator MILLEN.—No; a legally qualified medical man may witness such an application.

Senator TURLEY.—With that exception, they are all public servants.

Senator Sir JOSIAH SYMON. — In the Northern Territory of South Australia, which is one constituency, a man might

have to travel 500 miles to find a medical practitioner, and 100 miles to find a police trooper.

Senator TURLEY. — I do not think there is any part of the back country of Australia where men are tumbling over medical practitioners. In some instances such gentlemen have to travel 200 or 300 miles to see their patients. An honorable senator says that the application could be witnessed by a justice of the peace. I am not in favour of justices of the peace having anything to do with the business. We have had rather too much experience of their work in connexion with electoral matters in the State from which I come. I am myself on the Commission of the Peace, but I believe it would be wise to prevent justices of the peace interfering in any way in electoral matters. So far as a medical practitioner is concerned, a man desiring to record a vote would have to go into a town to find such a witness. I have said that a person living in the back country must go into town to get his application witnessed. He would then post his letter, and it might be two days before the ballot-paper would be returned to him. He would then have to make another journey to town to get an official to witness his postal ballot-paper.

Senator MILLEN.—Could he not complete the work in one trip?

Senator TURLEY.—He might if there were an Assistant Returning Officer in the town to which he had to go, but there will be very large areas of country in which there will be no such official. Senator Millen knows where the Thompson River is in Queensland, and I can assure him that there was not one Assistant Returning Officer appointed on the western side of that river at the time of the last general election. Ballot-boxes were distributed to different head stations, as there are only a few towns in the district, about 150 miles apart. No one in that district was competent to count the ballot-papers, and they were delayed by floods, for four or five days before they could be brought to an Assistant Returning Officer competent to count them. There were, of course, presiding officers in the district, but I presume that the honorable senator does not suggest that postal ballot-papers should be sent all over the country to presiding officers. The honorable senator must be aware that if that course were adopted the result in hundreds of cases would be that

men would have to vote as they were told, in order to save their jobs. I have pointed out what a man in the back country would have to do under the proposal made, and in the circumstances it would be easier for him to go to the polling booth on the day of the election, and record his vote in the ordinary way. That would, at least, mean one journey, instead of two. Because we desire to render it unnecessary for electors in the back country to make more than one journey to a town, and desire at the same time to maintain the secrecy of the ballot, we are told that we are putting obstacles in their way. I am opposed to the clause as it stands, because I believe it will play into the hands of unscrupulous people, and will enable them to interfere in electoral matters. I am not referring to one side or the other in politics, but I believe that the clause would give facilities to people on either side to do things which are not contemplated by our electoral law.

Senator Sir JOSIAH SYMON (South Australia).—I feel so strongly the force of what Senator Turley has said, and I so entirely agree with him on the principle of postal voting, that I do not care to allow the clause to pass without an expression of my opinion. It has always struck me that the system of postal voting is, first of all, an invasion of the true principle on which voting at elections ought to rest. Of course, I am aware that an improvement is sought to be introduced by this Bill, but in the Act as it stands, the provision for postal voting is, first of all, a premium on laziness, and in the next place, quite irrespective of the instances to which Senator O'Keefe has referred, I am perfectly certain that it has afforded opportunities throughout Australia for improper interference with voters in various ways. Under the existing law, any one likely to be more than five miles from a polling booth on the day of the election is entitled to vote by post. Nothing to my mind could be more mischievous. Under the Bill the distance is to be extended to ten miles. Although that is an improvement and a restriction on postal voting, I think the restriction might be very much extended. I should like the element of distance from a polling booth to be entirely done away with. After all, voting by post is really a kind of voting by proxy. In principle, there is no more reason why electors should be allowed to vote by post

for a member to represent them in Parliament than that we in Parliament should exercise our vote by proxy.

Senator KEATING.—The cases are not analogous.

Senator DE LARGIE.—If the principle is right it is logical that we should desire to extend it.

Senator Sir JOSIAH SYMON.—I say that such a thing should not be tolerated. I should prefer a greater limitation of the right in the direction indicated by Senator Turley, who has suggested that it might be applied only in the case of sailors who may be compelled by the nature of their avocation to be away from their districts at the time of an election. The principle might be applied also in the case of persons who are really sick, although I know of cases of feigned illness to avoid the inconvenience and bother of going to the polling booth. I do not consider on which side it would tell, but I think that the more we seek, by our electoral system, to compel electors to appreciate their responsibility to vote the better it will be for the country. They should be prepared to travel more than ten miles to record a vote.

Senator GIVENS.—I have travelled fifty miles.

Senator Sir JOSIAH SYMON.—I am aware that in the Northern Territory people travel very long distances to vote. Although I hold these views with regard to postal voting, at the same time, I admit that if the system is to be adopted we should not restrict the facilities for giving it effect. On that account I am unable to support the amendment. In my opinion, the difficulty will not be best remedied by limiting the number of persons to whom the voter can apply for a certificate. The remedy does not lie in that direction, but in the direction of limiting the opportunities for postal voting, by imposing all the restrictions on it that we can impose. In that way I think something is gained by requiring that the witnesses shall have personal knowledge of the elector. There may be very few public officers who will have personal knowledge of an elector.

Senator TURLEY.—But the personal knowledge may be obtained from the applicant.

Senator CLEMONS (Tasmania).—I cannot understand the attitude of Senator O'Keefe. We all seem to be committed—at any rate, I feel that I am committed—to the system of voting by post. The proposition

is that because in a city—the last place which ought to have this facility, but to which it cannot be denied if it is given to the rest of the State—certain things happened we should punish remote voters by whom this facility is wanted badly.

Senator TURLEY.—No.

Senator CLEMONS.—Then the honorable senator is bound to take up the attitude that the provisions for postal voting in the principal Act are bad.

Senator TURLEY.—Except in the case of sick persons and those whose occupations take them regularly away from their homes.

Senator CLEMONS.—There are innumerable small places throughout the Commonwealth whose residents have not a polling place within many miles, and who have no facilities outside those afforded by postal voting which would save them from a very considerable amount of trouble, and, perhaps, expense, in order to record their votes. There are hundreds—perhaps thousands—of voters in the Commonwealth who, it may be safely said, would not record their votes at an election but for the existence of this system. I do not think the honorable senator can gain-say that.

Senator TURLEY.—I do.

Senator CLEMONS.—When the principal Act was being framed, this matter was gone into very exhaustively here, and I think that a very large majority were in favour of granting this facility. It is because I think it is a liberal system and gives opportunities to deserving people at a minimum of risk that it has my support. I believe that to a certain extent Senator O'Keefe adopted the attitude that the Assistant Returning Officers cannot be trusted.

Senator O'KEEFE.—They are not responsible, and very frequently they are more partisan than the responsible officers.

Senator CLEMONS.—If it has not been directly stated, certainly it has been implied, that because we cannot trust Assistant Returning Officers they should be deprived of the right of exercising any control in the distribution of postal ballot-papers. If that is the attitude of Senator O'Keefe and those who support the amendment, they occupy an anomalous position, because they propose to reserve to these officers all the other powers which, needless to say, are large and important. If Senator O'Keefe were prepared to say that in his belief there was too great risk involved in the appointment of these officers, he might be on safe ground.

Senator O'KEEFE.—The Bill does not seek to give additional powers to Assistant Returning Officers, except in this one particular.

Senator CLEMONS.—The Bill says that it is no longer necessary to except from the functions of Assistant Returning Officers the distribution of postal ballot papers. When I glance at the provision in the principal Act, I wonder that we ever did make that exception. If I felt that I could not trust Assistant Returning Officers, I should oppose the clause; but, seeing that we are all agreed that we cannot do without them, and are bound to trust them to that extent, we ought to trust them entirely. I consider that we have placed plenty of safeguards round the system of voting by post.

Senator WALKER (New South Wales).—I fail to see that during the last three years we have had a sufficient experience to justify the alteration of the provisions for postal voting. Some honorable senators may have a very distinct recollection of what took place in California Gully in Queensland some years ago. Many of us admit that very frequently the Assistant Returning Officers are men who, being out of work, have been glad to get a job, and, as some honorable senators have said, are very often strong partisans. It is for those who oppose the amendment to show that the proposed alteration of the law is demanded.

Senator KEATING (Tasmania—Honorary Minister).—Like Senator Clemons, I was rather struck with the opposition of Senator O'Keefe to the provision, and the thought occurred to my mind that he must have entirely misunderstood its meaning. The object of the clause is to extend the opportunities for exercising the right of voting by post, and subsequent clauses provide additional safeguards in connexion with the exercise of that right. Undoubtedly the argument which has been used by Senator O'Keefe amounts practically to an expression of want of confidence in the general body of Assistant Returning Officers.

Senator O'KEEFE. — They are not permanent officers.

Senator KEATING. — The honorable senator is not correct, because, whenever it is possible to get an officer of the Post and Telegraph Department to act as Assistant Returning Officer, it is done. Senator O'Keefe suggested that the Assistant Returning Officers are not in a position of

responsibility, and Senator Turley referred to the opportunities which, in his opinion, would be placed by the clause in the hands of unscrupulous persons for committing fraud. That argument seems to imply that a large percentage of our Assistant Returning Officers must be unscrupulous men.

Senator TURLEY.—I did not apply that to them at all.

Senator KEATING.—No, but the argument seemed to convey that implication, because, if outside persons would avail themselves of this provision to act unscrupulously they would not be able to do so unless it were largely in collusion with the Assistant Returning Officers. It ought not to be suggested that these officers are not to be trusted in this one particular when they are trusted with the discharge of many important functions.

Senator WALKER.—Why was it that they were not appointed before to do this duty?

Senator KEATING.—When the Principal Act was framed the system of voting by post was practically in its infancy. Very much consideration had not been given to the practical working of the system, and it was thought desirable to confine the distribution of ballot-papers to the Divisional Returning Officers. Since that time we have had practical experience. There are some electorates which, territorially speaking, are very extensive. The electorate of Maranoa, in Queensland, has been described as being very nearly as large as New South Wales. The report of the Select Committee of the other House on Electoral Administration, if I remember aright, states that many persons in that electorate sent to the Divisional Returning Officer for postal ballot-papers some days before the date of the election, but were unable to get them in time to be used.

Senator TURLEY. — How soon would those persons have obtained the ballot-papers at the last election if they could have applied to an Assistant Returning Officer?

Senator KEATING.—In many instances I believe the applicants would have been able to get their ballot-papers in plenty of time for recording their votes. Again, taking the electorate of Grey in South Australia, which includes the whole of the Northern Territory. Suppose that an elector in Port Darwin wished to vote by post, he would have to send his application to Port Augusta, where the Divisional

Returning Officer resides. Seeing that his application could not be made until after the writ of election was issued, what possibility would he have of receiving his ballot-paper in time to use it? All that the clause provides is that Assistant Returning Officers shall be able to exercise this function just as they exercise other functions which usually appertain to Divisional Returning Officers. The Electoral Committee, in their report, said—

Owing to the time occupied in some electorates in communicating with the deputy returning officers, electors were deprived of the opportunity of exercising their franchises. The extension of the powers in Part X. to assistant returning officers would increase the facilities for voting.

It is well to remember that, in sections 173 and 174 of the principal Act, we have provided very heavy penalties for breach of duty. In clause 173 we have provided that—

To secure the due execution of this Act, and the purity of elections, the following acts are hereby prohibited and penalized: (1) breach or neglect of official duty.

In section 174 we have described what breach or neglect of duty shall include. For instance, in paragraph 4 of that section it is provided that—

Any attempt by a person authorized or required by this Act to witness the signature of an elector, to influence the vote of an elector,

is a breach of official duty; and we provide at the end of the section that—

Breach or neglect of official duty is punishable by a penalty not exceeding £200, or by imprisonment not exceeding one year.

Surely we can feel that those who take upon themselves the responsibility of the position of Assistant Returning Officers may be expected to discharge their duty in accordance with the Act, rather than incur a heavy penalty, in addition to which those holding official positions might forfeit their means of livelihood.

Senator TURLEY (Queensland). — I have said nothing about trusting the Assistant Returning Officers. I know that some members of the Commonwealth Public Service are chosen for those positions, but I also know that a considerable number of persons outside the service are appointed. Some of us have had a considerable amount of experience of persons placed in charge of electoral arrangements. I remember one case where a man in charge of an election had, in the ordinary course, written the numbers of the voters on the

corners of the ballot-papers, and turned them down in the proper way. At the close of the poll this person, possibly acting in all good faith, took a pocket-knife and opened up the corners that he had previously gummed down, so as to compare the numbers he had written in the corners of the papers with the figures on the roll. A considerable number of the electors who voted were his employes. I see no necessity for extending the facilities for voting by post. But would what is proposed give greater facilities? I say no. In the very instance quoted by Senator Keating I feel sure that no extra facilities would be given. It is not contended that every presiding officer in the back country shall have extended to him the facilities sought to be given to Assistant Returning Officers. The instance of Maranoa has been mentioned. It is said that at the last election a number of persons were prevented from exercising the franchise because there was not time to communicate with the Divisional Returning Officer. On that side of the Thompson River there are thousands of square miles of country in which the population is very sparse. There was not an Assistant Returning Officer there at all. There was not a man on that side of the river who was competent to count votes. It was only after the ballot-boxes were able to be brought across the flooded river into Windorah or Jundah that these votes could be counted. So that if a man were living, say, at Isisford, it would take him five days to get his ballot-paper from the Returning Officer at Charleville. Persons living in such districts have, first of all, to go where they are able to get a responsible person to witness their applications. Then the applications have to be sent to the Returning Officer. I know of cases where men have to travel sixty or seventy miles to reach a person to witness an application. I take it that in Western Australia the case is even worse. After the application form has been witnessed and posted, it has to come back again to the applicant. Probably he will not get it until he calls at a station, or at a letter-box on a line of fence, or until it is delivered away out at a mine where he is working. Many of these people live in places where there is no regular delivery of letters. They do not have a man in a red jacket calling upon them twice or thrice a day. In such cases the amending clause will confer no

benefits. But, on the other hand, it will give greater facilities for unscrupulous persons in the settled district to interfere with the secrecy of the ballot. I am quite aware that there are Assistant Returning Officers in almost every township. But in many such cases it will be dangerous to extend this privilege. There will be a great temptation for interested persons to set themselves to work to defeat the secrecy of the ballot just as was done in the centres of population at the last election. Let honorable senators recollect the gross corruption that occurred in connexion with the Melbourne election. In Brisbane also there were agents who went round, and induced people—especially women—to fill in applications for postal ballot-papers. I know very well that some of those applicants were not sick. There was nothing to prevent them from going to the ballot-box. But many were indifferent, and consequently the agents of political associations were able to induce them to make applications for postal ballot-papers, and when these were received agents went round, and witnessed the voting, and the papers were sent in as true and legitimate votes. In spite of these examples of abuse, we are asked to extend the facilities, especially in the thickly-settled districts. I maintain that the proposal fails to do even what it pretends to do. It will not give additional facilities to the men and women whom it is desired to assist—that is, those who live a long way from railway communication, or from the towns. I know that some honorable senators may say that there are men settled in the back country with their wives and families. But the average man, who undertakes a contract to put down a tank or erect fencing, does not take his wife and family with him into the country. The only people whom the amendment might affect in this way are the grazing farmers, and even they would not obtain any better facilities. These farmers have their wives and families living with them, but they usually reside a long way from a school, or where there are any of the officials mentioned in the Bill. Telegraph officials, for instance, outside the townships, are only met at repeating stations, and may be 150 or 200 miles apart. If a grazing farmer were settled with his wife and family 50 miles or so from the township, the wife could not make out her application form at home, but would, in the first place, have to go where a competent witness could

Senator Turley.

be found, and that would mean practically the township. Doubtless such a woman might save two or three days, owing to the postal facilities, which are very fair throughout most of the western country of Queensland.

Senator STEWART. — Is that not something?

Senator TURLEY. — The corruption which has been exercised in connexion with municipalities is, in my opinion, more than a fair price to pay for the additional facility just referred to. Then the gain could be otherwise provided for by the Government seeing that fair time was allowed between the issue of the writ and polling day; and, in my opinion, this would be of more advantage than the two or three days which might be saved by voting by post. Nearly the whole of the arguments in favour of this amendment have been on behalf of the women in the back country; but I ask Senator Stewart, or the Chairman, where the larger proportion of votes was recorded before there was any postal voting—in the metropolis of Queensland or in the back country? In parts of the country where men have to travel, perhaps, more than 40 miles to record their votes, a much larger proportion exercised the franchise than in the metropolis, where numbers will hardly take the trouble to walk half-a-mile to a polling booth. The grazier's wife whom I have described, will have to drive, perhaps, 40 miles into the small township in order to have her application form filled and witnessed by a school-master or postal official; and it will then be sent to the Divisional Returning Officer, by whom, in the course of five days or a week, it will be returned to the applicant. Then this woman will have to drive once more into town, unless the trooper happens to call just at that time, and takes the paper in for her. In most cases she will have to drive into town a second time, and get the voting paper witnessed, before she can post it; and I contend that voters are a good deal better off when they have to drive only once into town on polling day in order to record their votes. I do not know whether the same arguments apply to Western Australia, but I know that what I have described has occurred in hundreds of cases in Queensland. This amendment of the law will merely afford facilities for people who are able to pay persons to go round and practically induce electors to break the law by misrepresenta-

tion, and this, too, in places where the returning officer is at hand, and may reply to any application on the same day or the next. This abuse of the system was carried out in an organized manner, more particularly in Brisbane and adjacent constituencies; and the amendment will merely give further opportunities to break the law in all centres of population. I object to the amendment, because it will add to the corruption referred to in the report of the Select Committee, while giving very few additional facilities to people in the back country of Queensland or any other State.

Senator STEWART (Queensland).—I listened with much pleasure and interest to the remarks of Senator Turley, who, while ostensibly arguing against the liberalization of the law regarding postal voting, built up an unanswerable case for giving fuller facilities under the system. The honorable senator detailed a number of difficulties which are undoubtedly placed in the way of electors in outside places, and his only objection, apparently, to the proposed amendment is that it will give opportunities for greater corruption. I find on referring to the report of the Select Committee that this heap of corruption, this mass of swindling, this dung-heap of scandalism, resolves itself practically into what happened in two electorates throughout the Commonwealth—Melbourne and Riverina.

Senator TURLEY.—Those were the only constituencies which came before the Court, but corruption was rampant elsewhere.

Senator KEATING.—This was an investigation by a Select Committee who examined witnesses from all over Australia.

Senator MILLEN.—What about the proceedings in Macquarie?

Senator STEWART.—From the report of the Select Committee I find that at the election held on the 16th December, 1903, out of a total number of 887,312 votes, 10,143, or a percentage of 1.14, were postal; that at the Melbourne election, when Mr. Maloney beat Sir Malcolm McEacharn, 5.48 per cent. of the votes were postal; while the percentage in Riverina was 4.65. At the general election, out of every hundred votes, only one and a fraction were postal. Of course, I suppose that in Melbourne some undue advantage was taken of the system.

Senator TURLEY.—The honorable senator appears to know very little of what went on in Brisbane.

Senator STEWART.—There is no evidence about Brisbane.

Senator TURLEY.—I do not suppose there is, because that constituency never came before the Court.

Senator STEWART.—We have the honorable senator's statement, and probably there was some abuse of the law in Brisbane. We must always keep before us the great principle that voting by post is designed to enable people who could not attend at the polling place to record their vote. If abuse has taken place in the great cities, let us try by some means to prevent its recurrence; but we ought to increase, rather than diminish, the voting facilities for people in outside places. No stronger speech was ever delivered in this Chamber in support of extending voting facilities by post than that we have just heard from Senator Turley. Had I entered the Chamber while he was speaking, and not known exactly the point before the Committee, I should have concluded that he was advocating a much greater liberalization of the law.

Senator TURLEY.—I am against the system.

Senator STEWART.—And in that, I think, the honorable senator is wrong. The honorable senator's argument is simply the old conservative argument trotted out once more in the name of democracy. In the last Parliament, when we were fighting like Trojans to get permission for electors at Senate elections to vote at any place, exactly the same argument was used in opposition.

Senator TURLEY.—The two cases are vastly different.

Senator O'KEEFE.—In one case the elector has to take the trouble to go and record his vote.

Senator STEWART.—But the argument used is exactly the same in character. When we were told to look at the amount of personation to which it would give rise, we replied, as we reply now, "Why punish an honest man because wrong is done by a wrongdoer." If this system affords facilities to a large class of people why should we deprive them of those facilities because they have been abused by some scoundrels in the towns? When Senator Turley admits, as he has done, that there would be an advantage of two or three days, he admits the whole case. To tell me that it is just as convenient for me to go from Bundaberg to Rockhampton to get a voting-paper as to go straight to an official in Bundaberg for it, is simply to talk nonsense.

Senator TURLEY.—How many trains run from Bundaberg to Rockhampton every day?

Senator STEWART.—There are three mail trains a week, and I believe there is a goods train every day; but if there were forty-two trains every day why should I be compelled to ride from Bundaberg to Rockhampton for this purpose when I can go to an official in Bundaberg?

Senator TURLEY.—The man in Bundaberg is not going to do that; it is the man in the outside districts who must do it.

Senator STEWART.—The man outside must come in to the town in any case. I know of districts from which there is a mail only once a week, and it might be difficult for persons in those districts to catch even that mail.

Senator TURLEY.—To what electorate does the honorable senator refer?

Senator STEWART.—To any country electorate in Queensland.

Senator TURLEY.—I do not know of any place from which there is a mail only once a week.

Senator STEWART.—I know of such places within easy reach of Rockhampton, and that town is commonly supposed not to be quite outside the charmed circle of civilization. I ask honorable senators to liberalize their minds, and not to concentrate them on the big cities. If abuses of the system have taken place in the big cities we should take steps to prevent them in future, and not to penalize people who live outside, and who will be placed under very serious disabilities, however easy the matter is made for them. Senator Turley has said that none of the men working on stations take their wives with them. I was not referring to them, but to selectors in outside districts.

Senator TURLEY.—The men who work on stations do not want this system.

Senator STEWART.—If they do not, that is no reason why they should prohibit people who do want it from getting the advantage of it. I was referring especially to selectors' wives. I know that there are numbers of them in the district around Rockhampton who will be practically disfranchised unless the regulations with regard to postal voting are made much more liberal than is proposed by the Government. I would go further than the Government propose to go, but I welcome their proposal as a step in the right direction, to

be followed, I hope, by other steps in the same direction at an early date.

Senator TURLEY.—What increased facilities would the honorable senator give?

Senator STEWART.—I would permit any elector to witness any other elector's signature for a ballot-paper, and I would permit any elector to witness any other elector's vote.

Senator MILLEN.—That is electioneering made easy.

Senator STEWART.—The honorable senator may say so, but I believe that we should try to raise the standard of morality with regard to electioneering. The difficulty is that honorable senators like Senators Turley and Millen live in the past, and they cannot bring their minds up to date.

Senator KEATING.—Senator Millen is voting with the honorable senator.

Senator STEWART.—The honorable senator's mind is evidently reminiscent of electioneering dodgery in the past. But the position has changed. Every one has a vote now, and there is not the same inducement to people to personate, or to resort to electioneering dodges as there was in the past. Senator Turley has referred to something which was done in the dim and distant past, and we all know that electoral matters were in a very peculiar position in Queensland for a number of years, when all the forces of the Government were used to deprive working men of their votes. Happily that state of affairs, if it has not altogether passed, is rapidly passing.

Senator GRAY.—The good old days are going.

Senator STEWART.—Thank heaven those bad old days are going very rapidly. We are entering now upon a new era, and we should try to adapt ourselves to the altered circumstances by giving such people as may be unfortunately unable to go to the poll the very fullest opportunity possible to record their opinions on political matters.

Senator MILLEN (New South Wales).—I have listened with considerable interest to the remarks of honorable senators who have preceded me. It does not appear to me to be very material to the point at issue whether the proposed amendment adds anything to the facilities given to a particular section of electors or not. The point is, will it give facilities anywhere without imposing disabilities upon any one. I quite agree with what Senator Turley has said with regard to the advantage claimed for

country electorates being rather imaginary. I think that where we have sought to make the postal vote operate largely in the interests of people residing in scattered country districts, we have utterly failed to do so by reason of the restrictions with which we have hedged it round. Many of the townspeople, quite apart from any wrongful use of the system, have probably availed themselves of postal voting, in order to use polling-day as a holiday, and it may partly explain why country electors have flocked so readily to the polls, to suggest that they have sought a holiday in the towns. I should like to quote from the report of the Select Committee appointed by the other branch of the Legislature in connexion with electoral administration. In dealing with the matter of the postal vote, they say—

Without concluding that undue influence was used in connexion with the postal vote, the evidence adduced shows that, under the present sub-section, advantage may be taken to destroy the free and secret exercise of the franchise.

That is in accordance with the opinion expressed by Senator Turley. The Committee go on to say—

The application forms may be witnessed in blank, and these forms may be taken in numbers by agents for candidates when canvassing, and pressure brought to bear upon persons whose names are on the roll.

Senator KEATING.—That is the abuse to which reference has been made.

Senator MILLEN.—And it is an abuse which I am afraid the amendment proposed will not remedy. The Committee further report—

The evidence justifies your Committee in finding that many persons who voted by post had not reason to believe they would be more than five miles from their polling place on the day of election, and were on that day within that limit. It would appear that the voting facilities provided have been used contrary to the intention of the Act. The provisions of this section were freely availed of.

Then follow figures already referred to by Senator Stewart, showing that 10,143 out of a total of 887,312 electors used the postal vote. The Committee go on to say—

While admitting the public advantage of these sections, yet it is apparent that there must be further safeguards to preserve the purity of elections, without which the repeal of sub-section *a* becomes necessary.

Turning to the amending Bill I am not at all certain that it meets the difficulty pointed out by the Select Committee. But if it fails to do that the amendment now before the Committee will not add any-

thing to the dangers which the Select Committee have pointed out. It is proposed to increase the number of persons to whom application for postal votes may be made, but that is not material. What I think we ought to do is to follow the direction given by the Select Committee, and provide further safeguards. Some of those proposed in the amending Bill are not, in my opinion, sufficient. Whilst giving these facilities we ought to safeguard them against fraudulent use. Senator Stewart made some reference to crusted Toryism.

Senator STEWART.—I did not mention it.

Senator MILLEN. — Or to something akin to it. I am compelled, in view of his recent utterances, to consider the honorable senator an eminent authority on the subject. I had once hoped that I might still regard him as being, to some extent, tinged with liberalism, but I can no longer do so when I see the honorable senator halting and prepared to accept the amendment proposed by the Government as a full instalment of his desires, or even as a step in that direction. I wonder what has become of the honorable senator's liberalism. I will tell him what I want. I desire the entire abolition of form K. I can quite understand that one belonging to the political school with which Senator Stewart is associated might desire to retain it; but I am prepared to give the honorable senator a lead in the liberalism of which, at one time, he had some knowledge by proposing the elimination of form K. That is the form upon which an elector makes an application for his postal ballot-paper. As Senator Turley has pointed out, it necessitates making an application by post for a form upon which to make another application by post. That involves an utter waste of time, for it largely destroys the facilities we pretend to give. Boiled down it comes to this, that you would have an application on a particular printed form instead of an application on an ordinary sheet of writing paper. The main Act provides that an elector shall apply to an official for a printed form on which to make an application; that when he has received the form he shall write his name, the electorate for which he is enrolled, and the reason why he will be absent on polling day; that he shall get his signature witnessed, and forward the form to the Divisional Returning Officer.

Senator GUTHRIE.—The printed form is necessary for the sake of securing uniformity. Otherwise some persons might make the application on a piece of tea-paper.

Senator MILLEN.—The main point is to get the signature of the applicant and a witness thereto, no matter whether the application is made on a sheet of blue or white paper. We presume to offer facilities for voting by post to electors who are unable to attend on the day of polling. An elector may only find out within a few days of that date that he will be unable to attend. He has then to write an ordinary letter asking for a form K to be forwarded to him. Why does not Senator Guthrie go further and ask that the original letter shall be sent on a printed form?

Senator GUTHRIE.—Not necessarily; because the elector has to make on that form the declaration that he will be absent.

Senator MILLEN.—There is nothing in form K which the elector could not set out in an ordinary letter.

Senator KEATING.—He is not bound to use a printed form.

Senator MILLEN.—Then he will have to obtain a copy of the Electoral Act, and write out a form of application, presumably similar to the one published in the schedule.

Senator KEATING.—That is what it amounts to.

Senator MILLEN.—If it is possible for an elector to make a written application, what comes of Senator Guthrie's plea for uniformity?

Senator GUTHRIE.—It must be worded in the same way as the form in the schedule.

Senator MILLEN.—I ask the Minister to say whether the Divisional Returning Officers are not supplied with forms for the purpose?

Senator KEATING.—Yes.

Senator MILLEN.—I venture to say that there is no elector who did not obtain a printed form upon which to make his application. If a printed form is not material let us plainly set out that an elector may make a written application for a postal ballot-paper. That would save the time occupied in one exchange of letters between himself and the Divisional Returning Officer. I propose to eliminate the words "in the form K" when we reach clause 29. For the present I shall vote for the clause before the Committee, but later

on I shall certainly ask the Committee to consider whether the safeguards with which postal voting is hedged round are sufficient.

Senator TURLEY (Queensland).—Senator Stewart is a gentleman who goes round and really knows very little of what is going on around him, especially at election time. I do not suppose that there was one per cent. of the men in Brisbane, where the honorable senator was at the last elections, who did not know more of what was going on than he did. I knew that at that time things were being done in Queensland which it would be very hard to prove, because the persons who have broken the law are not likely to give evidence which would practically affect their position. The honorable senator said that all these arguments were used some years ago, when it was sought to enable Senate electors to vote at any polling place they liked to go to. He said that it would lead to impersonation. Does he know that any very large number of impersonations took place on the occasion of the first Senate elections in Queensland?

Senator STEWART.—I did not hear of any.

Senator TURLEY.—I do not think that there were many cases at that time. If the honorable senator had made inquiries, instead of being wrapped up in himself, he would have found that while the facilities given for voting, in the case of Senate elections, were very wide, there was not nearly as much danger of double voting under that system as there is of corrupt voting under the present system. He ought to take a warning from the attitude of the newspapers, which have bitterly opposed him ever since he stood as a candidate for parliamentary honours, and who have always been opposed to the extension of voting facilities. He knows very well that the *Brisbane Telegraph*, the *Brisbane Courier*, and other newspapers have all swung round and are with him now. They say, "We want every person to be enabled to record his vote by post without having to go to the polling booth."

Senator STEWART.—But I do not want that.

Senator TURLEY.—The honorable senator has not yet got quite that far. He would provide such facilities as would enable one elector to witness another elector's postal ballot-paper to be forwarded by

post to the Divisional Returning Officer, but I am not prepared to go that far. I am inclined to wipe out the facilities for postal voting, because I believe that the system does, to a very great extent, do away with the secrecy of the ballot. We are told that this system is to be safeguarded. Here is the safeguard which is provided—

The person witnessing any claim or application to transfer or application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiry from the claimant or applicant, that the statements contained in the claim or application are true.

That is the wonderful safeguard which is provided. A man rides fifty or sixty miles to apply for a form, and the person to whom the application is made, and who has never seen the applicant before, has to ask, "Are you the person you represent yourself to be?" or "Do you believe you will be fifteen miles distant from this polling place on polling day?" Of course, if an applicant did not believe that he would be absent from his polling place on polling day he would not go to the trouble of riding fifty or sixty miles to apply for a form, and then wait there for the reply to his application to be received. Because I believe that, while it would not give large additional facilities to outside persons, it would give greater opportunities for carrying on a system of corruption by which the secrecy of the ballot would be defeated, I shall oppose the extension of the so-called better facilities for postal voting in the back country.

Senator GUTHRIE (South Australia).—We have had an experience of about fifteen years of voting by post in South Australia. I believe that I was largely responsible for the introduction of the Absent Voters Bill in that State. Its intention was to enfranchise men who could not vote in the ordinary way. Take my own case. During twelve years, although I was not away from a port for more than a few days at a time, I never had an opportunity of exercising the franchise. There are hundreds of men similarly situated. I dare say that Senator Turley himself had a similar experience. Probably the first intention in amending the law in this direction was to enfranchise seamen, persons employed on the railways, commercial travellers, and others who have to leave their homes long before the polling-place is open in the morning and after it is closed

in the evening. As I understand the position in regard to this clause, it is this: If an elector, on the polling day, is within the division where he resides, he can record his vote at his own polling-place. But if he has reason to believe that he will be more than ten miles away, he can vote by post. I quite agree, however, that the amendment of the law here proposed will not give considerably greater facilities to scattered populations in the back country; because the Assistant Returning Officers are not to be appointed in places where fewer than 100 electors are on the roll. The electorate of Grey has been mentioned. I cannot state the area of that constituency, but I believe it extends from Port Darwin, in the north, to the Great Australian Bight, in the south, and from the Western Australian border to Spencer's Gulf. Large portions of that district are sparsely settled. There may be small populations of fifty or sixty electors in mining or squatting communities. But if Assistant Returning Officers are to be appointed only in places where there are more than 100 electors, there are hundreds of places in that district alone where this amendment of the law will not provide any additional facilities. What is the use of appointing Assistant Returning Officers in great cities, like Melbourne, Sydney, and Brisbane? There are plenty of facilities for going to Divisional Returning Officers in such places. I think that the facilities proposed should be confined to places outside the large centres, where there is need for Assistant Returning Officers to be appointed. If, for instance, there is a Divisional Returning Officer in Melbourne, there is no need to have an Assistant Returning Officer in South Melbourne or any other suburb. There are postal facilities for people who desire to vote to send in application forms there. The forms can easily be obtained. As to the fears respecting impersonation, I may state that I have had a considerable amount of experience of voting by post, having been scrutineer at many elections, and having paid particular attention to this subject. A person makes an application under form K, stating that his name is so-and-so, that he lives at a certain place, and that he follows such-and-such an occupation. If he makes a false declaration, he is liable to imprisonment. He states that he has reason to believe that he will be more than ten miles from his polling-place on election day.

Senator TURLEY.—An awful lot of people had "reason to believe" that at the last election.

Senator GUTHRIE.—Probably. A considerable proportion of the population of Australia is continually on the move. On any particular day there are thousands of people; more than ten miles from home. On the occasions when I have been scrutineer, the forms have been produced, and the signatures closely scanned. The signature on the ballot-paper and the signature on form K are compared. If it is clear that the voter and the applicant is the same person no Returning Officer or scrutineer raises the slightest objection to the vote. From what I have seen there is very little reason for the suspicions that have been expressed. The safeguards in relation to the secrecy of the ballot are as certain under the system of voting by post as under the ordinary system of voting.

Senator TURLEY.—Not at all.

Senator GUTHRIE.—What is the position of a man going to vote at a polling booth. Probably neither the scrutineers nor any other person present knows him. He says his name is John Brown. His word has to be taken. But in the case of a voter by post you have the signature, "John Brown," which is a guarantee that no fraud is being committed.

Senator GIVENS.—Is the signature of a man as reliable evidence as the man himself?

Senator GUTHRIE.—In many cases it is. I shall support the proposal, but later on I shall endeavour to effect an amendment, so that an increased number of Assistant Returning Officers may not be appointed in the big centres, but only where there is a scattered population.

Question—That the clause stand part of the Bill—put. The Committee divided.

Ayes	...	...	...	12
Noes	...	...	...	12

AYES.

Clemons, J. S.
Dobson, H.
Drake, J. G.
Guthrie, R. S.
Keating, J. H.
Macfarlane, J.
Matheson, A. P.

Millen, E. D.
Playford, T.
Stewart, J. C.
Story, W. H.

Teller:

Smith, M. S. C.

NOES.

Croft, J. W.
Dawson, A.
de Largie, H.
Findley, E.
Givens, T.
Gray, J. P.
Henderson, G.

Higgs, W. G.
O'Keefe, D. J.
Turley, H.
Walker, J. T.

Teller:

Pearce, G. F.

Question so resolved in the negative.

Clause negatived.

Clause 7 (Electoral Registrars).

Senator MILLEN (New South Wales).—On this clause I wish to draw attention to an amendment which I may subsequently move. Clause 7 introduces a new clause providing for the appointment of Electoral Registrars to keep rolls for the specified "polling-places or subdivisions." Part 4 of the Bill, with which we have yet to deal, provides for subdivisions, thus opening up an entirely new principle in electoral law. My intention is, when we reach that part of the Bill, to discuss the question of the advisability or otherwise of having subdivisions; and should this subsequent clause be amended, it will be necessary to reconsider the clause now before us.

Senator KEATING (Tasmania—Honorary Minister).—This amendment of the principal Act is to meet the case of possible subdivisions made in accordance with part 4 of the Bill. If Senator Millen wishes to test the policy as laid down in part 4, and successfully resists this attempt to amend the principal Act in that direction, we shall have to reconsider clause 7.

Clause agreed to.

Clause 8 agreed to.

Senator MILLEN (New South Wales).—I propose to ask the Committee's attention to an amendment, important in the principle involved, to which I referred during the second-reading debate. It is rather difficult, owing to the fact that the main Act is a distinct document, to refer to the clauses as I should like to do. In order to secure the redistribution of a State into electorates, the main Act at present provides for the appointment of a single Commissioner, who, when he has mapped out a State, invites objections, and then, having considered these, finally submits his report to the Minister, who in turn places it before Parliament. If the report is objected to by either House, the Minister may refer it again to the Commissioner, who can thereupon prepare another scheme. It is only if the two Houses adopt the scheme that it becomes operative. To all of us with any political experience, it has become manifest that there is a natural hesitancy on the part of Parliament to accept any scheme likely to disturb the boundaries of the electorates. I need not pursue that point further, merely reminding

honorable senators of the fact that the objection has manifested itself not only in the Federal Parliament, but in the States Parliaments, where there are similar Acts in force. I propose to remove the parliamentary veto on the redistribution scheme, and to place the matter entirely in the hands of a Commission. I recognise that it would possibly be undesirable to place this great power in the hands of a single individual, and therefore I propose that the Commission shall consist of three, who shall prepare a scheme, invite and consider objections, and put the final touches on it, and that then the scheme shall become operative with the force of law. By my amendment the scheme is placed quite beyond any parliamentary control. I submit that that is a far better principle than that in the Bill, which submits the scheme to be approved, rejected, or torn about as Parliament may think fit. While I recognise the desirability of lifting our electoral machinery matters as far as possible out of the arena of politics, and away from the influence of party interests, I admit that there will be a very natural hesitancy, not only on the part of individual senators, but of Parliament as a whole, to give so great a power into the hands of one man. My suggestion is that the three Commissioners shall be a Judge of a Court of the State concerned, the Surveyor-General, or head of the Survey Department of the State, and the Commonwealth Electoral Officer for the State, who, it appears to me, would bring together the knowledge requisite for the duty.

Senator GIVENS. — Does the honorable senator mean a Commonwealth Judge or a State Judge?

Senator MILLEN.—I mean a Judge of the Court of the State concerned. The three Commissioners will be officials of the State in which the redistribution is to be made.

Senator GIVENS. — Why not a High Court Judge?

Senator MILLEN.—I do not know that we particularly require a High Court Judge; and it must be remembered that there are only three High Court Judges in the whole of the six States.

Senator GIVENS.—We have no power to ask a State Judge to perform this duty.

Senator MILLEN.—I think the honorable senator is mistaken, because we have frequently passed Acts which throw obli-

gations on State officials. In this very Bill, State officials are called upon to furnish certain information, which may necessitate the preparation of tables of figures. What Senator Givens mentions is more a theoretical than a practical difficulty. I anticipate no trouble in the Commonwealth Executive arranging with Judges in the various States to perform this duty.

Senator GIVENS.—In New South Wales it was scarcely possible to get a Judge to preside over the Arbitration Court.

Senator MILLEN.—For that there were reasons, to which I do not wish to refer. There has never been any difficulty in getting a Judge to take up electoral work in New South Wales. In that State Judge Murray, with his long experience of such matters, stands out as eminently qualified; and I have no doubt Judges could be found for the work in the other States. I suggest these three officials as men who would bring together on the Commission the knowledge which is particularly required, and would be specially useful. We should have, first of all, in a Judge of the State, a trained legal man, and we might safely assume that he would be absolutely impartial; then we should have the Chief of the State Survey Department, whose knowledge not only of the country but of maps would be extremely useful; and further, we should have the Commonwealth Electoral Officer for the State, who would be familiar with the rolls, the grouping of electors, existing boundaries, and proposed alterations of electoral boundaries. The exact amendment I submit would become clause 8A of the Bill, but it would stand as section 13 of the principal Act. I move—

That the following new clause be inserted:—

“8A. (1) The Governor-General may appoint three persons in each State to be Commissioners for the purpose of distributing the State into divisions in accordance with this Act.

(2) The persons so appointed shall be respectively a Judge of a Court of the State, the Surveyor-General or head of the Survey Department of the State, and the Commonwealth Electoral Officer for the State, unless the Governor-General, by reason of any such persons not being available, or for other reason appearing to him to be sufficient, thinks fit to appoint other persons instead of any such persons.

(3) Each Commissioner shall hold office during the pleasure of the Governor-General.”

There is one portion of the amendment to which I have not referred, and that is the power proposed to be given to the Governor-General—

Senator GIVENS.—Who is practically the Governor-General in Council. That will make the position worse than it is at present.

Senator MILLEN. — Senator Givens thinks that the new clause would place us in no better position, because these appointments would rest with the Governor-General in Council, but there would be this difference, that, while at present the Governor-General appoints one Commissioner for each State whose work may or may not be accepted by Parliament, I propose the appointment of a Commission whose work is not to be interfered with by Parliament. I admit that the new clause I have now proposed is only the first of a series of amendments that would be necessary to give effect to a complete scheme. My ultimate object is to have a scheme prepared for a distribution by a Commission whose work will be beyond Parliamentary veto. This clause will not accomplish that, but that is my objective—to provide for a scheme of distribution of each State on which Parliament will not be able to lay hands. The proposed new clause provides the initial machinery for such a scheme. As Senator Givens has pointed out, the Governor-General no doubt means the Executive of the day, but the honorable senator will admit that in the new clause I have proposed there is very little room given for hedging by the Executive of the day.

Senator GIVENS.—The honorable senator provides them with an alternative, for any reasons that may appear to them to be sufficient.

Senator MILLEN.—I indicate the officials that are to be appointed, and as the honorable senator has said, I propose to permit the appointment of other persons, but it must at once be apparent how necessary it is that that should be done. Suppose the Surveyor-General of a State happens to be ill or on a prolonged holiday, though he still holds his office, when he is required to act on the proposed Commission, would the Committee say that in such circumstances the whole of the electoral law is to be brought to a standstill? Some power must be given to fill a temporary vacancy of that kind. Similarly the Chief Electoral Officer of a State might at the very time this work was required to be done be incapacitated, or in the middle of very heavy work, occasioned by an election about to take place, or by one which had

recently taken place. We never know the time a distribution may be found to be necessary, and whilst I propose that we should give a clear indication of the persons who should be appointed for this work, we must leave with the Executive of the day some power to meet emergencies of the character I have mentioned. As Senator Givens must be aware, I am strongly opposed to leaving to the Executive any more power than is absolutely necessary, particularly in regard to our electoral machinery. If there is one thing which should act automatically and regularly, it is the machinery by which, first of all, we determine the number of members to which a State is entitled, the quota which, within a State shall determine the number of electors required to return a member, and all the machinery surrounding the division of a State into electorates, and the facilities afforded to electors to record their votes. All these things should as far as possible be removed from the influence of party interests. For that reason I should like to have been able to so mould the proposed new clause as to remove even that vestige of power from the Executive to which exception is taken, but I do not see how it is possible to meet the case without leaving to the Governor-General the power to make temporary appointments. I merely wish to add that if this amendment is accepted I shall of course propose a series of amendments, which will have the effect of practically remodelling the whole of Part III. of the principal Act, which is the part providing for the distribution of States into various electorates, a work which under the present law is performed by one Commissioner, whose report is submitted to Parliament for approval.

Senator KEATING (Tasmania—Honorary Minister).—This is certainly a very far-reaching amendment, and, as Senator Millen has indicated, its acceptance by the Committee will entail upon him the obligation of submitting a number of consequential amendments, which will alter the whole of Part III. of the Act. If I remember rightly, when the first Commonwealth Electoral Bill was introduced in another place, it was proposed to adopt the policy indicated in Senator Millen's amendment, and to have three Commissioners for each State to carry out the work of distribution of electorates. If my memory again serves me correctly, the House of

Representatives rejected that scheme, and one of the reasons assigned for its rejection was that the popular House of Parliament is always naturally jealous of what it considers its right to model to some extent the principles on which it is founded. It might be that a Judge of a State Supreme Court, the Surveyor-General, and the Chief Electoral Officer for a State would be able to frame a scheme of division for that State which would be very fair and adequately representative, in their proper proportion, of the people and the interests of the State. But, on the other hand, the House of Representatives, or the Legislative Chamber corresponding to the House of Representatives in every Parliament, has always jealously guarded its own right to look into the subdivision of a State into various electoral districts. It seems to me that in considering this Bill we should have some regard for the fact that the scheme proposed by Senator Millen was not accepted by the House of Representatives. We are dealing in this particular part of the Bill with the division of States into electoral districts, and, as honorable senators are aware, the principal Act provides that the Governor-General may appoint a Commissioner in each State, who holds office during his pleasure. He makes a distribution of the State into divisions, gives notice of it, receives and deals with any objections to it, and makes his report. His report is then laid before Parliament, and if both Houses pass a resolution approving of the proposed distribution, the Governor-General may by proclamation declare the names and boundaries of the divisions. But if either House of Parliament passes a motion disapproving of any proposed distribution, or negatives a motion for its approval, the Minister may direct the Commissioner to propose a fresh distribution. That is the principle on which the main Act is based. There is one Commissioner appointed for each State, and in dividing the State into divisions he has to have regard to certain conditions, such as community or diversity of interests, means of communication, physical features, and the existing boundaries of divisions.

Senator MILLEN.—That would apply equally under my amendment.

Senator KEATING.—Quite so. In the past the Commissioner in each State has exercised the functions reposed in him, and his report has been submitted to Parliament for approval. I believe that when

the first Commonwealth Electoral Bill came up to the Senate it provided merely that if the House of Representatives opposed a distribution it should be sent back to the Commissioner, and I think the Senate carried an amendment providing that if either House of Parliament opposed it the distribution must go back to the Commissioner.

Senator MILLEN.—That is an answer to the honorable and learned senator's first argument.

Senator KEATING.—It gives the Senate power to veto the distribution in the first instance. This amendment proposes a very radical departure from those principles, which in the first Parliament were not decided on until the whole of the circumstances had been thoroughly threshed out. I ask the Committee not to accept an amendment of so far-reaching a character unless better reasons than those which we have heard from Senator Millen are given for departing from the principles already adopted in our electoral law, and which are embodied in Part III. of the present Bill. I must oppose the amendment.

Senator PEARCE (Western Australia).—It is hardly fair, I think, to expect honorable senators to pass such an important amendment before it has been printed and considered. Every honorable senator has the right to hand to the Clerk any amendments which he desires to be printed for the convenience of honorable senators, and I am rather surprised that Senator Millen did not avail himself of that privilege when he had an amendment of such great importance to submit. In my second-reading speech I said that I should be willing to support any endeavour to amend the Bill in such a way as to prevent the redistribution of seats from being made the subject of gerrymandering. I cannot see that the proposed new clause will achieve that end, but that may be due to the fact that I have not been able to grasp its full scope and effect from hearing it read once. I am inclined to think that it does not carry out the ideas which some of us have in our minds, because the question is not whether we shall have one Commissioner or three Commissioners, but that three Commissioners shall be appointed in precisely the same way as one Commissioner, namely, by the Governor-General. Digitized by Google

Senator MILLEN.—But with very different powers. I thought I had made it clear that, whereas under the Act the report has to go to Parliament to be accepted or rejected; under my proposal the report, after being revised by the Commissioners, will be final.

Senator PEARCE.—Is it not possible for the Committee to agree to there being only one Commissioner, and to say that his report shall be final, or to limit the power of Parliament to deal with the report?

Senator MILLEN.—Yes.

Senator PEARCE.—The honorable senator, I understand, proposes that the vote on his amendment shall be taken as a test vote on the question of whether the Committee is in favour of the whole scheme which he proposes in order to remove the redistribution of seats from parliamentary influence. But I contend that, in voting on the question of whether there should be three Commissioners or one Commissioner, we shall not determine the question whether we are in favour of removing the redistribution of seats from parliamentary influence. I would suggest to the Minister that he should now consent to report progress in order to enable Senator MilLEN to get his amendments put in print.

Senator KEATING.—And the other amendments, too.

Senator MILLEN (New South Wales).—Senator Pearce has made an excellent suggestion. But the other amendments to which Senator Keating has just referred are largely verbal and consequential, and not of such a character as to require to be printed. Really, there is only one amendment, to take the place of sections 21 and 22 of the Act, which needs to be considered. These sections provide that the individual Commissioner shall submit his report to the Parliament to be approved or rejected; that, if approved, his scheme shall become law, but that if rejected the Minister may tie it up indefinitely, or, if he chooses, send it back to the Commissioner in order to prepare another report; and so on *ad infinitum*. Under my scheme, I propose that, after the Commissioners have distributed the State into electorates, considered all the objections to the scheme, and finally revised it, it shall become operative without any reference to Parliament. I am not wedded to the idea of having three Commissioners, but I think that when final power is to be intrusted to a body, there is a greater margin of safety

in three Commissioners than in one Commissioner.

Progress reported.

COMMERCE BILL (No. 2).

SECOND READING.

Senator PLAYFORD (South Australia—Minister of Defence).—I move—

That the Bill be now read a second time.

The career of this Bill has been rather unusual. When we took office we found the draft of "A Bill for an Act relating to imports and exports." It was never submitted to the late Government for final revision. It was revised by the present Minister of Trade and Customs. The title was changed to "A Bill for an Act relating to commerce with other countries;" and certain alterations were made in its provisions. It has been discussed by the House of Representatives, I was almost going to say, at inordinate length. I find that 200 odd pages of pretty close print were required to record the speeches which were delivered on the Bill in the House and in Committee.

Senator MILLEN.—Was the reasoning as close as the print?

Senator PLAYFORD.—Some of the reasoning was rather far-fetched. I did not read the whole of the speeches, but I read a very considerable number of them, so as to get a grasp of any objections which had been offered to the Bill. The object of the measure is to prevent persons from importing or exporting goods under false descriptions. Almost all the States have a measure by which the export of certain articles is regulated. In Victoria an Act was passed in 1888, called the Export Products Act, which provides for the compulsory inspection of butter, cheese, live stock, and products, such as meat intended for export. The inspection of meat is as to freedom from disease. Butter submitted for inspection is marked either "approved for export," or "pastry"; and cheese, of which a little is exported, is marked "approved for export." Great care is exercised in regard to the inspection of butter and other articles. South Australia has no law on this subject, but the Government have appointed inspectors who inspect all wines submitted to them for export. All fruit, butter, meat, and dairy produce are also inspected. There is no compulsion exercised.

Senator DOBSON.—Does anything result from the inspection of the fruit?

Senator PLAYFORD.—Unmistakably. As a result of the inspection, South Australian fruit almost always brings 3s. or 4s. per case more than Tasmanian fruit. It is all carefully graded. It is carefully inspected by Government inspectors, who put a Government stamp upon it, and the presence of that stamp gives the fruit a standing in the London market.

Senator DOBSON.—Is the honorable senator right in saying that the fruit is graded?

Senator PLAYFORD.—It is graded, as well as stamped. The rule is to mark on each case the number of apples which it contains.

Senator DOBSON.—Into how many classes is it graded?

Senator PLAYFORD.—Into two classes, I believe. But, as a rule, only the best class of fruit is exported. That the articles have been shipped from Victoria and South Australia under Government inspection, and with a Government mark, is an advantage to the exporters in other markets.

Senator GRAY.—Do the grading and the inspection take place at the wharf?

Senator PLAYFORD.—The inspection takes place wherever it may be most convenient to the shipper on the one side, and the inspector on the other. Honorable senators appear to think that there is great difficulty about the matter, but there is not.

Senator GRAY.—I foresee very grave difficulty.

Senator PLAYFORD.—It is astonishing to me that the inspection of the product about which the greatest fuss is made—apples—has been going on so long in South Australia without the fact being known to my honorable friends.

Senator MACFARLANE.—Is the grading done by the exporter, or the inspector?

Senator PLAYFORD.—The grading is done by the exporter, and the inspector passes the article as being of a quality which is fit for export.

Senator DOBSON.—The fruit-grower does any grading that there is.

Senator PLAYFORD.—I have no knowledge of what is done in Tasmania; but in South Australia the growers have a proper machine for grading. The apples are tipped in at one end, and as they work their way down by gravitation, they fall through holes of certain sizes. The

apples grade themselves in the most satisfactory fashion.

Senator MILLEN.—That is for size, but not for quality.

Senator PLAYFORD.—Quality is quite another thing.

Senator DOBSON.—Surely all the fruit intended for export does not go through that grading machine?

Senator PLAYFORD.—Of course, it does not all go through the same machine. Sometimes the grading is done by sight on a table where the grower picks out apples of a size as nearly as he can. The apples of a particular size in one case are counted, and if it is found to contain 120 apples, all cases containing apples of that size are branded with that number.

Senator DOBSON.—Is the honorable senator sure that the Government inspectors in South Australia grade fruit?

Senator PLAYFORD.—Decidedly not; it is the exporter who grades the fruit, but the Government inspector sees that it is properly done, and that the fruit is of good quality. Then he puts the Government stamp upon it as being a first-class article for export.

Senator Sir JOSIAH SYMON.—Suppose it is not graded; would the inspector reject the whole consignment?

Senator PLAYFORD.—Decidedly not. It is the producer who does the grading first, and then he finds that the Government stamp has the effect of securing a high price in other parts of the world.

Senator GRAY.—Is every box opened and inspected?

Senator PLAYFORD.—Not necessarily. A number of cases are placed before the inspector, who sees that the goods are of a certain quality. Perhaps he inspects one or two, which are opened, and thereby judges whether the whole shipment is of proper quality. That is quite sufficient. Some States, like Tasmania, have passed Acts of Parliament on this subject, but have never put them in force. In Tasmania there is an Act to compel shippers of fruit and other produce to obtain Government inspection, and receive a Government stamp upon their goods. But that Act has not been put into operation for a considerable time.

Senator MACFARLANE.—The Act does not compel them, because they do not do it.

Senator PLAYFORD.—It purports to do so.

Senator DOBSON.—Did not Sir William Lyne promise that this Bill should only apply to articles which can be adulterated?

Senator PLAYFORD.—Decidedly not.

Senator DOBSON.—I believe he did.

Senator PLAYFORD.—He certainly did not. I have read every line that Sir William Lyne said. He undoubtedly did say that it would be advantageous to prevent adulterated articles, such as patent medicines, from being imported. For instance, certain soothing syrups are imported for the purpose of soothing the babies, but frequently they contain so much opium that they are very injurious. It would be the function of the Department under this Bill to prevent the importation of such goods. Clause 15 mentions the goods to which it is to be applied. Clause 7 relates to imports, and clause 11 to exports. It is provided that those two clauses shall not apply—

To any goods other than (a) articles used for food or drink by man, or used in the manufacture or preparation of articles used for food or drink by man; or (b) medicines or medicinal preparations for internal or external use; or (c) manures; or (d) apparel, including boots and shoes, and the materials from which such apparel is manufactured; or (e) seeds and plants.

Senator DOBSON.—Sir William Lyne gave a deputation to understand that he would not apply the Bill to goods which were not articles of food.

Senator PLAYFORD.—I have read Sir William Lyne's statement in another place, and I can see no reference to what Senator Dobson asserts. Certainly the Bill would apply to many things that are not articles of food. But I can give the honorable senator a very clear idea of the intentions of the Bill by reading a statement from Dr. Wollaston. It is as follows:—

The objects sought to be attained by this Act are important, and may be summarized as follows:—Firstly, to protect those traders who correctly describe their goods from competitors who, by false or misleading descriptions, deceive the public, to the disadvantage of the honest manufacturer, who may have established a reputation for a good article. Secondly, to protect the public by requiring, in cases where the proper maintenance of the public health make it expedient, that manufacturers shall indicate on their goods the nature of the ingredients or materials of which they are made.

That is true in regard to public health.

Senator MACFARLANE.—Is it the foreign public that the Bill protects?

Senator PLAYFORD.—It protects our public in regard to imports. The provisions with regard to exports are also to the

advantage of the public. In South Australia we have a law compelling exporters of frozen meat, butter, or cheese to have a Government stamp upon their goods, which guarantees their quality; and our exporters find that provision to their advantage.

Senator DOBSON.—Then why do we want this Bill?

Senator PLAYFORD.—Because we require to make the law uniform throughout the Commonwealth. It is of no use to have Acts of Parliament passed which a State Government does not enforce.

Senator DOBSON.—Why should we deal in this way with articles which are sold by auction in public when the buyers see what they are purchasing?

Senator PLAYFORD.—Why do the South Australian shippers desire such legislation?

Senator DOBSON.—I think it will be found on inquiry that they do not.

Senator PLAYFORD.—The honorable senator might allow me to know something about South Australian affairs. Dr. Wollaston, in his written statement, also says—

Thirdly (and not the least important), that the reputation of the national industries of Australia may be established and maintained, and probably increased, by insuring that inferior kinds of any Australian production shall not be permitted to masquerade under a description which is applicable only to the best quality.

Honorable senators may say that it is unnecessary to interfere with exporters or importers. I will give one or two instances to show the necessity.

Senator DOBSON.—Not a word which the honorable senator has said would apply to fruit.

Senator PLAYFORD.—Is there not fruit of bad quality? Are no wretched little apples, about as big as the top of my thumb, sent from Tasmania?

Senator DOBSON.—Fruit is sold openly by auction.

Senator PLAYFORD.—Why was a provision regarding fruit put in the Tasmanian Act if there was no necessity for it?

Senator DOBSON.—I dare say they found that it was absolutely impossible to carry it out.

Senator KEATING.—No, they did not; they said they had not the money. We have a despatch on the subject.

Senator PLAYFORD.—In regard to many imported articles, there is a great deal of what I do not like to call fraud, though it may be so described. A housewife who buys a packet of candles expects

to get a pound. But she may get only 12 ozs. in some instances, or 14 ozs. in others.

Senator GRAY.—That takes place all the world over.

Senator PLAYFORD.—I do not care where it takes place. By this Bill we say to the importer of candles that he shall put on his packets the weight of the goods contained in them. That is fair and honest all round. Again, if a housewife asks for a tin of jam, she may find that though what she gets professes to be a 2-lb. tin, it is 2 ozs. or 3 ozs. short of the expected weight. Some of the honest jam-makers always give full weight. I know of one jam-maker in South Australia who has never at any time put less than 2 lbs. weight of jam in a 2-lb. tin. But others give you a 2-lb. tin, gross; that is, it weighs 2 lbs. in all, including the weight of the tin and the wrapping-paper, so that actually the amount of jam may be 2 ozs. or 3 ozs. short of what the purchaser thinks he is getting. Perhaps he expects to get 16 ozs., when as a matter of fact he gets no more than 12 ozs. The dishonest exporter has done Australia a considerable amount of injury. Let me take the case of butter sent to South Africa during the time of the Boer war. It was commonly exported in tins purporting to contain 1 lb. each, but often the tins were 4 ozs. short. The goods were rejected by the Army officers, and were sold at Johannesburg at 5s. 3d. for a dozen tins, or 5½d. per tin. That did us an immense amount of injury in South African markets. In this Bill we make provision against anything of that kind. The packages in which goods are exported must contain a true description of them, and if tins purporting to contain a pound of butter are 4 ozs. short, the exporter will be guilty of an offence. He may export whatever weight of goods he chooses, but he must put the weight on his packages. We also require that exporters shall make a true description of their goods, so that no rubbishy articles may be sent abroad to the injury of Australian trade. They may put their goods up in tins or in packages as they please, but they must state the correct weight and give a true description. It is to the advantage of all honest exporters that goods consigned from Australia to any part of the world shall be sent under such conditions that the truth shall be told regarding them, both in respect of their quality and their weight.

Senator DOBSON.—Is it intended to insist that butter shall be graded, and, if so, how many grades are there to be?

Senator PLAYFORD.—There is a regular system in South Australia and Victoria. Butter is graded in two or three classes. I shall read a statement as to what is done in regard to butter in Victoria—

Two years ago, 22 butter factories submitted voluntarily to grading; last season there were 67, and it is expected that before long all those factories doing any export trade will come in. When this takes place, the intention of the Department is to have all butters approved for export, graded, first, second, or third grade, and those not coming within any of the grades will be marked "pastry." At present very little pastry butter is exported.

The document then goes on to show how mutton, lamb, rabbits, poultry, and vegetable products are graded.

Senator GRAY.—Is it proposed by the Commonwealth to grade butter under the Bill?

Senator PLAYFORD.—It is proposed to adopt the States' grading, and to accept as correct the statements of the State inspectors as to quality. In States where there is no grading, the Commonwealth inspectors will satisfy themselves as to quality.

Senator MILLEN.—Is there power to grade under this Bill?

Senator PLAYFORD.—There is power to make regulations, and no doubt that carries power to grade.

Senator MILLEN.—The Bill gives power to do something more than merely see that the descriptions on imported goods are correct?

Senator PLAYFORD.—Undoubtedly. Power is given, amongst other things, to ascertain the ingredients of commodities, and, if they are not satisfactory, to stop the export.

Senator MILLEN.—Does that apply to patent medicines?

Senator PLAYFORD.—Yes; it applies to articles of that sort.

Senator DOBSON.—Do I understand that butter may be graded in one State and not in another?

Senator PLAYFORD.—We shall have a uniform system of satisfying ourselves as to the quality of the butter exported, without going to the expense and trouble of having it graded.

Senator DOBSON.—Suppose a State does not grade at all? Digitized by Google

Senator PLAYFORD.—It will then be for Dr. Wollaston and the Customs officials to decide what steps shall be taken; and no doubt they will satisfy themselves that the quality is good enough for export.

Senator DOBSON.—Will the Commonwealth grade the butter?

Senator PLAYFORD.—Not necessarily.

Senator DOBSON.—That will be making "fish of one and fowl of another."

Senator PLAYFORD.—In States where there is grading, we shall accept the statements of the State inspectors as to quality, and where there is not grading, our own inspectors will satisfy themselves that the article is fit for export and true to description.

Senator GRAY.—As a matter of fact, there will be no Commonwealth grading?

Senator PLAYFORD.—We do not say that we shall make grading compulsory throughout the Commonwealth, but we shall take advantage of the grading done by the States, and, as I say, where there is no grading, will satisfy ourselves as to quality and description.

Senator GIVENS.—It will be seen that the trade description is a true one?

Senator MILLEN.—More than that, I understand that, if the quality is not as described, the goods will not be permitted to be exported.

Senator PLAYFORD.—The goods will not be permitted to be exported under a description which implies a quality higher than the actual quality. We shall not allow rubbish to be exported unless it is described as inferior.

Senator MACFARLANE. — I understand that it will be compulsory to describe the goods.

Senator PLAYFORD. — Undoubtedly that could be insisted upon by regulation. For instance, it is usual to export apples in bushel cases, but some people may attempt to use cases which hold less than a bushel. We shall provide against that by regulation; that is, if a man chooses to ship his apples in cases of less than a bushel, he will have to describe the size truly. All that is desired is that the truth shall be told about all exports.

Senator MILLEN.—If a man marked a tin as containing 12 ozs. of inferior butter, would he be allowed to export it?

Senator PLAYFORD.—If he described the tin as containing 12 ozs. of pastry butter, he could export it, and as many such tins as he pleased. There are many

tons of such butter sent to England every year under that description.

Senator DOBSON.—I should like to say that, if what the honorable gentleman describes is all that is intended in reference to fruit, I shall withdraw my amendment.

Senator PLAYFORD.—The Bill will stop all false descriptions. We are not going to unfairly interfere with any trade. On the contrary, the desire is to assist people to conduct their business in such a way that they may get a good reputation for the fruit they export. When the Government stamp has been placed on the fruit, the man who purchases fifty or 100 cases will know that he is getting what it purports to be.

Senator GRAY.—The purchaser abroad knows quite as well as we do what he is getting now.

Senator PLAYFORD.—The purchaser does not always know. The objects of the Bill are very plain, and the means by which it is proposed to carry them out are easily understood. The first part of the Bill is practically a copy of the English Act.

Senator MILLEN.—The fact remains that if the Bill is plain, three of the honorable gentleman's colleagues gave different interpretations regarding it.

Senator PLAYFORD.—I know there was some little confusion as to whether grading was intended, but I saw Dr. Wollaston on the point this afternoon, and he informed me that it is not intended to grade, so long as it is clear that the quality of an article is as described.

Senator MILLEN.—Dr. Wollaston is not the controlling authority—there is a Minister.

Senator PLAYFORD.—No doubt the Minister is the controlling authority in the last resort, but the administration of this measure will, no doubt, be put into the hands of Dr. Wollaston. Some people who have read this Bill appear to see in it a most terrible menace to their business. From one letter received from a grower in Tasmania I discovered that in that State apricots are produced, although I had always been under the impression that the climate was too cold there for such fruit. This gentleman wrote to tell us that he packed the "Arum" brand of apricots, and wanted to know whether he would be contravening the Bill if he continued to set forth on the label that the fruit was "packed in Tasmania for A. J. Coleman

and Co. Ltd." Of course, there would be no idea of interfering in such a case.

Senator GRAY.—How will it be possible to obtain all the required information without interfering with the shipping of the fruit?

Senator PLAYFORD.—There will be no interference with the shipping of the fruit. All that is intended is to see that fruit and other articles for export are honestly described. We are only doing what the United States Government were compelled to do a short time ago in regard to meat exported from that country. All meat for export is now inspected by Government inspectors, and this step has been found necessary because the meat was getting a bad name, owing to the fact that it was not always certain to be free from disease.

Senator GRAY.—Does the Minister mean to say that in the United States there is an Act similar to the Bill now before us?

Senator PLAYFORD.—The United States law does not deal with any product but meat.

Senator GRAY.—And the meat is graded in the factory.

Senator PLAYFORD.—That is so.

Senator GRAY.—In the United States there is no power to stop the meat from being shipped.

Senator PLAYFORD.—There is the power to prevent the exportation of the meat if it does not bear the Government tag, showing that it has been inspected. Then there is another gentleman in Tasmania who writes in the fear that the export of small apples may be stopped. This gentleman says that each year a number of cases of small apples are exported to England, where they find a market which cannot be found in Australia. One hardly knows what to say about small apples, each variety having its own characteristics as to flavour, and so forth. For instance, the "Cleopatra" apple would be small if it were about the size of the top of my thumb, whereas a "Nonpareil" apple of that size would be normal and perfectly good fruit. There are many kinds of apples which are not necessarily bad because they are small; it is their nature to be small, and there is no idea of stopping the export of such fruit. If a case were opened and found to contain nothing but miserable, shrivelled-up specimens of poor flavour, the fruit, possibly of drought-stricken trees, then it would be perfectly right to stop their export, unless they

were honestly described as inferior apples. We have a right to say that exporters shall give a true description of their exports.

Senator MACFARLANE.—Why not let the buyer decide what they are worth for himself?

Senator KEATING.—And let the exporter of inferior apples put "Prime Tasmanian" on his cases.

Senator PLAYFORD.—The buyer very often cannot decide for himself. We have to protect the buyer, but the action proposed to be taken is not suggested in his interest alone, because if he has received a case of apples marked "Prime Tasmanian," or with some other equally false description, he will take means to prevent his being injured. The difficulty is that, where this course is adopted, people who send good Tasmanian apples will be injured in their trade as well.

Senator GIVENS.—How does the honorable senator propose to deal with a man who has packed good apples on the top of his case and inferior apples in the middle or at the bottom of it?

Senator PLAYFORD.—If we find him out we shall be able to deal with him. But the course suggested will seldom be adopted, because the exporter will not know which end of the case will be opened. I do not say that the topping-up business is unknown to gardeners. I do not think that, as an old market gardener, I have myself been guilty of the practice of topping-up, but I have heard of others who have, and buyers have told me that they cannot trust some of the gardeners in England in the packing of their stuff.

Senator GRAY.—Are these terrible things done in Australia; and do the people of Australia submit to them?

Senator PLAYFORD.—I have been very much astonished to find that they do submit to them. If honorable senators will read the evidence given before the Tariff Commission they will find that in connexion with the manufacture of many articles in Australia all sorts of curious things are done. The people of the States must protect themselves in the matter, because this Bill will not deal with Inter-State commerce.

Senator GIVENS.—It will if some honorable senators get their way in Committee.

Senator GRAY.—The honorable senator is making a terrible charge against the people of Australia.

Senator PLAYFORD.—Senator Gray must be aware that there are some dishonest people in every class of the community.

Senator GRAY.—Not more so here than in other parts of the world.

Senator PLAYFORD.—I do not say that there are more dishonest people here than in other parts of the world, but I do say that we must legislate against those who are dishonest.

Senator GRAY.—By making honest people suffer.

Senator PLAYFORD.—We shall not make honest people suffer. No honest man will suffer by being compelled to put a true description on the goods he has to sell. It is largely to protect the interest of honest traders that this Bill is introduced. I have spoken to two or three exporters of produce from South Australia, and they say that they will be only too pleased if the truthful marking of exported produce is made compulsory. It is not necessary that all exports shall be marked. Wheat and wool, for instance, do not need to be marked; but there are certain exports which ought to be marked. Many who are interested in exports hail this Bill with satisfaction. They are honest traders themselves, but they have to compete with dishonest people who, while they do not gain much by their dishonesty, seriously injure the trade of their honest competitors. In Committee, I hope to be able to give a satisfactory explanation of any point raised by honorable senators. I look upon this Bill as a very useful measure indeed, and one which will prove of very considerable benefit to the community as a whole. I should personally like to see its application extended to Inter-State commerce, but it has been thought wise not to propose that. I should like the Commonwealth Government to be in a position, if the States Governments will not exercise their powers, to prevent the frauds that are perpetrated at the present time in the various States.

Senator GRAY.—Can the honorable senator mention a trade in which fraud is not carried on?

Senator PLAYFORD.—I think I could.

Senator DOBSON.—We have no power to do what the honorable senator now suggests.

Senator PLAYFORD.—No, but we have power to deal with Inter-State commerce if we chose to exercise it.

Senator GRAY.—Why does not the honorable senator propose to exercise it?

Senator PLAYFORD.—We do not think it wise to do so at the present time. We

have taken up the larger subject, and we do not at present propose to extend the operation of the Bill to Inter-State commerce.

Debate (on motion by Senator DOBSON) adjourned.

Senate adjourned at 10.38 p.m.

House of Representatives.

Wednesday, 11 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PETITIONS.

Mr. LIDDELL presented a petition from the Women's Christian Temperance Union of New South Wales, praying for the enactment of legislation to prohibit the sale and consumption of alcoholic liquors in the military camps, canteens, and army transports of the Commonwealth.

Petition received.

Motion (by Mr. LIDDELL) put—

That the petition be read.

The House divided.

Ayes	...	...	40
Noes	...	...	8
Majority	...	...	32

AYES.

Bamford, F. W.
Bonython, Sir J. L.
Brown, T.
Carpenter, W. H.
Chanter, J. M.
Chapman, A.
Cook, J.
Crouch, R. A.
Culpin, M.
Deakin, A.
Edwards, G. B.
Edwards, R.
Ewing, T. T.
Forrest, Sir J.
Fuller, G. W.
Fysh, Sir P. O.
Glynn, P. McM.
Groom, L. E.
Hughes, W. M.
Hutchison, J.
Kelly, W. H.

Knox, W.
Lee, H. W.
Liddell, F.
Lonsdale, E.
Lyne, Sir W. J.
Mauger, S.
Poynton, A.
Ronald, J. B.
Salmon, C. C.
Smith, S.
Storrer, D.
Watkins, D.
Watson, J. C.
Webster, W.
Wilkinson, J.
Wilks, W. H.
Wilson, J. G.

Tellers:

Cook, Hume.
Tudor, F. G.

NOES.

Fisher, A.
O'Malley, K.
Page, J.
Smith, B.
Thomas, J.

Thomson, D. A.

Tellers:

Frazer, C. E.
McDonald, C.

Question so resolved in the affirmative.
Petition read.

Mr. R. EDWARDS presented a similar petition from the Women's Christian Temperance Union of Queensland.

Petition received.

Mr. LIDDELL presented a petition from the Women's Christian Temperance Union of New South Wales, praying for the enactment of legislation to prohibit the importation of opium, except for medicinal purposes, into the Commonwealth.

Petition received.

Motion (by Mr. PAGE) put—

That the petition be read.

The House divided.

Aves	...	...	35
Noes	...	...	12
			—
Majority	...	...	23

AYES.

Brown, T.	Lyne, Sir W. J.
Chanter, J. M.	Mauger, S.
Chapman, A.	McDonald, C.
Cook, J.	Page, J.
Culpin, M.	Ronald, J. B.
Deakin, A.	Salmon, C. C.
Edwards, G. B.	Smith, S.
Edwards, R.	Thomas, J.
Ewing, T. T.	Tudor, F. G.
Fisher, A.	Watkins, D.
Forrest, Sir J.	Webster, W.
Fuller, G. W.	Wilkinson, J.
Groom, L. E.	Wilks, W. H.
Hughes, W. M.	Wilson, J. G.
Kelly, W. H.	
Knox, W.	
Lee, H. W.	
Liddell, F.	
Lonsdale, E.	

Tellers:

Carpenter, W. H.
Cook, Hume

NOES.

Bonython, Sir J. L.	Storrer, D.
Frazer, C. E.	Thomson, D. A.
Fysh, Sir P. O.	Watson, J. C.
Glynn, P. McM.	
Hutchison, J.	
O'Malley, K.	
Smith, B.	

Tellers:

Crouch, R. A.
Poynton, A.

Question so resolved in the affirmative.
Petition read.

**POSTAL ADMINISTRATION,
WESTERN AUSTRALIA.**

Mr. FRAZER.—I would like to ask the Postmaster-General whether he has received the report of the board appointed to inquire into the alleged incompetency or neglect of some of the heads of the Post Office Department in Western Australia?

Mr. CHAPMAN.—I have received a fragment of the report—that portion of it which deals with the delays between Western Australia and Adelaide. That is now being dealt with, and I expect to have the

complete report in my hands within the next fortnight. Immediately it is received, action will be taken, and honorable members will be advised accordingly.

**PARTIALLY-PAID FORCES:
SUNDAY WORK.**

Mr. WATKINS.—I would like to ask the Minister whether he has any information with respect to the payment of members of the partially-paid forces for Sunday work?

Mr. EWING.—I am now informed that—

Under the regulations, Militia can only earn a maximum of sixteen days' pay in a year, made up of camps, drills, and parades. In all the States, except New South Wales, the Easter Sunday in camp was paid for as one of the sixteen days, but in New South Wales, no pay was given for the Sunday in camp, although the actual days paid for full attendance at the camp were the same as in other States. This has been the custom in New South Wales since before Federation. Instructions have now been given that the Sunday is to be reckoned as one of the days to be paid for in camp, the same as in other States. Men who put in full time will still, however, receive no more than the sixteen days' pay in the year. It may have happened that men who have not earned the full sixteen days, but who were in camp on the Sunday, have received a day's pay less than they might otherwise have received, except that, if it had been decided beforehand to pay for Sunday, the duration of the camp would have been shortened by a day.

CLOSE OF THE SESSION.

Mr. CARPENTER.—In view of the fact that some honorable members representing distant States have been away from their homes since early in the current year, and in view also of the excellent progress that has been made with the business before us, could the Prime Minister say when the session is likely to close?

Mr. DEAKIN.—As soon as possible.

REPORT ON NEW GUINEA.

Mr. PAGE.—I should like to know if the Prime Minister can inform the House when we are likely to have placed before us the report of the Secretary for External Affairs with regard to his visit to New Guinea?

Mr. DEAKIN.—I have already had handed to me a portion of the report relating to matters with which we are dealing administratively. The complete document should be ready within a few days.

TARIFF COMMISSION.

Mr. JOSEPH COOK.—I desire to ask the Prime Minister a question, based upon some correspondence which has been published in the newspapers, as to his action in relation to the Tariff Commission? I find that the Prime Minister forwarded to the Chairman of the Tariff Commission a letter covering a resolution of the Chamber of Manufactures, as follows:—

That in view of the fact that our artisans are still leaving the Commonwealth, this Chamber respectfully urges the Federal Government to immediately obtain a definite report from the Tariff Commission as to the effect of the Tariff upon industries which have so far been investigated by them.

The Prime Minister added certain comments of his own, to the effect that the Government had given the resolution their best consideration, and accorded it their heartiest support. He expressed the hope that the Commission would be able to comply with the suggestion, and mentioned certain reasons in support of it. I should like to know whether he considers he has any powers which would enable him to immediately obtain a definite report from the Tariff Commission—whether, in fact, he has any control whatever over a Royal Commission appointed by the Governor-General, and possessing certain well-defined powers? I desire to know, further, whether he can quote any precedent for the Government directly interfering in what I conceive to be an unwarrantable way with the exercise of the powers of the Royal Commission, and also more than incidentally with the prerogative of the Governor-General, and whether he has received the resignations of any members of the Commission as a protest against his action?

Mr. DEAKIN.—I am not prepared, without notice, to discuss all the powers which are possessed by the Administration of the day over Royal Commissions. I may point out to the honorable member that my request did not in any way interfere with or impair any of the powers or prerogatives of the Commission itself, or of any commissioner. A resolution passed by a public body and sent to the Government was properly forwarded to a Royal Commission. In this case all that was asked was expedition on the part of the Commission. No attempt was made to define what constitutes expedition, that being left to the good judgment of the Commission themselves. Whatever be the powers of the

Governor-General, or of a Royal Commission—and both are great—there is not in the slightest degree a trespass on the one side, or any excuse for feeling an affront on the other in connexion with a request that at the earliest possible date the Commission will make a report on the subjects they have investigated.

Mr. JOSEPH COOK.—But the Minister expressed a definite opinion that they should report without delay.

Mr. DEAKIN.—I urged that the Commission should at once make a report upon the subjects which they had investigated if they were able to do so. Any weight which such a request by the Government might have would be derived from the fact that it represents a large body of public opinion, the Commission being left perfectly free to say "Yea" or "Nay." As a matter of fact, the Commission have replied in a manner that indicates that they have received the request in a proper spirit. The Chairman, after consulting with the members of the Commission, not only takes no offence, but expresses his appreciation of the arguments which have been urged in support of the resolution. Therefore, the honorable member's anticipation of any difficulty between the Government and the Commission on this account has no foundation.

Mr. JOSEPH COOK.—As the Prime Minister has expressed his opinion upon the question, I venture to say that the members of the Commission should have resigned. The Prime Minister left one of my questions unanswered. I should like him to say whether he recollects, in all his political experience, a case in which the Premier of a Government has in any way sought to bring pressure to bear upon a Royal Commission.

Mr. DEAKIN.—In the sense of endeavouring to expedite the report of a Commission, I can remember two or three instances which have occurred in Victoria. I could not from memory say what was the particular character of the communication sent to the Commissions; but it has been customary in the various States when a public body, however great and important, appears to be in danger of occupying more time than is necessary, to ask it to expedite matters. Certainly no offence has been taken in such cases.

At a later stage,

Mr. DEAKIN.—I now recollect distinctly a number of occasions in which Royal Commissions in Victoria have been urged to expedite their reports. Attention having been called to the matter in the House, State Governments have communicated with their Commissions, expressing the wish of Parliament that they would expedite their reports.

Mr. JOSEPH COOK.—That is quite another matter. In this particular case the Prime Minister was acting at the dictation of an outside body.

Mr. DEAKIN.—There was no dictation to or by the Government.

OLD-AGE PENSIONS COMMISSION.

Mr. McDONALD.—Could the Postmaster-General give the House any idea when the report of the Old-age Pensions Commission will be presented?

Mr. AUSTIN CHAPMAN.—The Commission have practically concluded the taking of evidence in Victoria, but still have to examine two or three witnesses in New South Wales, and probably one or two in Tasmania. The work is being expedited, in the hope that the report may be presented before the close of the session.

ORIENT MAIL CONTRACT.

Debate resumed from 5th October (*vide* page 3266), on motion by Mr. AUSTIN CHAPMAN—

That this House accepts the agreement, made and entered into on the 25th day of April, 1905, between the Postmaster-General, in and for the Commonwealth, of the first part; the Orient Steam Navigation Company Limited, of the second part; and the Law Guarantee and Trust Society, of the third part, for the carriage of mails between Naples and Adelaide, and other ports—

Upon which Mr. R. EDWARDS had moved by way of amendment—

That all the words after the word "That," up to and inclusive of the word "Adelaide," be omitted with a view to the insertion of the following words in place thereof:—

"in the opinion of this House the contract entered into with the Orient Company for a Mail Service between Australia and Great Britain should be referred back to the Government for further consideration, with the object of including Brisbane as a port of call."

Mr. FRAZER (Kalgoorlie).—I hesitated to speak on this matter before, because I desired to obtain certain information from the

members of the late Government, who were responsible for the completion of the contract that we are now being asked to ratify. The members of the late Administration apparently desired that this debate should close without any expression of opinion from them.

Mr. SYDNEY SMITH.—That is scarcely a fair remark to make.

Mr. FRAZER.—It is true that the late Postmaster-General did address himself to the question under consideration at a late hour last Thursday night, but his remarks were the first expression of opinion that has been heard upon this all-important question from any member of the late Administration.

Mr. WILKS.—He made only a partial explanation.

Mr. FRAZER.—I admit that the interjection of the honorable member for Dalley is to a large extent warranted. The reasons advanced by the late Postmaster-General for incurring the extraordinary expenditure involved in the present contract were only in the nature of a partial explanation. It is true that he spoke for a couple of hours, but had he continued in the same strain for a week we should still have occupied very much the same position that we do to-day. He gave us an historical review of the contracts which have been entered into for the conveyance of mails between England and Australia during the past twenty or thirty years. That information disclosed the fact that, although the trade between these States and the old country has been a continuously increasing quantity, the subsidy paid to the Orient Steam Navigation Company has also been an increasing one. To my mind, we had reason to expect from the late Postmaster-General some strong justification for the decision of the Cabinet of which he was a member in regard to the existing contract. We all know that other offers were made to the late Government, and under these circumstances we naturally thought that the honorable member would have advanced substantial reasons why this Parliament should be called upon to sanction an increased subsidy. In looking through the correspondence which led up to this contract, I find that some time prior to its acceptance the members of the Reid-McLean Ministry were telling the people of Australia that no tender could be seriously considered which did not approach closely to the £100,000 limit. The late

Postmaster-General, himself, was of that opinion. I note, however, that at a particular stage in the negotiations the correspondence suddenly assumes a most extraordinary change. Up to the 15th February it had been addressed to the Postmaster-General, who, in reply, had forwarded his communications to the "General manager of the Orient Steam Navigation Company." Upon a certain date, after one tender had been refused by the Cabinet, and its decision had been minuted, I find that the Postmaster-General forwarded a communication to the general manager of the Orient Steam Navigation Company in these words—

I understand company desire to make further offer. If so, shall gladly consider, but it must be firm, direct to me, and immediately.

A little later, however, the ex-Postmaster-General appears to have completely dropped out of the negotiations, because almost the next communication from Mr. Kenneth S. Anderson is addressed "Dear Mr. Reid." At this particular period there appeared to be every prospect of a settlement being arrived at, and the familiar terms employed in the correspondence lead me to believe that both parties to it thoroughly understood each other. Apparently the Postmaster-General was entirely overlooked in these later negotiations. At any rate, I feel that he did not receive the consideration to which he was entitled, and that to some extent he was slighted by the Prime Minister of the day. In dealing with the contract which we are asked to ratify, there are certain circumstances which we must recollect. The most important of these is that the Government which were responsible for entering into the existing arrangement have paid the extreme penalty for having committed such a colossal blunder. They have been relegated to a position in which their responsibility is much less than it was previously—a position which I believe they will continue to occupy for some considerable time. Viewing their position from that stand-point, I derive no small amount of pleasure. Further, the acceptance of the present contract, subject to its ratification by this Parliament, is an effective reply to those persons who are always contending that it is impossible for white men to work in the stokeholds of our mail steamers. It has been conclusively proved that, if the ventilation of these vessels is attended to, and if an

improvement be effected in the general conditions that obtain there, no difficulty need be experienced in securing reliable white men to perform this class of work. I am delighted to know that Australia is paying this subsidy for distribution among our own countrymen instead of to lascars. It may reasonably be urged that those who oppose the ratification of the present contract should be prepared with an alternative scheme for the carriage of our mails. Personally, I am of opinion that the subsidy now being paid to the Orient Steam Navigation Company is considerably in excess of the benefits conferred by that service. It has been claimed—and the Postmaster-General has not denied it—that if we adopted the poundage system we could effect a saving of £80,000 per annum.

Sir JOHN FORREST.—But we should secure no regularity.

Mr. FRAZER.—The Treasurer interjects that we could not secure any regularity in the service under those conditions. I hold that to obtain a sufficient share of the passenger and cargo trade between Australia and other countries to insure success to the venture, it is necessary that any line of steam-ships should duly advertise the time of the departure of its vessels from particular ports, and also the time at which they may be expected to reach their destination. If the Orient Steam Navigation Company took up the attitude of saying, "We will not take the public into our confidence as to the date of the departure of our vessels," I maintain that if they had persisted in their attitude they would very soon have had to relinquish their service. They would have to make room for other companies, which would have considered the public convenience. Let us suppose that the mail steamers did not leave Adelaide at 2 p.m. on Thursday, as they do at the present time, and let us further assume that they left a few hours later. Their owners would still have to give the public reasonable notice of the time of the departure. Under the existing law, which compels them to carry mail matter, I understand that they are required to give twenty-four hours' notice of the intended departure of their vessels. But even assuming that we had to submit to a little inconvenience by reason of receiving only that brief notice—a contingency which I do not anticipate would arise—I

still maintain that the saving of the increased subsidy payable under the current contract would justify us in submitting to that inconvenience. The late Government professed to be actuated by a most extraordinary desire to assist the residents of the interior of Australia, but it appears to me—in view of the fact that we are now asked to expend £80,000 per annum more than is necessary to get our mails carried to the other side of the world—that their professions in this respect are scarcely as sincere as they would have us believe. In my judgment, instead of paying this £80,000 to placate our banking and commercial institutions, and to enable the businesses conducted in Flinders-lane and George-street, Sydney, to be carried on at a greater profit, we could expend it much more profitably in extending postal and telegraphic facilities to the residents of the interior. Assuming that the Orient Steam Navigation Company made the position of the Government as awkward as possible, owing to its refusal to accede to their demands, I say that we could then transmit our mails to the outer world by two other lines of steamers which run regularly between Australia and Europe—I refer to the Norddeutscher Lloyd and the Messageries Maritimes Companies' vessels. I also expected in connexion with the present contract that an effort would have been made to secure more up-to-date ships and a quicker service. I find that the British Government, in its contract with the Peninsular and Oriental Steam Navigation Company, are receiving a quicker service for a less subsidy than was previously paid. On the other hand, although the subsidy payable by the Commonwealth has been enormously increased, we have not secured a quicker service than that which obtained seven years ago. Only the other night reference was made to the fact that the old *Cusco* had been taken off the Australian service only within the past two or three years. I repeat that for entering into this contract the late Government deserved to pay the extreme penalty which has been exacted from them. The representatives of Queensland in this House have earnestly advocated the adoption of a certain course in regard to this contract. I for one consider it desirable that the Post and Telegraph Department, in entering into contracts of this kind, should have regard, not only to the expeditious transmission of letters to all parts

of the world, but to the interests of producers and all who may be assisted by means of an adequate and effective over-sea service. I do not think it necessary for the Department to study simply the establishment of effective postal communication, and therefore am not opposed to the conditions in the contract relating to the provision of cold storage on board the vessels of the company. It seems to me, however, that since the late Government insisted upon the insertion of a condition in the contract providing that the mail steamers should call not only at Adelaide, but at Melbourne and Sydney, they might well have considered the capital of another State. I doubt the wisdom of requiring the service to be extended beyond the point at which the over-sea mails are discharged, but having provided that it shall go on to Melbourne and Sydney, we ought certainly to give some consideration to the demands of Queensland. No one can say that, simply because the city has a smaller population than has either Sydney or Melbourne, we should disregard the desire of that State that Brisbane shall be made a port of call. The proposal made by the honorable member for Oxley is a hazy and indefinite one, but if a proposition be submitted by the representatives of Queensland that the vessels of the service shall be sent on to Brisbane on payment of the mileage rate of 3s. 8d. I shall be prepared to give it my support.

MR. R. EDWARDS.—That would be better than nothing.

MR. FRAZER.—It would relieve Queensland to the extent of something like £6,000 per annum. Although I am opposed to the ratification of this contract, I believe that the motion will be carried, and that being so, we should take care to mete out equal treatment to all the States. An important proposition for the establishing of a Commonwealth fleet of mail steamers has been made by the honorable member for Barrier, and the able speech which he recently delivered on the subject is worthy of the serious consideration of the House. I certainly hope that the Government will carefully consider his proposal. In submitting this motion the Postmaster-General spoke in a half-hearted way, that was not calculated to arouse any enthusiasm in the proposal to pay a subsidy of £120,000 to this company. The honorable gentleman said that he was not pleased with the terms of the contract, that the subsidy was too

large, that better conditions as to the time occupied on the voyage should have been exacted, and that the Government would terminate the agreement as soon as possible. That does not say much for the perspicacity of the late Government in entering into such a contract; but it indicates an intention on the part of the Ministry to take a step in the right direction. The time is fast approaching, if it is not already at hand, when the Government should shake itself free from the bonds of the oversea shipping combine. The honorable member for Barrier has pointed out that the subsidy now paid for the carriage of our oversea mails would be sufficient to provide a sinking fund and meet interest charges on the capital cost of a fleet that would be more than sufficient to carry, not only our oversea mails, but our various exports to the markets of the old world. I hope that the Government will give his suggestion their serious attention. My desire is that, when this contract expires, the Commonwealth Government shall be in a position to refuse for all time to listen to the overtures of a company which, at present, appears to hold us fast within its grip.

Mr. THOMAS (Barrier).—I do not intend to speak at any great length, as when the last Supply Bill was before the House I was able to explain my views with regard to this contract. I should like, however, to supplement to some extent remarks which I made on that occasion. I had not the privilege of hearing the debate which took place last week on the motion now before us, but I have carefully read the *Hansard* report of it, and am therefore fairly familiar with the arguments that were adduced for and against the adoption of the contract. The speech made by the Postmaster-General was certainly a remarkable one. It reminded me very forcibly of the famous address delivered in the Town Hall, Sydney, by the present leader of the Opposition, when he denounced the Federal Constitution Bill, but concluded by stating that he intended to vote for it. As I read the Postmaster-General's deliverance, I could not help recalling that speech to mind, for the reason that while the honorable gentleman had not a word to say in favour of the contract, he invited the House to ratify it. It afforded unmistakable evidence that he was not prepared to accept the responsibility of advising the House to take up a proper stand

in regard to this proposal. It was such a lukewarm utterance that it was practically an invitation to the House to reject the Government proposal. Evidently the honorable gentleman had not the courage to say what he wished us to do. I am sorry that the honorable member for Macquarie, as Postmaster-General, should have been prepared to agree to this contract. The fault rests primarily with him. He spoke very eloquently last session about what might be done under the poundage rate system.

Mr. SYDNEY SMITH.—A good deal has been done under that system. We are sending our mails by the Peninsular and Oriental Steam Navigation Company's boats, notwithstanding that black labour is employed upon them.

Mr. THOMAS.—The honorable member said last session that his Government were not prepared to give a subsidy of more than £100,000 per annum. It seems, however, that he gave way to the clamour of a few Melbourne and Sydney merchants, who were supported by a section of the daily press, in their demand for the acceptance of this contract. I am glad to say that the whole of the daily press of Australia was not favorable to the proposal.

Mr. SYDNEY SMITH.—Were not the Watson Government prepared to give a subsidy of £100,000 per annum?

Mr. THOMAS.—As I was not a member of that Government, I cannot say whether they were or not. Had they asked the House to ratify such a proposal, I should not have hesitated to say that I objected to anything of the kind.

Mr. McCAY.—The honorable member would not have been allowed to do so.

Mr. THOMAS.—Then I should not have done it. John Bright once said that some conductors of the daily press were prepared to barter away the rights of the people in order that they might bask in the smiles of the rich. It appears to me that the *Argus*, the *Daily Telegraph*, and the *South Australian Register*, in urging the late Government to accept this contract, had more regard for the interests of the Orient Steam Navigation Company and a few commercial men than they had for the interests of Australia. I have not a word to say against the company. We are told that individualism is the ideal state of society, and one of the tenets of the individualists is that one should always endeavour to make the best possible bargain.

Mr. BRUCE SMITH.—On both sides.

Mr. THOMAS.—Quite so. I do not blame the Orient Steam Navigation Company for having demanded a subsidy of £150,000 per annum. I regret that they did not ask for a subsidy of £250,000 per annum, and stand by their demand. Had they done so, the late Postmaster-General might have taken a more courageous attitude. It is only in a time of great emergency that some men are prepared to display any grit. If we have not the capacity, the energy, the pluck, or the means to carry out this service for ourselves, we must be content to remain at the mercy of the shipping companies.

Mr. SYDNEY SMITH.—It is a wonder that the honorable member did not advocate a State-owned line of steamers long ago.

Mr. THOMAS.—I spoke once or twice last session in favour of the Commonwealth owning its own mail steamers.

Mr. SYDNEY SMITH.—Did the honorable member bring his proposal before the Watson Government?

Mr. THOMAS. — Were they long enough in office to deal with such a proposal? I intend to oppose the ratification of this contract, notwithstanding what I have said about the Orient Steam Navigation Company.

Mr. SYDNEY SMITH.—It was the late Government who gave the House this opportunity to deal with the contract.

Mr. THOMAS.—I do not find fault with them for having done that, though I understand that it is usual, even in England, for Parliament to be asked to ratify these agreements. At the same time I do not support the contention of the representatives of Queensland. I think that any contract entered into should be wholly a contract for the carriage of mails.

Mr. R. EDWARDS.—As far as Sydney?

Mr. THOMAS.—No; only between such ports in Australia and elsewhere as it may be necessary for the steamers to visit for the taking on board or delivery of mails. I have always advocated that the subsidies paid by the Postal Department should be paid for the conveyance of mails only.

Mr. BRUCE SMITH.—How far would the honorable member propose that his fleet should go?

Mr. THOMAS.—A Commonwealth fleet would be maintained for purposes other than the carriage of mails. The vessels comprising it would carry passengers and

freight as well. Speaking on this subject last session I said—

I am very glad that this point has been raised, because I am very anxious indeed that not a single penny should be paid by the Post and Telegraph Department on account of mail contracts, except for the carriage of mails. I do not object to pay £50,000, or £100,000, for other purposes if necessary. But we should have some assurance from the Minister that he will fight for his Department in this matter.

Sir JOHN FORREST.—Why not kill two or three birds with the one stone?

Mr. THOMAS.—I object to the Post Office being asked to pay for anything but the carriage of mails.

Sir JOHN FORREST.—What does it matter how the service is paid for?

Mr. THOMAS. — The Postmaster-General has told us that there is likely to be a loss of over £100,000 in the working of the Post Office this year, and why should that loss be increased by requiring the Department to pay for services other than the carriage of mails? I shall oppose the contention of the representatives of Queensland, because what they are asking for is a service for other than postal purposes.

Mr. FISHER.—The honorable member has already stated that the agreement is for the performance of services other than the carrying of postal matter.

Mr. THOMAS.—Yes; and that is one of the reasons why I shall vote against its ratification. In my opinion, a blunder was made by inserting in the agreement provisions which have not to do with the carriage of postal matter. We have been told that, under this agreement, we are getting something for nothing—that even if it were not stipulated that the vessels of the Orient Steam Navigation Company shall come on to Melbourne and Sydney, and be fitted up with cold chambers and refrigerating machinery, they would still visit those ports, and be fitted up for the proper conveyance of perishable products. I think there is something in that contention. In my opinion, we should have had to pay £120,000 to the company if no such stipulations had been inserted in the contract, and the vessels of the company would, nevertheless, have gone on to Sydney, and would have been fitted up with the necessary conveniences for the carriage of perishable produce, simply because their trade competitors, the vessels of the Peninsular and Oriental Steam Navigation Company, go as far

as Sydney, and are so fitted up. Therefore, we do not get anything extra for our subsidy, and, if it would do any good to the Queensland people to have the agreement referred back to the contracting parties, so that its provisions could be made to apply to the carriage of postal matter only, I should not object to that being done, especially since such action on our part would emphatically express our opinion that the Post Office should be asked to pay for postal services only.

Mr. FISHER.—This agreement provides that the steamers of the Orient Steam Navigation Company must carry mail matter to Sydney.

Mr. THOMAS.—I take it that if parcels were not carried as far as Sydney by steamer, the Commonwealth would be put to greater expense in conveying them overland from Adelaide by rail.

Mr. JOSEPH COOK.—If the ideas of the honorable member were carried into effect, and the Postal Department were required to look after nothing but the conveyance of mails, our postal service would have to be revolutionised.

Mr. THOMAS.—I do not object to the conveyance of parcels under the direction of the Post Office, because the Department receives revenue from that service.

Mr. JOSEPH COOK.—In the country districts one of the most important collateral advantages of our mail contracts is the facility thereby provided for the conveyance of passengers.

Mr. THOMAS.—Some of our mail contractors carry very few passengers, and the cost to the Department is greater than where there is a heavy passenger traffic.

Mr. JOSEPH COOK.—The Department would have to pay almost twice as much for the conveyance of mails if it were not for the passenger traffic.

Mr. THOMAS.—Every up-to-date man connected with the Post-office takes the same view as I do in connexion with this question. The Secretary to the Department, in whom we have a very able officer, and one whom I am glad to see the permanent head of the Department, indorses my view. Even Sir Thomas Sutherland, who ought to know something about the conveyance of mails by steamers, has given evidence before a Committee of the House of Commons that, in his opinion, the Post-office should contract for the conveyance of postal matter only. My chief objection to the agreement is that it is more than an

agreement for the conveyance of postal matter. The Postmaster-General has told us that we are now paying £38,000 per annum more for the conveyance of our mails than we paid under the old contract; but the Orient Steam Navigation Company are really receiving £48,000 more than we formerly paid. We gain £10,000 per annum under an arrangement with the British Government, whereby we pay £15,000 to that Government and they pay £25,000 to us, because we do not send so many letters home as they send out here. But, so far as the subsidy is concerned, whereas we formerly paid £72,000 a year, we are now paying £120,000 a year, the difference between the two amounts being £48,000. The Postmaster-General pointed out that in nearly every case in which mail contracts have been renewed, the subsidy has been decreased, and the service expedited. In this case, however, the subsidy has been increased, and we get no faster service than we had before. We had a right to expect a quicker service than we formerly got, because ships can be constructed more cheaply now than was possible ten or twenty years ago, and can be driven with a less consumption of coal than was formerly needed. Therefore it is not so expensive to run a line of boats now as it was some years ago.

Mr. JOSEPH COOK.—It is the volume of the trade to be done that affects the question.

Mr. THOMAS.—Surely the volume of trade is increasing?

Mr. JOSEPH COOK.—I doubt it.

Mr. THOMAS.—I think that it is increasing. The Postmaster-General, I understand, intends to give notice to the company that the agreement will terminate at the end of three years, and purposes to allow at least two years for the calling of tenders for a fresh service. I ask him if he really thinks that he will be able to make better terms two years hence than he can make now? In my opinion, he will not be able to do so. The Orient Steam Navigation Company intend to ask for a larger subsidy when this contract ceases. No secret is being made of that intention, the matter having been spoken of by Mr. Green at a meeting of shareholders in London. The Postmaster-General is reported to have said that it is difficult to understand why there was not more competition when tenders

were called for the present service, but I think that the explanation is easy to give. A fleet of vessels such as is required for the service we ask could not be built in a month or two, but would take at least two years to construct. I venture to say that we should not be prepared to enter into a contract for any such period unless we could feel assured that we should secure a service of a much superior character to that now provided by the Orient Steam Navigation Company. I quite recognise that something more than a mere mail subsidy is necessary to enable a large steam-ship company to carry on a complete service between Australia and London. A mail subsidy of £120,000 may be very helpful, but in order to provide such a service as we require a steam-ship company would need to derive a revenue of at least £750,000 per annum from the carriage of mails, cargo, and passengers. Under these conditions, it is not reasonable to expect a great amount of competition for the mail service. Difficulty is experienced, in this connexion, even in England where there are a hundred steamers for every one that visits our shores, and where thirty or forty large companies are doing business. Sir Thomas Sutherland, in the course of his evidence before the Select Committee of the House of Commons, said—

I do not think any line trading in the East, if you mean that, is in a position to put on the fleet that the Peninsular and Oriental Company put on in connexion with the mail service, and I do not think it could easily create that fleet in a couple of years.

Then he was asked the following question:—

The result is practically, that your company has control of those contracts in its hands, so long as it maintains its present excellent fleet?

He replied—

I think we have maintained control of the mail contract simply through the efficiency of our service, and the very moderate demands we have made on the Government.

That means that so far as England is concerned there is no competition for the contracts for the carriage of mails to the East. The Peninsular and Oriental Steam Navigation Company send in their tender, and it practically has to be accepted. If that be the case in England, there is no likelihood that at the end of two years we shall have any more competition here than took place when the last tenders were invited for the mail service. The existence of the

British shipping ring militates against competition. The Postmaster-General was very cautious in his reference to this combination. He did not care, without positive knowledge, to say anything with regard to it. There is, however, no secret with regard to the existence of the shipping ring. The ship-owners themselves frankly admit that such a combination exists, and many large shippers patronize the ring because, although they might occasionally be able to secure cheaper freights by tramp steamers, they are guaranteed greater regularity if they ship their goods by the vessels belonging to the ring.

Mr. BRUCE SMITH.—It is practically a commercial union.

Mr. THOMAS.—Just so. The ship-owners make no secret about it. When Sir Thomas Sutherland was questioned with regard to the shipping ring, he admitted frankly and openly that such a combination existed. He was asked whether the shipping ring did not strongly fight against any competitors who were outside their combination and he acknowledged that they did so. One case in point was that of the China-Mutual Company, which was started by a number of Chinese merchants. After war had been waged against the company for a few months they became parties to the conference. It was remarked that the company had practically no option but to join the ring, and Sir Thomas Sutherland replied that they had the option to go on losing money. Then again, the India Tea Association broke away from the shipping ring and ran their own line of steamers for some little time, but eventually peace was declared and they were restored to the fold. Any shipping company within the ring would not be likely to tender upon better terms than those now being offered by the Orient Steam Navigation Company, whilst any company outside the ring would have to withstand the competition of the Orient Steam Navigation Company, Peninsular and Oriental Steam Navigation Company, German and French, and other lines belonging to the Shipping Conference. Some persons have asked why the Australian ship-owners do not enter into the over-sea trade. The local companies are making handsome profits, and no doubt they would be in a position to unite in providing the fleet of steamers required for an efficient mail service; but if they were to do so independently of the shipping ring, they would be subjected to the most severe

competition, and would find their coastal trade greatly cut into by ocean-going steamers, which now refrain from trespassing upon their domain. They now enjoy a very profitable trade, and so long as other boats do not interfere with them, they prefer to leave well alone. Reviewing the whole situation, it appears to me that there is very little likelihood of any private shipping company offering better terms than those upon which the Orient Steam Navigation Company are willing to carry on the service.

Mr. AUSTIN CHAPMAN.—It is to be hoped that we shall find out what is going to happen long before two years have elapsed.

Mr. THOMAS.—I hope so. But the sooner the Government realize the position they are in, the better it will be. Practically there are only three courses open to us. We might continue, as in the past, to enter into a compact with a private company upon terms similar to those now prevailing. As an alternative, we might subsidize a company by giving them the contract for the carriage of the mails, and guaranteeing them the Government freights, and also a large amount of private freight. Further, we should have to stand behind them, and see them through any difficulty in which they might become involved owing to the competition of the shipping ring. If we went to that length, it would be necessary for us to exercise some control over the company, and probably to be represented on the board of directors. I do not think that that idea would work out successfully, because the dual control would probably result in a great deal of friction. The third course open to us, and in my opinion by far the best, would be to acquire a fleet of steamers, and run it on our own account apart from any private ownership. I was very pleased to notice a London cablegram, published in the *Adelaide Advertiser*, under date 4th March, 1905, as follows:—

Many merchants and shippers concerned in the Australian trade agree with the suggestion made by the Conservative member for North-East Bethnal Green, for a State mail service as a means of promoting the unity of Empire.

I am glad to know that a Conservative member of the Imperial Parliament is imbued with the same idea that many of us hold, and that, in addition to other advantages to which reference has been made, he thinks that the establishment of such a line of steamers would tend to the promotion of that

unity of the Empire which we all desire to foster. I would therefore urge the Government to take a courageous and common-sense view of the matter, and not to waste any more time in calling for tenders; but to arrange for the acquisition of a fleet of steamers to carry on the mail service immediately upon the expiration of the present contract with the Orient Steam Navigation Company. I was glad to notice that in connexion with the arrangements entered into with the Orient Steam Navigation Company, for the extension of their service to Brisbane, the Queensland Government have guaranteed to give to the company all their freight from London. If a State Government is prepared to go to that length in its dealings with a private company, surely we may rest assured that the States Governments will be willing to give the fullest support to a Commonwealth line of steamers. Some persons argue that it would be unwise for us to enter into the steam-ship owning business, for the reason that the Government could not manage such an enterprise so well as could a private company. If that argument be a sound one, it would be advantageous to hand over our railways to private enterprise, to permit our post and telegraph services, and even our educational system, to pass into private hands. Any such suggestions would appear utterly ridiculous in view of the fact that we have already spent hundreds of millions of pounds in carrying on public enterprises on State socialistic lines. I have had experience of the Government trams in Sydney, and of the privately-owned trams in Adelaide, and I have found the former to be by far the more satisfactory. I say that if to-morrow the people of Sydney disposed of their trams to private enterprise, and if those trams were run upon the same lines as are the Adelaide trams, which are privately owned, there would be more bloodshed within twenty-four hours than occurred during the whole of the Boer War. They would be absolutely murdering one another. I know that there are some individuals who object to a State-owned line of steamers, but who do not object to State-owned railways. They contend, that in the matter of railways the Government enjoy a monopoly, whereas they would have to face competition upon the sea. They urge that the State can succeed in one instance, but not in the other. I hold that, if the Government can succeed only when they enjoy a monopoly—if they

cannot successfully compete with the outside world—there is not much to be said in their favour. I do not suggest that the Commonwealth should purchase vessels with a view to securing the whole of the trade between England and Australia, but I do say that it should take over at least one line of steamers. I would welcome competition on the part of other vessels. I recognise that, in the absence of competition, it is quite possible that Government officials might go to sleep. I venture to say that if there were keen competition the service would be all the better conducted. If competition became unfair, we should have power to resort to extreme measures. I have sufficient faith in the energy, ability, and courage of the Australian people to induce me to believe that, if they were really determined to carry through such a scheme, they would be able to achieve their object despite the existence of any shipping ring. I do hope that the Government, at their earliest convenience, will do something upon the lines suggested. I shall vote against the ratification of the contract, because I hold that it is not purely a mail contract, and because I object to the whole of this subsidy being paid by the Postal Department. I am also opposed to the motion because I think that the time has arrived when these great services should be rendered to the State by the community, and not merely by private enterprise.

Mr. STORRER (Bass).—I agree with a great deal that has been said by the previous speaker in reference to the present mail contract. I believe that the price that is being paid under it is altogether too high. At the same time, we have to consider the position in which the late Government were placed. Upon the one hand the people were desirous of securing a quick and reliable service, and on the other the large subsidy demanded was regarded by many with suspicion. As far as I am personally concerned, I would rather wait two or three months for my letters from England than be imposed upon by a shipping company. We all know the difficulties that were experienced by various Governments in connexion with this matter. Had it not been for our party system of Government, perhaps, those difficulties would have been overcome, and we should have been able to make a much better bargain. But the fact remains that we have to deal with the ques-

tion as it stands at the present time. A contract for three years has been entered into with the Orient Steam Navigation Company, and I believe that the best thing we can do is to ratify it. I have arrived at that conclusion after very careful consideration. I freely confess that, originally, I was somewhat opposed to the payment of the present subsidy for the transit of our mails, seeing that they could be carried upon the poundage system for a very much less sum. However, if the people are prepared to pay that amount, it would be wise to ratify the present contract, and at the end of two or three years to endeavour to make some better arrangement. At the expiration of the existing contract, I trust that we shall be able to enter into some agreement more advantageous from the stand-point of the Commonwealth. As I am a member of the Select Committee which is now investigating the question of the desirableness, or otherwise, of the State purchasing a line of steamers, I do not intend to touch upon that question at the present time. It is one which we shall require to consider very carefully before arriving at any conclusion as to whether or not the project would pay from a national stand-point. Of course I recognise that if the exporters and importers of the Commonwealth would loyally stand by the Government, no apprehension need be entertained as to the project being a payable one. Unfortunately, we have to take cognisance of the fact that we should inevitably be required to face competition. I intend to support the ratification of the present contract, not because I believe that it is the right course to adopt, but because it is the best thing we can do under the circumstances. Reference has been made to the question of the desirableness of making Brisbane a port of call by the mail steamers. Personally, I am of opinion that the present contract is merely a mail contract to Adelaide. I recognise the necessity which exists for steamers conveying perishable products from Melbourne and the ports of the other States to the markets of the world, and I believe that it is right that the Government should make arrangements in that connexion. At the same time, I do not think that the Postal Department should be called upon to pay for the service thus rendered. The honorable member for Wide Bay has suggested that it would be an equitable thing—seeing that Brisbane has not been made a port of call by the mail

steamers under the existing contract—if the Government agreed to reimburse the State of Queensland at the rate of 3s. 8d. per mile upon the distance between Sydney and Brisbane. The honorable member for Darwin has moved that Hobart should be included in the contract as a port of call—a proposal from which the honorable member for Wilmot dissents. In my judgment, if Queensland is to be paid 3s. 8d. per mile upon the distance between Sydney and Brisbane, a similar concession should be made to Tasmania upon the mileage between Melbourne and Hobart. Tasmania does not require the mail steamers to call there throughout the year. The producers of that State have their own service, for which they pay, and under the circumstances I think that the Government would be justified in contributing towards that expenditure. If the concession, to which I have referred, is extended to Queensland, I hope that similar treatment will be meted out to Tasmania.

Mr. LEE (Cowper).—I intend to support the amendment of the honorable member for Oxley. I consider that we should see that justice is done to Queensland. It is undeniable that the present mail contract terminates at Adelaide. The stipulation under which the steamers are required to call at Melbourne and Sydney represents so much waste paper, seeing that the mails are landed at Adelaide, and forwarded thence by train. As these ports have been specifically mentioned in the contract, I claim that Brisbane should also be made a port of call by the mail steamers. The existing contract provides that these vessels shall be fitted with refrigerating chambers, and that fact is urged as a reason why they should call at Melbourne and Sydney. I contend that the stipulation in question might just as well have been omitted, inasmuch as the people of Victoria, and fully half of those who are interested in perishable produce in New South Wales, do not send their produce to the old country by the mail steamers. It appears to me that the shipping companies, which for so many years have conveyed our produce to the markets of the world, have, as the result of a "combine," been able to exact an exorbitant amount from our people. That is evident from the fact that not long ago the freight levied upon dairy produce was £7 per ton, whereas immediately other companies entered into competition with them the amount was reduced by one-half.

In the light of recent events, there is nothing to warrant the payment of such an enormous subsidy as £120,000 for the carriage of our mails. I sympathize with the late Postmaster-General, who was in office when it was necessary to arrive at some decision in regard to this matter. Having regard to the pressure that was brought to bear, I do not wonder that he succumbed to the demands of the Orient Steam Navigation Company. That company placed every possible obstacle in his way, and I think that the present Postmaster-General will be abundantly justified in terminating the present contract at the earliest possible moment.

Mr. TUDOR.—Why not now?

Mr. LEE.—That course cannot very well be adopted. Whilst the present contract is running, I suggest that the Postmaster-General should endeavour to obtain the consent of the various States to a proposal that they should forward all their perishable produce to the markets of the world by certain lines of steamers. If that were done I am sure that when the existing contract expired a much better arrangement would be entered into. If the combine is so effective as to prevent the submission of more than one tender, I shall certainly be willing to assist the honorable member for Barrier to establish a State-owned line of steamers. We should not then be at the mercy of any combine. In my opinion, no time should be lost in negotiating for the carriage of our mails under a new agreement. If that were done much better terms could be secured. The claim of Brisbane to be included as a port of call is entitled to some consideration. The people of Queensland are fully alive to their own interests, and the State Government have experienced but little difficulty in inducing the Orient Steam Navigation Company to enter into a separate agreement for the extension of this service to Brisbane. In the course of the next few years Queensland will be the greatest producing State in the Commonwealth. During the last few years it has made more rapid strides than has any other State. A good class of men are flocking to it, and, as they are entering largely upon farming and dairying pursuits, the exports of the State must rapidly increase. It did not require much pressure on the part of the Government of Queensland to induce the Orient Steam Navigation Company to send their vessels on to Brisbane, for they saw that the

undertaking would be a profitable one. The leader of the Opposition declared that he would support a proposal that the Commonwealth should bear half the cost of the contract entered into by the Queensland Government, but, while I am not prepared to go as far as that, I would certainly support a proposal that the Commonwealth should relieve the State to the extent of paying the mileage rate of 3s. 8d. From my intimate knowledge of the work done by the honorable member for Macquarie as an administrator of a public Department in New South Wales, I am satisfied that, but for the fact that when he took office the mail contract had almost expired, he would have made far better terms than he did. I feel assured that he would have called a conference of the Ministers of Agriculture of the various States, and that the result of their deliberations would have been a proposition by which the Commonwealth could have secured the service at a considerably reduced subsidy. Having regard to the facts of the case, I trust that the Postmaster-General will terminate the present contract as soon as possible, and that if the combine be so powerful that only one tender is received for the new contract he will make arrangements to charter a line of mail steamers for the Commonwealth.

Mr. KNOX (Kooyong).—If there is one fact more than another that has been brought out prominently by the negotiations in connexion with the oversea mail contract, it is the desirableness of making arrangements considerably in advance for the new service. The late Postmaster-General was the third Minister in succession who endeavoured to arrange this service, and I think I am right in saying that when he took office the old contract had but four months to run. Any one having even a scanty appreciation of the difficulties of arranging such an agreement will recognise that the task which confronted the honorable gentleman was a most responsible one. Even in ordinary circumstances it was an arduous one to carry out, but his difficulties were increased tenfold by the fact that he had but a limited time within which to complete the negotiations. As to the "knock-out"—for I am not prepared to say that there was a strong combination to shut out other companies—it seems to me that during the long period which elapsed between the first effort to secure tenders and the final acceptance of the contract, intending competitors may have been shown

reasons why they should not come in. Much has been said about the desirableness of breaking up the shipping ring, but any one who has had an opportunity to make a thorough investigation of the position must be satisfied that the shipping combination of the United Kingdom is one of the strongest in the world. It is idle for the honorable member for Barrier, who is proposing in a light-hearted way that the Commonwealth shall construct a fleet of mail steamers, to imagine that a Commonwealth service would readily command the freight conveniences and various great agencies which are under the control of that gigantic combination.

Mr. THOMAS.—Does the honorable member mean to say that Australia, with a population of nearly 4,000,000, could not defeat that combine?

Mr. KNOX.—We could not satisfactorily.

Mr. HUTCHISON.—Then it is time we tried.

Mr. KNOX.—I am speaking, not in defence of the combine, but of the facts as we find them. The shipping combine deals with freights all over the world, and it is utterly idle to suppose that the Commonwealth would be able to carry out this service more reasonably by means of a State-owned line of steamers than it can under the present system. The honorable member for Darwin has spoken of the way in which the cost of the construction of a Commonwealth fleet could be financed, but my honorable friends will find that the capital cost is but a small part of the whole scheme.

Mr. THOMAS.—I have already said so.

Mr. KNOX.—I am glad to hear it, because it shows that the honorable member is beginning to appreciate the difficulties in the way of carrying out his proposal. We have to bear in mind the important part which passengers and freights play in the conduct of a fleet of large steamers. I am perfectly satisfied that, notwithstanding the pressure brought to bear by commercial bodies, which realized the very serious consequences that would follow any interference with the regular mail service, the late Postmaster-General did his best in the interests of the Commonwealth to arrange a suitable contract. I have before me a copy of a telegram which was addressed to him, as the result of resolutions passed by the various Chambers of Commerce, and in which it was pointed out that any rupture in the maintenance and development

of the trade between Australia and England, and especially in regard to perishable products, would be detrimental to the interests of the Commonwealth. In reply to that communication, the honorable member, on the 21st February last, wrote, stating that he was still emphatically of opinion that he would be able to secure an adequate service for a subsidy of £100,000 per annum. I know the strength of the party with which the honorable member had to negotiate, and am satisfied that no one could have made a more gallant fight than he did. Having in view the responsibility which rested upon him to preserve the position of Australia in the eyes of the British public, he made a splendid fight. It is idle, however, to suppose that we did not suffer by resorting temporarily to the poundage system. As a matter of fact, the discredit attaching to that temporary disturbance of the service resulted indirectly in the loss of thousands of pounds to Australia.

Mr. HUTCHISON.—That is a very general statement.

Mr. KNOX.—I have seen letters from leading firms in London, showing that we suffered very seriously by reason of the temporary disturbance of the mail service.

Mr. HUTCHISON.—In connexion with every industrial measure that we have passed, it is declared that we shall suffer seriously in public opinion.

Mr. KNOX.—And the country is absolutely standing idle because of the legislation to which the honorable member refers.

Mr. HUTCHISON.—Nonsense.

Mr. KNOX.—It is not nonsense.

Mr. SPEAKER.—I am afraid that the honorable member is going beyond the limits of the motion.

Mr. KNOX.—It is an incontestable fact that Australia is not making that progress which she ought to do, simply because the people of Great Britain consider that we are endeavouring to stem the ordinary currents of trade and commercial effort. It is only fair that I should bear testimony to the fact that having regard to all the circumstances, the late Postmaster-General did everything within his power to give effect to his opinion that an efficient service could be secured for a subsidy of £100,000 per annum. In fixing on that sum, he was in agreement with the previous Minister, who thought that £100,000 was the maximum which should be paid. But, having regard to the

conveniences which are being given, and our position so far as Great Britain is concerned, the country was saved by the acceptance of the Orient Steam Navigation Company's tender a loss of many thousands of pounds, because of the extent to which we were suffering in reputation in London by the irregularity in our mail communication.

Mr. THOMAS.—No doubt the honorable member is sincere in that statement, but he is very much mistaken as to the facts.

Mr. KNOX.—I am saying what I believe to be true, and I am prepared to substantiate my statements. If a contract had been concluded at the old rate, we should now be paying 2s. 7d. per mile for the carriage of our mails; but, in this connexion, I should like to read the following extract from some evidence given by Sir Thomas Sutherland in 1901 before a Select Committee of the House of Commons:—

4227. As to the first subject, we have heard that the subsidy to the P. and O. Company is £330,000 a year?—That is so. The present subsidy is £330,000 a year, and out of that £85,000 must be considered as belonging to the Australian service.

4228. How is it divided between the other branches of the line; is there any fixed sum allotted to the China service, for instance?—No, in fact, so far as we are concerned, the subsidy is applicable in its totality, but inasmuch as the Orient line divide with us the service to Australia, and receive £85,000 a year for that portion of the service, we consider, and the Post Office consider, that the P. and O. Company receive exactly the same amount for that part of our service.

Colombo is the terminal point for the Indian services of the Peninsular and Oriental Steam Navigation Company, and is one of the stations on the route of their steamers going to China and the far East. Sir Thomas Sutherland regarded the £85,000 received for the Australian mail service as being paid merely for the service from Australia to Colombo.

Mr. THOMAS.—But there is no transshipment; the steamers go right through.

Mr. KNOX.—The honorable member entertains the idea that the mere weight and size of the mail matter carried is an important factor in determining the cost of a mail service.

Mr. THOMAS.—No; I am aware that what we pay for chiefly is the speed and regularity of the service.

Mr. KNOX.—The considerations which determine the price of a mail contract are the speed required and compliance with conditions for regular running, and so forth,

irrespective of the amount of freight offering. The Peninsular and Oriental Steam Navigation Company's service between Colombo and England is very profitable, because of the large passenger traffic; but Sir Thomas Sutherland has admitted that, taken by itself, the Australian service is really conducted at a loss. We must bear those facts in mind in considering the demands of the Orient Steam Navigation Company. I hope that very few honorable members will vote against the ratification of this contract, because we are bound, for the honour of the country, to respect it.

Mr. THOMAS.—An agreement made by a Government which we contemptuously hurled from office!

Mr. KNOX.—No one in this Chamber should be more ashamed to make such a statement than the honorable member for Barrier should be. As I think I have shown by comparison with what is paid to the Peninsular and Oriental Steam Navigation Company, the amount asked for by the Orient Steam Navigation Company is not excessive. The previous Minister was justified in considering that he would have made an excellent bargain if he could have arranged for a subsidy of £100,000 a year. Under the old contract we were paying at the rate of 2s. 7d. a mile, but under this contract the rate will be 3s. 8d. a mile.

Mr. BRUCE SMITH.—That is 11d. per mile less than the Peninsular and Oriental Steam Navigation Company gets.

Mr. KNOX.—Yes. Had a subsidy of £150,000 been agreed to, the Orient Steam Navigation Company would be receiving only about 4s. 7d. a mile, or exactly the amount which is being paid to the Peninsular and Oriental Steam Navigation Company. But it was stated in the evidence given before the Navigation Commission that the Compagnie des Messageries Maritimes receives a subsidy of 8s. 4d. per mile for the service it carries on between France and Australia and New Caledonia, and the Norddeutscher-Lloyd a subsidy of 6s. 8d. per mile for its service between Germany and Australia.

Mr. HUTCHISON.—But those subsidies are paid to secure trade for the countries under whose flags the vessels sail.

Mr. KNOX.—Why should we place an English company in a worse position than that in which these foreign companies are placed? Surely it is worthy of consideration whether, on that ground alone, we are

not justified in paying an increased price for our mail service, in order to keep an English line of vessels in continual opposition to these foreign lines, whose vessels are being improved so as to give better accommodation and greater speed, and will, I believe, shortly be at the very head of the shipping which comes here.

Mr. HUTCHISON.—If the Orient Steam Navigation Company was an Australian company, it would be different.

Mr. KNOX.—Why should we hamper vessels which are sailing under the English flag in their competition with vessels which come here under other flags? I am aware, from my knowledge of the financial results of the operations of the Orient Steam Navigation Company, the details of which I must regard as confidential, that the statements made on behalf of that company previous to the acceptance of this agreement were true, and that the company was working at a loss under the old contract. Its capital has been reduced practically by one-half, and its shareholders, who are entitled to look for a return from the money which they have invested, have received practically no dividends of importance. Therefore, the company was justified in asking for an increase in the subsidy. But I should like to know how the suggested Commonwealth fleet could be successfully managed, if a company like the Orient Steam Navigation Company, which is worked upon close business lines, and is in association with the great powers which regulate freight in London, has been carried on at a loss? We were right in opposing the granting of an excessive subsidy; but under the circumstances the payment of £120,000 per annum was a fair and reasonable compromise. The circumstances connected with the making of the agreement, however, render it necessary for the Government to address themselves without delay to obtaining terms for a new agreement when this contract shall have terminated. It was simply an outrage to allow the last contract to terminate before anything was done to arrange for a new contract. Under such circumstances, it was impossible to obtain an advantageous bargain. Therefore, I hope that the Postmaster-General will expedite matters so that he may, at an early date, be able to acquaint the House with his proposals for carrying on the mail service at the expiration of the present contract. It must be borne in mind that the Peninsular and Oriental

Steam Navigation Company have the right under their contract to withdraw from the Australian service at any time, if navigation legislation is, or if the conditions imposed upon them are, such as they do not approve. We should be placed in a very serious position if both the Orient Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company withdrew their fleets from our waters, and we should certainly guard ourselves against any such disruption of business as would follow upon an event of that kind. If I had occupied the position of the late Postmaster-General, I should have accepted the offer of the Orient Steam Navigation Company, in what I conceive to be the best interests of the community, and should have stood or fallen by my action, without submitting the contract for specific ratification by the House. The position was a difficult one. Many thousands of pounds were being lost every day owing to the disarrangement of the mail service. The business community had to rely almost solely upon the fortnightly service provided by the Peninsular and Oriental Steam Navigation Company. Only a small number of persons utilized the other means of communication. So far as the proposed amendment is concerned, I cannot see any logical reason why Queensland should not ask for some assistance in connexion with the conveyance of the English mails to Brisbane. As an arrangement has been entered into by the State Government for the extension of the Orient Steam Navigation Company's service to that port. I think we might appropriately make a refund to the extent of the mileage rate of 3s. 8d., which, I understand, would not exceed £5,000 per annum. We know how strongly the residents of Adelaide protested against the Orient Steam Navigation Company's steamers passing their port, and we can imagine what indignation would be felt if Melbourne were omitted from the list of ports to be visited by the mail steamers. Therefore, it appears to me that there is reason and justice in the request of the Queensland Government for some recognition of their claim in connexion with the extension of the Orient Steam Navigation Company's service to Brisbane.

Mr. AUSTIN CHAPMAN.—Where would Tasmania come in?

Mr. KNOX.—Tasmania already derives the benefit of visits from the mail steamers for the greater part of the year, and, more-

over, it must be remembered that Tasmania derives direct advantage from the subsidy which has to be paid for the maintenance of the mail service between Melbourne and Launceston.

Mr. AUSTIN CHAPMAN.—Tasmania pays for that service.

Mr. KNOX.—Tasmania receives the benefit of the visits of the mail steamers during the whole of the apple season.

Mr. G. B. EDWARDS.—For the same reason that the mail steamers visit Melbourne and Sydney, namely, because it pays them to do so.

Mr. KNOX.—However that may be, I would urge that it is incumbent upon us to pass the motion, in order to indorse the action taken by the late Postmaster-General in the midst of very serious difficulties. Although some persons may consider that the subsidy to be paid to the Orient Steam Navigation Company is excessive, I venture to say, with a full knowledge of all the circumstances, that no better arrangement could have been made. I do not think that the Postmaster-General should have agreed to submit the contract for ratification by the House. I should not have pursued such a course. However, in view of the fact that the Government have acted out of generous consideration for the House, I trust that the motion will be passed. I hope that the Postmaster-General will regard it as his duty to place the whole business upon such a footing that he will be able to tell us at an early date what our relations are likely to be with the great mail companies, which have done so much good, not only in connexion with the carriage of the mails, but also the carriage of our perishable products to the world's markets. I hope that the amendment relating to Brisbane will be so shaped that I shall be able to support it.

Mr. HUTCHISON (Hindmarsh).—I should not vote for the ratification of the contract entered into with the Orient Steam Navigation Company but for the fact that I recognise that at present we have practically no alternative. I do not agree with the honorable member for Kooyong when he says that we are at the mercy of the greatest shipping combine in the world.

Mr. KNOX.—I did not say that.

Mr. HUTCHISON.—The honorable member said the London Shipping Conference was the biggest shipping combine in the world, and that it was not possible for us to fight against it. If that be the case,

it is high time that we made a trial in that direction. The Orient Steam Navigation Company recognised that they were in a position to squeeze an unfair subsidy out of the late Government, and they took full advantage of the circumstances. The honorable member for Kooyong said that the Government were placed in a difficult position in taking a stand against the demand of the Orient Steam Navigation Company, because they were conscious of the fact that thousands of pounds were being lost by the mercantile community owing to the disruption of the mail service. I should like the honorable member to tell us by whom these losses were incurred. As a matter of fact, the chief disadvantage arising from the disorganization of the mail service was experienced by a few traders, and I do not see why the general public should be taxed in order to make up for any losses that might be incurred by them. If a few individuals benefit to the extent of many thousands of pounds by the maintenance of an efficient mail service, they should be made to contribute proportionately towards the subsidy.

Mr. BRUCE SMITH.—Every child who sends a postcard benefits by the mail service.

Mr. HUTCHISON.—I have a fairly large circle of acquaintances, and during the whole of the time that uncertainty prevailed with regard to the mail service I did not hear a single complaint of inconvenience having been caused. I admit that some traders who desired to obtain an advantage over their rivals might possibly have sustained losses; but if they make so much money out of the mail service, they ought to be called upon to contribute more largely towards the subsidy. I am sorry that the late Government did not take up a firmer stand against the Orient Steam Navigation Company. If a proposal had been made to expend on the education of the people any such increased amount as is represented by the larger subsidy, or to pay bonuses for the encouragement of our manufactures, it would have been met with no stronger opponent than the honorable member for Kooyong. The honorable member says that we have been squeezed by the Orient Steam Navigation Company upon this occasion, and that we cannot help being squeezed again. We are told that this benevolent company has come here to lose money, and yet it has built ship after ship in order to maintain the

service between London and Australia. This course would not be adopted if great loss had been incurred. In my view, the big shipping companies are doing very well. They would have abandoned the trade long ago, especially in the face of the competition of highly-subsidized foreign steamers, unless they had been making a fair profit. If they had been making a loss, they would have been driven out of the trade altogether. It has been represented that there was a great outcry on the part of the general public in favour of the present contract being entered into with the Orient Navigation Company, but the agitation in that direction was confined to a few individuals whose interests were being endangered. Why should the general community be called upon to pay a heavier mail subsidy for the advantage of a few traders?

Mr. BRUCE SMITH.—Every man who has a cow, and sends butter to the English market, derives a benefit from the service maintained by the mail steamers.

Mr. HUTCHISON.—I admit that he does to some extent; but I maintain that we have heard too much about the losses incurred by traders and others owing to the disorganization of the mail service. I would point out that that service was not disorganized very long. I am tired of hearing general statements as to the losses that were incurred by the commercial classes, and should like more definite information upon that point. If a member of the Labour Party dared to utter the statements which have been made here by representatives of the trading community they would be accused of making the most extravagant assertions. All these statements have been made with a political object. The desire has been to decry the party which has the interests of the whole community at heart—

Mr. BRUCE SMITH.—How about the matter of preference?

Mr. HUTCHISON.—It seems to me that under this contract the trading community obtain all the preference. The ordinary citizen does not care whether or not his letters from England are a day or two longer in transit. I claim that if we had adhered to the poundage system the inconveniences arising under that system would have righted themselves within a fortnight. I do not think that the Postmaster-General should have consented to making Sydney the final port of call. We all know that as soon as the mails reach Adelaide they are

placed on the train and brought on to the eastern States. If, under the contract, Sydney and Melbourne are to be included as ports of call, every State should be similarly treated. Under existing conditions, I say that Queensland and Tasmania should be given the benefit of the mileage rates to which reference has been made. I shall be quite willing to do what is only an act of bare justice to those States. I blame the late Government, after having agreed to pay an increased subsidy—in the interests of the trading community, to whom we are told the saving of a couple of days in the transit of their mails represents an advantage of hundreds of thousands of pounds—for not insisting upon a faster service. For my own part, I hope that the inquiry which is now being made into the advisability of establishing a State-owned line of steamers will result in some proposal being adopted which will have the effect of preventing any company from unduly squeezing the people of the Commonwealth. In my opinion, the Orient Steam Navigation Company is being paid an exorbitant sum for the service which it renders. I trust that Tasmania and Queensland will be reimbursed by the payment of mileage rates between Sydney and Brisbane and Melbourne and Hobart respectively. I am willing to support the ratification of the contract, but I hope that it will be terminated at the earliest possible moment.

Mr. BRUCE SMITH (Parkes). — It must be quite evident to those who have listened to the honorable member for Hindmarsh that, in introducing him into the twentieth century, the Creator made a mistake. He ought to have lived in the days of Dr. Johnson, when there were no railways, no telegraphs, and no steam-engines, because, it appears to me, that he moves amongst a circle of people who do not care whether their letters to England occupy a month or two months in transit. The state of things which he would enjoy is well depicted in one of Richardson's novels, in which the writer describes how a letter which comes from abroad is handed round the village, to be read by every one of its inhabitants. But it must be recollected that we are now living in the twentieth century, and the honorable member's indifference to the rapidity with which mails are carried to and from England has no application to the conditions under which we are deliberating here. This is not an occasion for a long speech, nor is it appropriate that any hon-

orable member should take upon himself the vindication either of the position of the Postmaster-General or of the Orient Steam Navigation Company. I am not here as an advocate of the Orient Steam Navigation Company, or of any other company; neither am I anxious to vindicate the action of the Minister. I am here as a man of some business knowledge to treat this question in a business way. In the first place, we have to recollect that there is a very great distinction between a proposal to make a contract and a proposal to ratify one which has been already entered into, which has been fully discussed, and finally agreed to by the head of that branch of the Administration with which it is concerned. If every contract made by a Minister had to come before Parliament for ratification, and if its ratification involved a long debate, during the course of which the whole of the details regarding the profits made by the contractor were gone into, we should have very little time for anything else. In the speech which was delivered by the honorable member for Barrier, we were treated to a long dissertation upon ship-owning. That honorable member has made a discovery. He has shown that he has mistaken his avocation, and that he ought to have been a ship-owner. Nothing less than the managing directorship of the Orient Steam Navigation Company or of the Peninsular and Oriental Steam Navigation Company, as a colleague of Sir Thomas Sutherland, would fit him, because he has succeeded in about three months in compassing the whole science of inter-oceanic ship-owning. Within that period he has accumulated a mass of information which men of more modest temperament, like Sir Thomas Sutherland, require a life-time to acquire. I have a little knowledge of ship-owning, and that knowledge has made me very modest in forming opinions as to the cost of running these large steamers from one part of the world to another. But the honorable member for Barrier has it all at his fingers' ends. I am only surprised that one of these large companies has not endeavoured to secure his services at a high salary, just as New South Wales secured those of the late Mr. Eddy to take charge of its railway administration. It was once said of a member of the House of Commons that he was prepared at any time to take charge of the Channel Fleet, or to perform an operation for stone whenever it should be required of him. It seems

to me that there are some honorable members in this House who are prepared at any time to throw a flood of light upon any subject under heaven, and to take part in the settlement of any question upon quite as insufficient knowledge, perhaps to the great injury of the State. The honorable member for Bass spoke in a very cocksure manner of the unreasonableness of the subsidy which is being paid under the present mail contract. I confess at once—as an illustration of the modesty which some years of shipping experience may produce in a man—that I do not myself feel capable of determining whether or not that subsidy will compensate any company for carrying mails, in addition to cargo, from Australia to the old country. No member of this House can say whether £120,000 will show a profit to any company until he knows how much cargo its ships carry in the same year, what freights they receive, what accidents befall them, what is the amount of their insurance, what is the number of passengers they carry, and the expenditure that is incurred in their repair. It is ridiculous for an honorable member to speak with the definiteness that characterized the statements of the honorable member for Bass. Another honorable member declared that the contract price was a monstrous one. The question which we have to consider is not whether we should enter into this contract if we were asked to do so to-day. This is like a case in which the temporary head of the firm, in the absence of his principal, has entered into a contract. He has said, in effect, "I will make a contract with you until the head of the firm returns, and, of course, it will be subject to his approval." In the same way, the Minister who made this contract was wise enough to limit it to a term of three years, of which it has only two and a half years to run, so that it will terminate contemporaneously with the contract entered into with the Peninsular and Oriental Steam Navigation Company by the British Government. It will then be open to us to say whether we shall have a fleet of our own as suggested, or be content to call for fresh tenders. I think it will be admitted that it is quite impossible for any Government to enter into every detail concerning the reasonableness of the payment in every contract it makes. In order to avoid special work having to be undertaken by persons whose regular business demands their full attention, the system of tender has become current

throughout the world. A man who is very much occupied in a particular business may discover that he requires a commodity which it will not pay him to obtain at first hand. We know very well that such a man calls for tenders; he puts all who make it their business to produce that particular commodity into competition in order that he may secure the lowest price from them. That is a system which applies not only to Governments but to all forms of business enterprise. If we take, for instance, the Trades Hall—and I go straight into the camp of those honorable members who are prepared to settle all creation at a moment's notice—

Mr. MAHON.—Come and stay with us.

Mr. BRUCE SMITH.—If I did I might upset the serenity of the institution. Can it be said that if the Trades Hall tomorrow desired to refloor the whole of its rooms it would buy timber and nails and do the work itself? It would call for tenders for the work.

Mr. THOMAS.—At Broken Hill, we built a hall, costing £6,000, without calling for tenders.

Mr. BRUCE SMITH.—I can quite understand that the people of Broken Hill might resort to such methods when the people of Melbourne would not do so. It is well known, however—and the House only needs the hint to recognise the fact—that all business men—and certainly every Government—must trust to competition to supply those requirements which they cannot regularly undertake for themselves. Every public Department calls for tenders for whatever it requires. Whether it be railway iron, bridge work, or telegraphic apparatus that is needed, tenders are called in different parts of the world, and the Government has to be content to accept the lowest that it can obtain. That was done in connexion with the mail service. There are at present something like fifteen large companies—many of them possessing steamers competent to carry out this service—engaged in the Australian trade; and the Ministry had on two or three different occasions invited tenders in order to obtain something which was considered necessary for the Commonwealth. We know from experience that had they been inviting tenders for the supply of railway iron, locomotives, cement, or some other commodity which every Government requires in large quantities, Ministers would have accepted

the lowest tender, unless they felt that there was some improper influence operating which made the tender a grossly unreasonable one. That is the business aspect of this question. The Deakin Administration, in which the honorable member for Denison was Postmaster-General, called two or three times for tenders for this service, and, notwithstanding the keen competition between the many companies possessing steamers capable of engaging in it, they found it impossible to obtain an offer that was satisfactory to them. If we are to frequently adopt the course now being followed, we shall never have done criticising the reasonableness of the charges made for Commonwealth supplies. Some honorable members have been condemning the combination of ship-owners. "It is an outrageous combination," was one expression that I heard.

Mr. McDONALD.—Hear, hear.

Mr. BRUCE SMITH.—What has become of the consistency of those who would stand here until the judgment day in defence of trades unionism? Trades unionism is a combination of men who wish to maintain an increased price for their labour. That is an allowable aim. I have always justified trades unionism, just as I have justified an association of bankers or a merchants' ring; but if we justify unionism in one form, we have no right to cry out against a number of ship-owners because they put their heads together and say, "We will form a ring, and maintain the freight rates between this place and that." If we denounce one form of combination, let us denounce all forms. Do not let us denounce the banker or the ship-owner, or the merchant, unless we are prepared also to denounce the journeyman who enters into a combination with his fellows to give an artificial value to his particular commodity. The fact remains, however, that there is no effectual shipping combination. That has been proved by the effect of the Sea Carriage of Goods Act. I anticipated, some months ago, in this House, that the combination of ship-owners trading to Australia was so perfect that when that measure, which abolishes the conditions on the back of bills of lading, came into operation, the combination would raise the freights. That has not been the effect of the Bill. When I made further inquiries, I found that the ring was not a complete one—that there were two or three recalcitrant companies that were so formidable as to make it impossible to secure that

complete combination which would enable them, as I had anticipated, to raise the freights.

Mr. MAHON.—The honorable and learned member was, for once, mistaken.

Mr. BRUCE SMITH.—The results show that I was mistaken. After the Bill became law, I discussed it with shipping people, because my own prediction had been falsified, and I wished to learn how it was that the shipping companies had not succeeded in coming together as I had anticipated. We are told also—and I think that this is a confusion of ideas of which we ought to rid ourselves—that in calling for tenders for a mail service we ought in all cases to stipulate for conditions such as are contained in the present contract, in relation to the carriage of produce. I cannot see why, because Parliament wishes to have mails carried for the postal service of Australia, we should have regard to such commercial considerations. There is no more reason for stipulating that the mail steamers shall make provision for carrying butter, sheep, rabbits, or any other commodity, than there is for arranging with the proprietors of coaches carrying mails in country districts to carry parcels, luggage, or passengers. If we stipulate for the carriage of butter and other produce on our mail steamers, why should we not insist upon provision being made for the carriage of first, second, and third class passengers? I have always felt that this question of commerce should be left to shape itself among the commercial community. I go further, and say that there is no need to enter into a contract for mail steamers to go beyond Adelaide, the first port of call, from which we can carry our mails by rail faster than by the steamers themselves. What interest have we in entering into a contract for the extension of the service beyond Adelaide? What concern is it to the people of Australia generally—some of whom live far away in the interior—whether the steamers which carry our mails to Adelaide go on to Melbourne, Sydney, or Brisbane for cargo and passengers? If there were a railway connecting Fremantle with Adelaide, there would be no obligation on the postal authorities to arrange a contract for the steamers to go beyond that port. The moment the mails were landed there, the purposes of the Department would be served, and the rest of the work carried out by these companies would be subject to the laws which regulate supply and

demand, subject to the competition of other companies engaged in the Australian trade. I should like to refer to the honorable member for Barrier, who has introduced into this debate—in which it is somewhat out of place—another instalment of his Commonwealth ship-owning scheme. He is so thoroughly good-natured, and so ready to listen to the views of those who disagree with him that I could not say anything cruel with regard to his scheme; but to my mind, his theories are of the crudest character. The honorable member has not learned the alphabet of the subject which he has attempted to master, and with respect to which he is seeking to assume the rôle of teacher to the House. In discussing his scheme a few days ago, he made a most elaborate calculation upon the basis of 3 per cent. for interest, but he entirely omitted a 5 per cent. allowance for depreciation. That had not occurred to him.

Mr. THOMAS.—That is not fair.

Mr. BRUCE SMITH.—The honorable member admitted that fact, but he said, with becoming unsophistication, "We will add another 5 per cent." In working out his little sum, he appeared to have altogether failed to allow for rates of marine insurance, which are a most important factor in calculating the gross or net profits of a shipping undertaking. I do not wish to spend much time in discussing this phase of the question, but it seems to me that the honorable member is very much in the position of a man who is anxious to read Homer in the original, but has not yet learned the Greek alphabet. The more he studies the questions of ship-owning, ship-building, and ship-running, the more modest will he become in explaining or even in forming views on these matters. I offer this observation not in a patronizing spirit, but as the result of a fair amount of shipping experience. There is one other question with which I desire to deal. The contract has been closed, and is submitted for our ratification upon the basis that the mail steamers shall call at Fremantle, Adelaide, Melbourne, and Sydney. I agree with the sentiment that has been expressed, that if we are going to engage the vessels of the company to do something more than bring the mails to the first port of call, from which they may be sent on more rapidly by rail than by steamer, no one State should be deprived of the privileges which are obtained for the Commonwealth generally. The Go-

vernment proposal is only a repetition of that which was made in regard to the High Court. Some honorable members contend that Melbourne should be the headquarters of the High Court, as of every other Commonwealth service, and that litigants from all parts of Australia should attend the sittings of the High Court in this city. There are other honorable members who contend that the High Court should sit only in Sydney. I am opposed to both contentions. Every man, woman, and child in the Commonwealth contributes directly or indirectly to the maintenance of the High Court, and also to the cost of the oversea mail service, and if the people of Queensland contribute to the cost of a mail contract which covers a service that is not necessary for the purposes of the mails, the people of that State have an equal right to participate in it. But whether the making of Brisbane a port of call can be incorporated in the present contract is a question which only the Minister can answer. His particular knowledge of this contract should enable him to settle all doubts in that regard. I believe that it can be done. If the Orient Steam Navigation Company are prepared to allow their vessels to go on to Brisbane for an additional sum of £26,000 per annum, the Postmaster-General should have no difficulty in inducing the company to agree to the insertion of a new clause which will embody the payment of that increased sum, and so make the contract one of wider scope. It follows, I think, as a corollary to that proposition, that, on the grounds of equity, the people of Queensland should have allowed to them in some way—there are plenty of cross-accounts in which to make the allowance—the difference between the £26,000 which they are ready to pay to induce the Orient Steam Navigation Company's steamers to call at Brisbane, and the sum which would represent the *per capita* contribution of the State to the total cost of the service.

Mr. AUSTIN CHAPMAN. — What about Tasmania?

Mr. BRUCE SMITH.—I do not think that Tasmania asks for any similar arrangement.

Mr. AUSTIN CHAPMAN.—The representatives of Tasmania have done so.

Mr. STORRER.—Yes.

Mr. BRUCE SMITH. — Although the honorable member for Bass represents a Tasmanian constituency very ably, I do not

regard him as representing the whole State. The representatives of Queensland, however, are unanimous.

Mr. MAHON.—No. The honorable member for Herbert is opposed to the proposal of the honorable member for Oxley.

Mr. BRUCE SMITH.—Then he is in an insignificant minority. My opinion is that if, under this contract, we pay for anything beyond the conveyance of mails to Adelaide, we are using Commonwealth money to give to certain States steamer accommodation to which every State is equally entitled. I believe that every effort has been made to obtain a service for as low a subsidy as possible, and I think that, the contract having been entered into in a business-like way, it should be ratified. Those who so confidently find fault with the amount of the subsidy should remember that the foreign companies, whose mail steamers come here, are largely assisted by subsidies, while the British boats are looked after by us with a sharpness of eye and a keenness of criticism which amounts almost to the imposition of a handicap upon them in their competition with foreign rivals. Although honorable members have all had a copy of the return to which I am about to refer—which was published last year—many of them may not have noted the significance of some of the figures which it contains. It shows that the French-Canadian service is subsidized at the rate of 4s. 7d. per mile, the Sydney-Vancouver service at the rate of 3s. 6½d. per mile, which the Commonwealth Government propose to increase to 4s. 9d. per mile, the Compagnie des Messageries Maritimes at the rate of 8s. 4d. per mile, and the Norddeutscher Lloyd at the rate of 6s. 8d. per mile.

Mr. EWING.—With further concessions.

Mr. BRUCE SMITH.—Yes. The Peninsular and Oriental Steam Navigation Company receives a subsidy of 4s. 7d. per mile, and under the old contract the Orient Pacific Steam Navigation Company received only 2s. 7d. per mile.

Mr. THOMAS. — The German steamers have to carry Government officials and perform other services in return for the subsidy which they receive.

Mr. BRUCE SMITH.—Is the honorable member prepared to go into a careful examination of the additional cost which those conditions entail? The subsidy paid to the Orient Steam Navigation Company under the present contract, which is about 50 per cent. more than was paid under the old contract, is equivalent to about 3s. 8d.

per mile. Whilst it would be quite impossible for any one who was not an accountant, and who had not had access to the books of the various companies I have mentioned, to show exactly how they are affected by the payment of these subsidies, the rough comparison which I have given should be enough to satisfy the House in a general way that the subsidy provided for under this contract is not too large. The whole question has been carefully considered by the Postmaster-General, and we are being asked now only to give a formal ratification to a contract six months of whose three years' term have already expired.

Mr. SPEAKER.—I think that it will expedite business, and facilitate debate, if I now put the amendment of the honorable member for Oxley. The main question will still be open for discussion, and I understand that further amendments are to be moved.

Mr. CARPENTER.—Will the putting of the amendment prevent honorable members from discussing or referring to it later on?

Mr. SPEAKER.—Three or four members who have spoken have referred, not only to the amendment, but to other amendments which, I understand, are to be moved, and I should have felt called upon to rule against their doing so, had I not thought of following this method of procedure instead. As I understand that the issue involved in the amendment of the honorable member for Oxley is to be opened up by another amendment to be moved later on, honorable members will still have an opportunity to discuss the subject with which it deals. To prevent the honorable member for Herbert from being precluded from moving an amendment which I understand he desires to move, I intend to put to the House in the first instance the question, "That all the words from the word 'That' to the word 'Adelaide' inclusive, proposed to be omitted, stand part of the motion." The honorable member for Oxley originally moved the omission of all the words after the word "That," but, as to put his amendment in that way would preclude the honorable member for Herbert from moving an amendment which I understand, he desires to move, I shall put first the question which I have just stated, and then the question "That the remaining words proposed to be omitted stand part of the motion."

Question—That all the words after the word "That," up to and inclusive of the word "Adelaide," stand part of the motion—put. The House divided—

Ayes	...	...	41
Noes	...	...	6
Majority	...	...	35

AYES.

Brown, T.	Mauger, S.
Carpenter, W. H.	McCay, J. W.
Chanter, J. M.	McDonald, C.
Chapman, A.	Poynton, A.
Cook, J.	Ronald, J. B.
Deakin, A.	Salmon, C. C.
Ewing, T. T.	Skene, T.
Fisher, A.	Smith, B.
Forrest, Sir J.	Smith, S.
Frazer, C. E.	Storror, D.
Fuller, G. W.	Thomas, J.
Fysh, Sir P. O.	Thomson, D.
Groom, L. E.	Thomson, D. A.
Harper, R.	Tudor, F. G.
Higgins, H. B.	Watson, J. C.
Hutchison, J.	Webster, W.
Isaacs, I. A.	Wilks, W. H.
Kelly, W. H.	Wilson, J. G.
Knox, W.	<i>Tellers:</i>
Lyne, Sir W. J.	Cook, Hume
Mahon, H.	Robinson, A.

NOES.

Bamford, F. W.	<i>Tellers:</i>
Culpin, M.	
Edwards, R.	Lee, H. W.
Lonsdale, E.	Wilkinson, J.

PAIRS.

Johnson, W. E.	Page, J.
Cameron, D. N.	McWilliams, W. J.

Question so resolved in the affirmative.

Question—That the words "and other ports," proposed to be left out, stand part of the motion—resolved in the affirmative.

Amendment negatived.

Mr. McDONALD (Kennedy). — I move—

That the following words be added to the motion:—"and is of opinion that a sum equivalent to three shillings and eightpence per mile per voyage between Sydney and Brisbane and Brisbane and Sydney, should be paid to the State of Queensland towards the cost incurred by that State in connexion with the calling of the mail steamers at Brisbane."

I understand that the mileage allowance will amount to between £5,000 and £6,000, and in view of the fact that the contract entered into by the Commonwealth Government with the Orient Steam Navigation Company is something more than a mere mail contract, I feel quite justified in moving the amendment. Special provision is made in clause 4 that the mail steamers

shall call at Adelaide, Melbourne, and Sydney, whilst clause 8 provides that certain facilities shall be provided for the carriage of perishables. Whilst I am not opposed to the idea of making special provision for the carriage of perishable products, I consider that if any such arrangements are entered into, the whole of the States should share the benefit accruing from them. I wish to point out that the producers of Queensland cannot avail themselves of the cool storage provided in the mail steamers so long as Sydney remains the terminal port. In the first place, the produce would have to be forwarded by coastal steamer from Brisbane to Sydney, and probably a day or two would be occupied in transferring the goods to the wharf, and thence by lighter or by land carriage alongside the mail steamer. The frequent handling, and the exposure perhaps to a hot sun, would have a very prejudicial effect upon such produce as butter, and probably an article of first quality would become so seriously affected that its value would deteriorate to a ruinous extent. I think that the Queensland Government showed great enterprise in entering into arrangements with the Orient Steam Navigation Company for the extension of their mail service to Brisbane in consideration of a subsidy of £26,000 per annum. I regret very much that the original contract did not specify that Brisbane should be a port of call, and I think that in fairness to Queensland the least that we can do is to make a refund to the extent of the mileage rate between the two ports.

Mr. JOSEPH COOK.—Does the honorable member make that proposition on its merits?

Mr. McDONALD. — Yes; because the contract entered into with the Orient Steam Navigation Company is not a mail contract pure and simple. Provision is made for the carriage of perishables, and the advantages of any such arrangement should be shared by all the States.

Mr. JOSEPH COOK.—If we had made a contract under the usual conditions, would the honorable member have proposed his amendment?

Mr. McDONALD.—If the contract had provided merely for the carriage of mails to Adelaide, and had not stipulated that the steamers should proceed to Melbourne and Sydney, there would have been no justification for such a proposal as I am now making.

Mr. JOSEPH COOK.—But the mail steamers have always proceeded to Melbourne and Sydney.

Mr. McDONALD.—That is not the question. The point is that it is stipulated in clause 4 of the contract that they shall proceed to Melbourne and Sydney. It is the duty of the Commonwealth to consider the interests of all the States and not to secure for one State advantages over another. I think that Tasmania is entitled to put in a claim similar to that which has been advanced on behalf of Queensland. We are not actuated by selfish motives in this matter, but think that Tasmania and Queensland should be treated upon the same footing as other States. I would point out that Fremantle is also one of the ports of call provided for in the contract with the Orient Steam Navigation Company. Some years ago the mail steamers called at Albany, and doubtless they would have continued to do so up till the present time but for the special stipulation that they should call at Fremantle instead.

Sir JOHN FORREST.—The steamers have called at Fremantle for the last ten or fifteen years.

Mr. McDONALD.—They called at Fremantle only because they were required to do so.

Sir JOHN FORREST.—Oh no.

Mr. McDONALD.—I am informed that the fact that the steamers are required to call at Fremantle involves a delay of a whole day in the delivery of the mails to the eastern States.

Sir JOHN FORREST.—The honorable member is wrongly informed. It makes a difference of only eight hours.

Mr. McDONALD.—At all events, the steamers have to go some distance out of their way to call at Fremantle, and I desire that the people of Queensland shall have the same facilities as are afforded to the people of Western Australia for the shipment of perishable products.

Mr. WILSON.—What perishable products are exported from Western Australia?

Mr. McDONALD.—Judging from what I saw when I recently visited that State, the day is not far distant when Western Australia will be in a position to export considerable quantities of such produce as butter and fruit. I am told by men who have been over a large portion of that State that it possesses as fine dairying land as is to be found in Australia. Victorian

representatives must not run away with the idea that their State is the only one in which butter can be produced. As a matter of fact, within a few years Victoria will in that respect probably be left far behind by New South Wales, Queensland, and, perhaps, Western Australia. I thoroughly indorse the general principles advocated by the honorable member for Barrier, although I may be one of those persons described by the honorable and learned member for Parkes as, in effect, unacquainted with the A.B.C. of the shipping business. In Australia there is a large shipping combine, which practically has the Commonwealth at its mercy, and which is in a position to compel us to pay whatever price it may demand for the carriage of our mails. It is idle for the honorable and learned member for Parkes to declare that there is no shipping ring, when we know that a combination exists, not merely for the purpose of regulating freights, but for the purpose of regulating the carriage of passengers and mails. Only the other day, when tenders were invited for a mail service on our eastern coast, it was found that nearly every tender received was for practically the same amount. There was no material difference between the prices asked. If there be no shipping combination in Australia, it is extraordinary that the coastal tickets issued by the various companies are interchangeable. Before that arrangement came into operation the cost of a saloon passage between Townsville and Brisbane was £5 or £6, whereas to-day it is between £8 and £10. I think that the time has arrived when we should take some action to break down the evil effects of this combination. If we neglect to do so, not only shall we suffer in the carriage of our mails, but our producers will suffer in exporting their commodities. We have been told upon the very highest authority that one of the greatest drawbacks to the export of our perishable products is that this shipping combine compels our shippers to pay various freights at different times. One week the rate demanded may be 15s. per ton, whilst in the following week it may be 50s. per ton. I very much regret that the late Government entered into this contract, and I feel that the present Administration have exhibited weakness in indorsing it. I wish that they had been possessed of the backbone of the late Sir Charles Lilley. When an attempt was made by the Australasian

Steam Navigation Company to extort an exorbitant amount from the Queensland Government for the carriage of mails between Sydney and Brisbane, he ordered the *Governor Blackall* and another vessel to be constructed by the Mort's Dock Company. The first-named vessel was actually built. When the company saw that the Government were determined to do something, they not only agreed to carry the mails at the price which they had declined to accept, but they actually purchased the *Governor Blackall*, besides paying a large sum to the contractors for refusing to proceed with the construction of the second steamer. The time has arrived when the Commonwealth should run its own mail steamers. I do not see why we cannot obtain the services of men of sufficient intellect to successfully conduct a line of State-owned vessels. We secure the services of experts to control our railways, in which there is a huge sum invested; why not apply the same practice to our mail steamers? I enter my protest against the ratification of this contract. It ought not to have been entered into, especially as by adopting the poundage system we could have effected a saving of £80,000 per annum. I claim that to make that saving our business people should have been content to submit to some little inconvenience.

Mr. DUGALD THOMSON.—Then why call for tenders for the next contract?

Mr. McDONALD.—I agree with the honorable member. I say, "Let us adopt the poundage system." I admit that a little inconvenience is sure to be suffered under that system, but I contend that the saving which would be effected by it warrants the sacrifice. But above either the contract or the poundage system, I favour the Commonwealth establishing a line of steamers of its own if only to assist the producers to get their commodities carried to the markets of the world at a reasonable rate. I am glad that the amendment which I have submitted has received such generous support.

Mr. McWILLIAMS.—Is the honorable member in favour of including Tasmania in his proposal?

Mr. McDONALD.—Personally, I am, and I hope that some representative of that State will submit a further amendment to that effect.

Mr. POYNTON (Grey).—If one may judge by the speech which has been delivered by the honorable and learned mem-

ber for Parkes, we should have agreed to the ratification of this contract without demur. We should have ignored all the facts connected with the method of black-mail which was so successfully adopted by the Orient Steam Navigation Company.

Mr. WILSON.—How was it black-mail?

Mr. POYNTON.—It is refreshing to find that during the whole of this debate we have not heard one word to the effect that the increased subsidy demanded by the Orient Steam Navigation Company was the result of the operation of the section in the Postal Act which requires white labour only to be employed on board our mail steamers. During the recess, some honorable members made that provision the whole burden of their speeches. It is refreshing to find that they have now abandoned the position which they then took up.

Mr. SYDNEY SMITH.—The British Postmaster-General, in his correspondence, stated that he believed he could have obtained a renewal of the contract with an accelerated service for the old subsidy.

Mr. WATSON.—That was denied by the Orient Steam Navigation Company's manager.

Mr. POYNTON.—It is upon record that the general manager of the Orient Steam Navigation Company made it very clear that the increased price demanded had nothing whatever to do with the provision in the Postal Act to which I have referred.

Mr. FISHER.—The chairman of directors of that company made the same statement at its annual meeting.

Mr. POYNTON.—The chief argument advanced by the company for its increased demand is that the service is not paying. The same reason has been urged by those honorable members who desire that we should swallow this proposal without even considering it. If there was anything in the remarks of the honorable and learned member for Parkes, that was the meaning which they conveyed. The honorable and learned member for Parkes did not hesitate to sneer at the views expressed by members of the Labour Party in reference to this question. According to him, they know nothing about the matter, and have no right to question the action taken by the Government. But surely the whole position may be reviewed when we are asked to ratify the contract. I deeply regret that the Government have agreed to it, and do not hesitate to say

that, in my opinion, the worst instance of black-mailing that has ever been witnessed in Australia is associated with it.

Mr. JOSEPH COOK.—And yet the honorable member is going to vote for the ratification of the contract.

Mr. POYNTON.—Does the honorable member claim to be a thought-reader? I have not said that I am going to vote for the ratification. I recognise that we have to fight such a powerful combine that it is absolutely necessary for us to prepare for war. Did not the company put the late Postmaster-General to all possible inconvenience, when he resorted to the poundage system?

Mr. SYDNEY SMITH.—I admit that.

Mr. POYNTON.—Did they not deliver the mails at places where they ought not to be delivered, and in other ways inconvenience the Department? My objection is that, if we accept the contract, we shall establish a very bad precedent—the precedent that the Commonwealth has a right to require in a contract for the carriage of mails conditions relating to the carriage of perishable produce. The position will be worse if the amendment be agreed to. The Postmaster-General really admitted that this was a contract for the carriage not only of mails but of perishable produce.

Mr. FISHER.—That is admitted; but, surely, we ought to do justice to Queensland.

Mr. POYNTON.—Two wrongs do not make a right. I hold that a mistake was made in requiring that the service should extend to Melbourne and Sydney. As that stipulation has been made, it cannot now be said that we are proposing to pay a subsidy merely for the carriage of mails. I recognise that if the Western Australian Transcontinental Railway were constructed a proposal would probably be made that the steamers of the company should not be required to touch at Adelaide; but it is generally recognised that even if no stipulation had been made as to the service being extended to Melbourne and Sydney, the vessels of the company would have continued to go on to those ports. I have not yet heard why we should be called on to pay such enormous rates for the carriage of our mails. What is there associated with the carriage of mails that justifies the high rates demanded? They do not require half the attention necessary to be given to perishable goods, and yet, while the latter are carried for 3d. per lb., and ordinary

freights from £1 to £3 per ton, we have to pay no less than £400 per ton for the Commonwealth mails.

Mr. JOSEPH COOK.—It is a special payment for speed, regularity, and certainty.

Mr. POYNTON.—The honorable member surely does not advance that as a reason for the heavy payment made.

Mr. JOSEPH COOK.—There is no other reason.

Mr. POYNTON.—What increase has been made during the last ten years in the speed of these mail steamers that would justify our giving so large a subsidy as £120,000 per annum? Is the Commonwealth to be taxed simply because this branch of the company's service is not paying?

Mr. JOSEPH COOK.—Not at all.

Mr. POYNTON.—From the speeches made by some honorable members of the Opposition, one would imagine that it is our duty to make the service a paying one.

Mr. FRAZER.—The late Prime Minister practically said that it was.

Mr. POYNTON.—The burden of the speeches delivered this afternoon from the Opposition corner was that the line was not paying.

Mr. JOSEPH COOK.—The burden of those speeches was that we could not get the work done for less.

Mr. POYNTON.—It was done for much less under the poundage system, and I regret that we did not continue to avail ourselves of that arrangement. If the Australian section of the Orient Steam Navigation Company's operations is not paying at the present time, it would be making still greater losses in the absence of the subsidy. The company brought great pressure to bear to induce the late Government to agree to the subsidy which they demanded. It is all very well for large business firms to declare that there must be no interference with the oversea mail service, but I should like to know how many of the people of Australia are really benefited by it.

Mr. DAVID THOMSON.—Not one per thousand.

Mr. POYNTON.—That is my opinion. Too much has been made of the losses which business men would sustain in the absence of this contract. We know that they largely avail themselves of the cable service—that when they wish to place an important order in the old world, they do not wait for the mail, but promptly despatch a cablegram. A mere delay of a

week in the delivery of the oversea mails would not make any serious difference to them, and yet because of the demand that a speedy mail service shall be maintained for the benefit of these men, we are called upon to pay an enormous subsidy. Having regard to all the circumstances, we ought to be prepared to take action before the present contract expires, and I trust that the Select Committee now inquiring into this question will be able before long to furnish us with information to work upon. Unless we are prepared to act for ourselves, we shall find, when the present contract expires, that the company require an increased subsidy. What guarantee have we that they will not demand two and a-half years' hence a subsidy of £200,000 per annum? The companies which, according to the honorable member for Koo-yong, run magnificent floating palaces on philanthropic lines, will be prepared to squeeze another £50,000 per annum out of the Government whenever the opportunity offers; and it is imperative that the Commonwealth should be in a position before the expiration of the present contract to dictate different terms from those which we are now called upon to accept. Everything relating to the carrying of produce ought to be eliminated from the contract. Why should the Postal Department be burdened with a charge in respect of the provision required to be made for the carriage of perishable produce?

Mr. JOSEPH COOK.—Does the honorable member think that no such arrangement should be made?

Mr. POYNTON.—It should not be made in connexion with the mail contract.

Mr. JOSEPH COOK.—In what other way should it be arranged?

Mr. FISHER.—Through the States Departments of Agriculture.

Mr. POYNTON.—What has the carriage of frozen lambs, rabbits, butter, fruit, and other perishable produce to do with the Postal Department? If provision is to be made for such exports, the cost of securing it should be paid out of a distinct fund. Why should the Postal Department be to some extent crippled by having to carry such a burden?

Mr. LEE.—The fact that there are such exports makes the service cheaper.

Mr. POYNTON.—The cost should be borne, not by the Postal Department, but by the States Departments of Agriculture. The complaint in South Australia is that the revenue of the Postal Department is

not equal to the expenditure, and yet that expenditure is now to be increased? It is 'unfair' to load the Department with charges that ought to be borne by an Export Department.

Sir JOHN FORREST.—The mails are carried at a lower rate in consequence of these conditions.

Mr. POYNTON.—But surely the right honorable member will admit that the carriage of produce has nothing to do with a mail contract? I venture to say that one-half the subsidy now demanded has to be paid because the company are required to provide the necessary machinery and accommodation for the carriage of perishable produce.

Sir JOHN FORREST.—Not at all. These vessels were fitted long ago with the necessary machinery without any action on our part.

Mr. POYNTON.—I believe that we shall create a bad precedent by stipulating that the vessels of the company shall call at ports beyond the point at which the mails may be placed on shore and sent on by rail. It is no part of our duty to require that the mail steamers shall call at a port in each State to pick up consignments of produce. At all events, if it is, we should earmark a fund, out of which the subsidy that has to be given, because of this condition, shall be paid. I am going to vote against the whole proposal. Had the late Government stood out for another week or two they would have secured better terms. The company were eager to obtain the subsidy, and were doing all that they could to squeeze it out of the Government. They demanded at the outset a subsidy of £150,000 per annum, and I feel confident that had the late Government stood out a little longer they would have secured the service for considerably less than they did. I recognise that if I voted for the ratification of the contract, it would be illogical for me to vote against the extension of the service to Queensland and Tasmania. But I object to loading the Commonwealth Post Office with the cost of providing cool storage and refrigerating machinery for the carriage of produce from Australia to England. If the Post Office has money to waste, the Postmaster-General can find good use for it in providing mail services for places which now have none. Only last week I had brought under my notice a case, which, I believe, has been under the consideration of both the present Postmaster-

General and his predecessor, in which £31 was asked for a mail service for an agricultural district, and the reply of the Department was that if those interested would find £15 10s., the request would be granted.

Sir JOHN FORREST.—I suppose the money was found?

Mr. POYNTON.—It was not. For the £31 which was asked, 2,000 miles a year would have to be travelled in conveying the mails. There are scores of places which to-day have neither a mail service nor telephone communication, although this Parliament is always ready to spend large sums on works like the telephone line between Sydney and Melbourne, and this proposed service for the conveyance of perishable produce. The people in the country have quite enough to do to contend against the forces of nature. They are making of use country which, but for their efforts, would be useless, and the best way in which we can spend the revenue of the Post Office is in providing them with better facilities of communication, instead of fattening a very fat company.

Mr. R. EDWARDS (Oxley).—I do not propose to take up much time in speaking on the amendment, because I am beginning to realize that our efforts are useless, since the Government absolutely refuse to regard the claim of Queensland to consideration. It has been very painful to me to listen to my colleagues in the representation of that State plead for justice on her behalf. I am sure that none of them would have done so much to benefit themselves, and I certainly would not plead to any set of men to secure a personal advantage as I have pleaded for justice to Queensland. I referred, the other day, to the strong feeling existing among the people of that State because of the way in which Queensland has been treated by the Federal Parliament, and I think that that feeling will be made more bitter by the refusal of the Government to take into consideration the reasonable request which we have put forward. I fear that the result of the debate will be to excite in Queensland a very strong movement for secession. There was such a movement two or three years ago, but I took every opportunity to discourage it, asking the people to have patience, because I hoped that in the near future better counsels would prevail in the Federal Parliament, and the State would be treated as other States have been treated. That is

all that we ask for at the present time. We merely wish to be placed on the same footing as the southern States, by having Brisbane, as well as Melbourne and Sydney, made a port of call, the additional subsidy being made a Commonwealth charge, on a population basis. I shall support the amendment of the honorable member for Kennedy, as I think that it would be better to get the small mercy for which he asks than to obtain nothing at all. Two amendments have already been defeated, and possibly many more will be defeated before the debate closes. At any rate, I hope that other amendments will be moved, and that the discussion will be continued for another week, if not until the end of the month.

Mr. AUSTIN CHAPMAN.—With what object?

Mr. R. EDWARDS.—To tire out the Government, and to make them see that justice has not been done to Queensland. The honorable gentleman said the other day that one of the reasons why the Government would not consent to pay the subsidy which Queensland has agreed to pay to the Orient Steam Navigation Company is that the Premier of Queensland entered into an agreement with the company before consulting the Commonwealth Government.

Sir WILLIAM LYNE.—A very good reason.

Mr. R. EDWARDS.—I was beginning to think the Postmaster-General too much of a statesman to put forward a paltry excuse such as that, but now I am obliged to modify my opinion, and to regard him as a very ordinary politician, while the honorable member for Hume is even less of a statesman.

Sir WILLIAM LYNE.—It is the honorable member who is the statesman.

Mr. R. EDWARDS.—I do not want that reputation. I am willing that the honorable member should retain it. He had it in New South Wales, and I have no doubt that he will have it to the end of his days. Queensland Governments have consulted every Commonwealth Government in regard to this matter. The Barton Government were urged by the Government of Queensland and representatives of that State to make Brisbane a port of call in the mail contract which was then looming in the distance. Similar communications were held with the Deakin Government, and, while I am not aware that the Watson Government were directly communicated

with on the subject, they no doubt were perfectly well aware of the desires and wishes of Queensland in this matter, because of the correspondence in regard to it in the office of the Prime Minister and that of the Postmaster-General. Direct communications were opened up with the Reid Government, however, and no doubt the present Prime Minister must have been aware of them. Therefore, the excuse of the Postmaster-General is, as I have said, a paltry one. The honorable gentleman, in moving his motion last week, stated distinctly that the Government would not contribute anything towards making good the subsidy which the Queensland Government have agreed to pay to the Orient Steam Navigation Company.

Mr. FISHER.—He has since thought better of it.

Mr. R. EDWARDS.—I hope so; but he has given me no indication that he has changed his attitude in this matter. I think that Queensland must cease to expect justice from the present Commonwealth Government. A report of the speech made by the Postmaster-General last week was telegraphed to the Brisbane *Courier*, and shown to the Premier of Queensland the same evening, when he expressed the views that are set forth in the following newspaper account:—

QUEENSLAND PREMIER INTERVIEWED.

Reply to Federal Excuses.

The Premier (the Honorable A. Morgan) was seen last night by a representative of the *Courier*, and the proceedings in the Federal House of Representatives were made known to him. Mr. Morgan had already been advised officially of the position of affairs, and it would appear that his information conveyed no more hopeful impression than that which we publish to-day. Mr. Morgan said, on perusing an advance proof of the *Courier* telegram: I see Mr. Chapman asks: "Why did Queensland not come to the Commonwealth Government before making its contract?" It is a matter of public knowledge that the correspondence on the subject dates back to the previous Deakin Government. The Queensland Government set out their claim to the Deakin Government, to the Watson Government, to the Reid Government, and to the Deakin Government again in succession, and I have before me a letter of the 22nd March last on the subject of the steamers coming to Brisbane. Our case was put in anticipation of the conclusion of an agreement for a mail service, and was repeatedly stated to the Reid Government when the negotiations with the Orient Company were approaching completion. Not only in correspondence, but in conference the question of the oversea mails was under consideration. The Queensland representatives put it to the Federal Premier and his colleagues, who were at the Conference, that if the new contract should

prove to be like the old contract, something more than a contract for the conveyance of mails to Adelaide, and Queensland was asked to pay her *per capita* contribution to the cost of the service, which she would only enjoy as a mail service, whilst the other States would enjoy it as a cargo service also, then Queensland would protest that such a contract was a breach of the spirit of the provisions of the Constitution, which declares discrimination against any one State to be illegal.

The Federal Government, however, in spite of these protests, entered into a contract which, besides being a mail service, is also a cargo service, and the advantages of which, in the latter respect, they failed to secure to Queensland. In the circumstances, the Government of this State had no other course open to them but to endeavour to secure as cheaply as they could such shipping facilities as the Commonwealth Government, when they had the opportunity, had failed to secure for this State. The agreement with the Orient Company, under which we are to pay £26,000 a year, was the result. Queensland under the Commonwealth contract has to pay about £18,000 a year to secure the conveyance of her own mails, and a service to be of up-to-date refrigerated steamers for Western Australia, South Australia, Victoria, and New South Wales; and in addition she has to pay £26,000 a year to secure the latter advantage for her own producers, making her total contribution £44,000 a year for advantages which, if charged on a Federal basis, ought not to have cost her more than half that sum.

They take the point that the Federal Government has only to deal with the conveyance of mails, but it is specifically provided in the Commonwealth contract that the Orient Company's steamers, after dropping their mails at Adelaide—steamers which, the contract also provides, are to be equipped with refrigerating machinery and insulated space for the carriage of perishable products—are to continue their voyage to Melbourne and Sydney, and to call at Melbourne and Adelaide on their return voyage. If the service is nothing more than a mail service, why were these provisions inserted in the contract?

As to the future action of your Government, Mr. Morgan, do you propose to raise the Constitutional question? asked our representative. The Premier replied: I believe the matter is of such high importance that it cannot be left where it will be if the Federal Parliament arrives at a decision—which it seems likely to do—adverse to the claim Queensland has set up. The matter ought, in the interests of the whole of the States, to be determined by a tribunal against whose decision there can be no appeal.

I hope that Mr. Morgan will have this matter tested in the High Court, and settled. The Constitution distinctly states that no discrimination shall be exercised between one State and another. Section 99 reads as follows:—

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

I cannot express an opinion as a lawyer, but my common sense tells me that the Commonwealth Government are acting wrongly

in making a distinction between Queensland and the other States. This debate will show the Queensland Government that they must not expect to receive justice at the hands of the Commonwealth Parliament. Although my amendment has been defeated, I still believe that the contract should have been referred back for further consideration. As I have said, the feeling in Queensland over this matter is very strong, and is very clearly expressed in a leading article published in the *Brisbane Courier* of 5th October. That article contains the following sentences:—

The attitude of the Federal Government towards the very just claims of Queensland that the recently arranged extension of the Orient service to Brisbane should be treated as an integral part of the Commonwealth mail service will come as a serious disappointment to the people of this State. The amendment moved by Mr. Edwards in the House of Representatives yesterday was in keeping with the representations and contentions of Queensland repeated to successive Federal Governments, and it was only when all hope from this quarter was at an end that the Queensland Government took the matter in hand in the best interests of the State. The moral situation is perfectly clear. Mr. Chapman and his colleagues—

Mr. SPEAKER.—I would direct the honorable member's attention to standing order 268, which provides—

No member shall read extracts from newspapers or other documents referring to debates in the House during the same session.

If the extract now being read by the honorable member had not so pointedly referred to this debate, I should not have felt called upon to interfere. Perhaps the honorable member can summarize in his own words the arguments used in the article from which he has been reading.

Mr. R. EDWARDS.—I shall not read anything further, but I desire to make a few more general remarks. The Postmaster-General last week remarked that the cost of the mail service represented a charge of about 3s. 8d. per mile. Although I moved in the direction of obtaining a refund of the £26,000 which the Queensland Government have contracted to pay to the Orient Steam Navigation Company for the extension of their service to Brisbane, I was not foolish enough to think that the Commonwealth Government would be so generous as to accede to my wishes.

Mr. PAGE.—I expected that they would do so.

Mr. R. EDWARDS.—Perhaps the honorable member knows better than I do how generous the Government can be on occa-

sions. I did not expect that the Commonwealth Government would take over the whole liability incurred by the Queensland Government, but I did anticipate that they would agree to shoulder one-half of the responsibility, as the late Prime Minister was prepared to do. Had he still been in office I should have adopted the same attitude towards his Government that I have taken in regard to the present Administration. The least the Government can do is to accept the amendment proposed by the honorable member for Kennedy. I am given to understand that the mileage rate of 3s. 8d. between Sydney and Brisbane would represent a total payment of about £6,000 per annum. That expenditure would, of course, have to be met partly by Queensland, which, in common with the other States, would have to contribute its share upon a population basis, in addition to providing the balance of £20,000 out of her own coffers. I trust that the Postmaster-General will indicate that he is prepared to go so far towards meeting the wishes of the representatives of Queensland.

Mr. AUSTIN CHAPMAN.—The Government are not prepared to accept the amendment, but are willing to make a concession which will serve much the same purpose.

Mr. STORRER (Bass).—I move—

That the amendment be amended by the addition of the following words:—"and that an allowance of a similar rate should be paid to Tasmania for European mails between Melbourne and Tasmania, and Tasmania and Melbourne."

The reason I mention Tasmania instead of Launceston is that sometimes mails are sent on to Burnie, instead of to Launceston.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Postmaster-General).—As I intimated when speaking to the amendment of the honorable member for Oxley, the Government could not undertake to refund the Queensland Government the £26,000 which they have agreed to pay to the Orient Steam Navigation Company. But, after having listened to the speeches of honorable members, I find it possible to view the matter from another stand-point. I do not for a moment recede from the position I formerly took up, that, in view of the fact that the arrangement entered into for the extension of the Orient Steam Navigation Company's service to Brisbane is a trading contract, we should have no right to directly refund the amount contracted to be paid by the Queensland Government. Viewing the matter from a postal stand-

point, however, I admit that there is a good deal in the contention that provision is included in the contract made by the Commonwealth Government with the Orient Steam Navigation Company that the mail steamers should proceed on from Adelaide to Melbourne and Sydney, and although it has been contended — and I think established — that without any such provision in the contract the steamers would still have proceeded to Melbourne and Sydney, it must be acknowledged that the vessels perform some postal service by carrying mail matter between those ports.

Mr. R. EDWARDS.—It is not worth considering.

Mr. AUSTIN CHAPMAN.—Nevertheless, that service is performed; and we take the view that it is only fair that we should afford similar facilities to the residents of other States — not only Queensland, but also Tasmania. It may be said that the Tasmanian Government have not made any application to the Commonwealth in this connexion, but the representatives of Tasmania, including Senator Keating and the honorable member for Darwin and the honorable member for Bass have repeatedly asked for consideration in this matter; and their representations are entitled to as much weight as would be attached to a wailing statement such as has been delivered by the honorable member for Oxley.

Mr. R. EDWARDS.—There has been no wailing.

Mr. AUSTIN CHAPMAN.—I would ask if the honorable member has approached this matter in a proper spirit when he has practically wept over all the injuries that are being inflicted upon Queensland by the Commonwealth? He declares that, so far, he has abstained from taking part in the movement towards secession, but he now thinks that he will be obliged to take a hand in it. I say that, if we have to prop up Federation by making concessions, the outlook is a very sorry one indeed. When the honorable member affirms that the Government are opposed to the interests of Queensland, I would remind him that he made a very different statement upon the hustings. He should recollect that this contract was entered into by the late Government. His statements are of a very flimsy character, but inasmuch as they are put into cold type, they merit some answer.

Mr. WILKS.—Did not the Postmaster-General himself support the late Government? Did he not join our Liberal League?

Mr. AUSTIN CHAPMAN.—Not only did I refuse to join that league, but I declined to have anything to do with it, as the honorable member knows very well.

Mr. JOSEPH COOK.—That is a totally incorrect statement.

Mr. AUSTIN CHAPMAN.—It is absolutely correct. If the Government view this matter from the postal stand-point, and agree to reimburse Queensland to the extent of 3s. 8d. per mile upon the distance between Sydney and Brisbane, which is, roughly speaking, 500 miles, the amount involved would be £4,766 13s. 4d. per annum. These figures are based upon twenty-six trips each way.

Mr. FISHER.—The distance is a little more than 500 miles, I think.

Mr. AUSTIN CHAPMAN.—In that case, the cost would be proportionately higher. The Government are prepared to relieve Queensland of the cost of the contract into which she has entered with the Orient Steam Navigation Company to the extent indicated. It seems to me that that is all she is entitled to ask. Seeing that we are willing to make that concession to Queensland, we must accord similar treatment to Tasmania. The distance between Launceston and Melbourne is 277 miles, which, at 3s. 8d. per mile, would represent a sum of £2,640 14s. 8d., or a total of £7,407 8s. per annum. Apportioning that expenditure amongst the various States, it would work out as follows:—New South Wales, £2,709; Victoria, £2,250; Queensland, £970; South Australia, £693; Western Australia, £450; and Tasmania, £335. I repeat that the Government are prepared to relieve Queensland to the extent I have indicated; but they cannot accomplish their object by adopting the proposal of the honorable member for Kennedy. A payment to his State upon the lines suggested by him would not be constitutional, inasmuch as it would be a preference payment. The same remark is applicable to the amendment of the honorable member for Bass. I suggest that those honorable members should withdraw their amendments, so as to allow me to move the addition of the following words to my motion:—

but is of opinion that, without varying the original contract with the Commonwealth Government, arrangements should be made by which, during the continuance of its contract with the Queensland Government, the company, in consideration of the payment of a sum of 3s. 8d. per mile by the Commonwealth, shall agree to carry

postal matter between the ports of Sydney and Brisbane, and shall reduce the payment to be made by the Queensland Government by a corresponding amount, and also that arrangements should be made for making similar provision in the case of Tasmania.

That amendment would accomplish what the honorable member for Kennedy and the honorable member for Bass desire, and would leave the present contract with the Orient Steam Navigation Company intact. It would enable us to ratify that agreement forthwith, and would place the Government in a position to make an arrangement which would put all the States upon an equal footing. If the amendments are withdrawn, I think we shall be able to meet the wish that has been generally expressed by honorable members, and to carry out what must have been in the mind of the late Postmaster-General, who, throughout the whole of the negotiations, strove to make some arrangement under which Brisbane would be included as a port of call.

Mr. SPEAKER.—In the first place, I would point out that the amendment cannot be moved by any honorable member until the other amendments have been withdrawn. In the second place, the Postmaster-General cannot submit an amendment to his own motion. Perhaps some other Minister will move the proposal which he has indicated.

Mr. DUGALD THOMSON (North Sydney).—I am rather astonished to find that the Government are quite prepared to accept an amendment upon the lines indicated, after the Postmaster-General at previous stages in the discussion has advanced every reason for declining to accept it.

Mr. RONALD.—He has taken the wind out of the honorable member's sails.

Mr. DUGALD THOMSON.—No, he has not. I should have taken up the same attitude that I do upon the present occasion, irrespective of whether the Government had supported or opposed the amendment. Personally, I should like to satisfy the desire of Queensland in this matter, as in any other. But, as I am of opinion that by doing so, we should be establishing a precedent which will go much further than the matter with which we are now dealing, and which would create an entirely wrong situation in regard to the Federal administration of mail and cargo services, it is my duty to oppose the proposal which has been agreed to by the Minister. But before dealing with this question, I should

like to reply to some remarks of the honorable member for Grey. He declared that not a single member of this House has stated that the white labour conditions which were inserted in the present mail contract, had anything to do with the increased subsidy demanded by the Orient Steam Navigation Company.

Mr. FISHER.—He said that no honorable member had made that statement during the course of this debate.

Mr. DUGALD THOMSON.—The honorable member for Grey contended that some honorable members had abandoned the position which they took up outside the House, if not in it. I wish to say that, personally, I think that the conditions to which I have referred had something to do with the increased cost of the mail service.

Mr. FISHER.—Despite the statement of the manager of the Orient Steam Navigation Company to the contrary?

Mr. DUGALD THOMSON.—I am quite willing to accept the statement of the agent and managing director of that company. But the fact remains that the white labour conditions in our Postal Act necessitated the division into parts of the old contract for the carriage of mails between Australia and Great Britain. Had those conditions not been inserted, the British Government would have called for tenders for the whole service.

Mr. WATSON.—And they would not have received a tender from the Orient Steam Navigation Company at the price that was previously paid.

Mr. DUGALD THOMSON.—I do not say that they would. But I do say that the Imperial Government would have been in a much stronger position—dealing as they would have been with a weekly service—than Australia was in negotiating for a fortnightly service.

Mr. WATSON.—I do not think that there is anything in that contention, because the Orient Steam Navigation Company has no other contracts.

Mr. DUGALD THOMSON.—I would point out that in the papers relating to the English mail service, which have been laid before Parliament, the following passage occurs:—

In reply a cable was received from the Colonial Office, dated 21st January, 1903, stating that, with the exception of the Commonwealth Government, the Postal Administrations interested were generally in favour of the extension of the contracts, if increased speed could be secured, and the Imperial Postmaster-General thought this

could be obtained for the present subsidy. With regard to the exclusive employment of white labour, His Majesty's Government could not agree to introduce into a mail contract to which they were a party, stipulations intended to exclude certain classes of British subjects from employment in the contract vessels, and unless that condition could be modified, the idea of a joint arrangement would have to be abandoned, and other plans made for an Australian service.

It will thus be seen that the representatives of the Imperial Government expressed the opinion that if they had had to deal with the two services they could have secured a renewal of the contract at a higher rate of speed for the same subsidy. They would not then have been entirely dependent upon the Orient Steam Navigation Company. It must be recollected that they can exercise a strong influence with the Peninsular and Oriental Steam Navigation Company. But for the existence of the white labour condition the Imperial Government could have called for tenders for the whole service, and the Peninsular and Oriental Steam Navigation Company would not have been excluded from tendering.

Mr. WATSON.—I do not believe it probable that that company would have put on another line of vessels.

Mr. DUGALD THOMSON. — That may be the honorable member's belief, but the British authorities who are in closer contact with the head offices of the company have expressed the opinion that they would have been able to secure the extension of the service at the same rate.

Mr. WATSON.—That was evidently with the same company.

Mr. DUGALD THOMSON.—Perhaps so; but at all events we lost the opportunity of obtaining tenders from other companies employing black labour. The honorable member for Grey declared that the increased subsidy was demanded because the Orient Steam Navigation Company's operations were not paying. The increased subsidy was agreed to for no such reason.

Mr. POYNTON.—That was the reason offered by the company for demanding an increased subsidy.

Mr. DUGALD THOMSON. — Certainly; but it was not the reason for acceding to the demand. I took no part in the direct negotiations, because the matter was left in the hands of the late Postmaster-General, who handled it with very great ability; but I had a conversation with Mr. Anderson, and told him that such a plea could not be considered by any Government. The reason why we agreed to the

contract was that every effort had been made by previous Governments, as well as by the Government of the day—during the short time at its disposal—to obtain a service for a lower subsidy, but without success.

Sir JOHN FORREST.—Surely the fact that the service is not paying is an excellent reason for an increased subsidy?

Mr. DUGALD THOMSON.—It is not. For many years the company supplied this service for a subsidy of £85,000 per annum, and during that time they obtained a return—although only a small one—from their capital. The service ceased to pay, not because of anything relating to the mails, but owing to the competition for cargo which had set in. Tramp vessels were put on to run directly between Australia and England, while a line of steamers which commenced running to the East reduced the freights on tea between Ceylon and Australia to 14s. to 15s. per ton, as against £3 10s. per ton previously obtained.

Sir JOHN FORREST. — How could the Orient Steam Navigation Company continue the service if it did not pay them?

Mr. DUGALD THOMSON.—The Peninsular and Oriental Steam Navigation Company are continuing the service, and we must presume that it pays them to do so.

Mr. WATSON. — They are receiving a larger subsidy, or, at all events, one that averages a higher rate per mile.

Mr. DUGALD THOMSON.—But it is not the business of a Government in dealing with a demand for an increased subsidy for the continuation of a mail service that has been supplied for years to consider the losses incurred by the contracting company in connexion with the cargo trade. Where one company cannot carry on successfully another may be able to do so, and a Government has no right to be guided by such considerations. In speaking in favour of the poundage system the honorable member for Grey inquired how many people benefited by the subsidization of the mail service, and replied to his own query by saying that perhaps not one in a thousand did so. That, to my mind, is a very narrow view to take of the effects of a speedy and convenient service between Australia and Great Britain. Such a service must benefit Australia in a trading sense. It reduces, to some extent, the disadvantage under which Australia labours, owing to its

distance from the trading centres of the world; it brings to our shores many persons who, in a variety of ways, assist Australian enterprises; and it also provides for the wants of our shippers.

Mr. POYNTON.—What saving in time has been made during the last ten years?

Mr. DUGALD THOMSON.—They are covering the distance at least one knot per hour quicker than they used to do ten years ago, and that is a considerable advance. At all events, it cannot be denied that the subsidized mail service provides a ready and regular means of shipping our produce to the markets of the old world. The value that our producers place upon it may be gauged by the fact that they have always been ready to pay a slightly increased rate for the carriage of their produce by these steamers, as compared with the freights charged by other lines running between England and Australia.

Mr. POYNTON.—Is it not a fact that another line is taking produce at a much lower rate?

Mr. DUGALD THOMSON.—I do not know that there is a material difference between the rates. The Orient Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company have considerably reduced their rates.

Mr. WATSON.—They did so as the result of the competition of cargo vessels.

Mr. DUGALD THOMSON.—I would point out what, in my opinion, is the great objection to the acceptance of the amendment. Having regard to our new Federal conditions, I do not agree with the view that we should obtain tenders for a mail service alone. If it be advantageous to Australia, as a whole, to require that refrigerating space shall be provided on board our mails steamers, it may be, if necessary, desirable to impose such a condition. The mere fact that the postal service has been separated from the States should not induce us, in dealing with the oversea mail contract, to pay no regard to the interests of the States in other matters.

Mr. BROWN.—If that be so, why should we not consider the interests of Queensland?

Mr. DUGALD THOMSON.—I am speaking of the interests of Australia, as a whole. If it is to the advantage of all the States to require that refrigerating space shall be provided in our mail steamers, it is well to make that stipulation, unless too

great a price is asked for compliance with it.

Mr. THOMAS.—But should the Postal Department pay for that service?

Mr. DUGALD THOMSON.—I do not think that we should endeavour to entirely separate the postal service from other interests. We have to consider what is a reasonable price to pay for the provision of these conveniences, and if the demand be not unreasonable, it is well if it be necessary to require them to be made under contract. In my opinion, however, we ought in future to require the mails to be carried simply to the first rail port of call in Australia, leaving the company free to send their steamers beyond that point if they think it desirable. If a State is particularly anxious for them to go to a port beyond that point, when the company do not see their way clear to send them on, that State should bear the cost of the extension. I should like to remind the House that the late Government did not insist that the steamers of the company should go on to Melbourne or Sydney. Alternative tenders were called—one for a service to Adelaide only, and the other for a service that would go on to Melbourne, Sydney, and Brisbane. The company sent in a tender for delivery of the mails at Adelaide, and for the steamers to proceed to Melbourne and Sydney. That was their own offer, and they asked for no increased subsidy, because of the sending of their vessels to those two ports. No pressure was brought to bear by the Government to induce them to make Melbourne and Sydney ports of call, but we certainly endeavoured to induce them to extend the service to Brisbane.

Mr. WILKS.—Would not the bulk of the mail matter be landed in any case at Adelaide?

Mr. DUGALD THOMSON.—Certainly. But it is now proposed that provision shall be made for the carriage of mails or cargo beyond the ports to which the company may choose to go. It is suggested that the mail steamers should call at a port in each State of the Commonwealth.

Mr. FISHER.—If the honorable member turns to clause 4 of the contract, he will see that the company was compelled to send its vessels on to Melbourne and Sydney.

Mr. DUGALD THOMSON.—That was their own offer; no influence was brought to bear by the Government to compel them

to send them on to those ports. As I have said, I believe that in future contracts we should simply provide for the conveyance of the mails to the nearest rail port.

Mr. FISHER.—Why the first rail port, if the mails could be delivered more expeditiously at another port? Supposing it were quicker to deliver them at Melbourne?

Mr. DUGALD THOMSON.—If the mails could be delivered more expeditiously there, that would be the nearest rail port.

Mr. THOMAS.—They say that the mails could be delivered more expeditiously if the steamers, instead of calling at Adelaide, came straight on.

Mr. DUGALD THOMSON.—I very much doubt it. At all events, I think that in future contracts we should simply provide for the delivery of the mails at the first rail port, leaving the company at liberty to send their steamers beyond that point. If any subsidy had to be given for the extension of the service beyond the first rail port, it should be paid by the State or States desiring it. The proposal now made is that the mails shall be carried at the expense of the Commonwealth Government to each State in the Commonwealth. That will not apply merely to the English mails by the Red Sea route. It must apply to mails by Vancouver, as well as from the East. Are we going to agree, for example, that mails from the East shall be carried on to Western Australia at the expense of the Commonwealth?

Mr. AUSTIN CHAPMAN.—If the company made a contract to send the vessels on to Western Australia to deliver parcels there, surely we ought, in justice, to pay them for the carriage of those parcels.

Mr. DUGALD THOMSON.—If they rendered any service over that stretch of water, we ought certainly to do so. But if in a contract made with the Commonwealth Government for the delivery of oversea mails in one State, it is to be provided that the allowance per mile which we pay the company shall be given to them to go on to the other States, we shall place ourselves in a difficult and false position. I should like to be able to support the amendment, but having regard to all these facts, I cannot do so. The Minister took up the proper attitude in his first declaration, but he is now departing from it, and has announced

his intention of voting in opposition to his own arguments.

Mr. AUSTIN CHAPMAN.—That is not so.

Mr. DUGALD THOMSON.—That is my conclusion. I cannot see my way to support the amendment, but I ask the Minister and those who are supporting him to make it clear that it shall have effect only during the currency of the present contract with the Orient Steam Navigation Company, and shall not be regarded as a precedent in connexion with the framing of future contracts for the carriage of mails. Is the Peninsular and Oriental Steam Navigation Company to be dealt with in the same way?

Mr. AUSTIN CHAPMAN.—We have nothing to do with that company.

Mr. DUGALD THOMSON.—Then I ask if it is intended that the cost of conveying mails from Queensland homewards shall be made a general charge on the Commonwealth, instead of being paid by the State itself?

Mr. FISHER.—The country in which mails are posted always pays for their delivery.

Mr. DUGALD THOMSON.—Yes; but do the Government propose that in this instance the Commonwealth shall be charged with the cost?

Mr. AUSTIN CHAPMAN.—We are not dealing with that matter now.

Mr. DUGALD THOMSON.—I am not surprised that the Minister is unable to answer the question. He has accepted the amendment without knowing all that its acceptance involves; but I hope that, if it be carried, it will be made clear that it is to apply only to the present contract. That will remove many of my objections to it, though I shall still be unable to vote for it. If it is to be a permanent condition in all mail contracts that every vessel subsidized to bring mails to Australia shall proceed to every State the position will be a very difficult one. I hope that in framing future contracts we shall adopt a principle which will get rid of these difficulties by stipulating only for the delivery of mails at the first convenient port for their distribution throughout Australia, leaving it to be arranged between the shipping companies and the Governments of the States interested for the steamers to call at any other port at which it may be considered desirable that they should call to which they would not go of their own accord. I am in no way hostile to Queensland, and wish to be fair to every State, but I feel that the amendment will establish a precedent which may be very

awkward, unless it is made clear that it applies only to the present contract.

Mr. WATSON (Bland).—Any one who has followed the negotiations for this mail service must admit that the successive Governments which have dealt with the matter have had a very difficult task. It would have been wiser had the first Federal Government earlier taken steps to ascertain under what conditions the contract then in existence could be renewed. When I went into office the negotiations for a renewal had fallen through, and we called for tenders for alternative services under which the mails would be delivered at Adelaide, with or without the steamers being required to go on to either Melbourne, Sydney, or Brisbane. Before those tenders were received we went out of office again, and the Reid Government then took the matter up. I am willing to admit that the late Postmaster-General did nearly as well as he might have been expected to do under the circumstances. It is true that the Orient Steam Navigation Company have secured a substantial increase of subsidy without giving a faster service, and I am inclined to think that it might have been possible to persuade them to accept a slightly lower amount, though I do not suppose that any substantial saving could have been made.

Mr. HUTCHISON. — A quicker service might have been obtained.

Mr. DUGALD THOMSON.—No. The company cannot increase the speed of the service with its present boats.

Mr. SYDNEY SMITH.—£20,000 was asked for an accelerated service.

Mr. WATSON.—I do not think that the speed could have been increased; but the company might have been induced to accept a lower subsidy. The position, however, was a difficult one, and that emphasizes the need for taking time by the forelock in regard to the renewal of the present contract. Steps should be taken very early for the making of arrangements for the future. I am hopeful that the Select Committee which is now sitting will be able to give the House valuable information in regard to the subject generally before it will be necessary to call for tenders for a new contract.

Mr. WILKS.—Does the honorable member expect the honorable member for Barrier to get us out of the difficulty?

Mr. WATSON.—The honorable member for Barrier has taken a great deal

of interest in this matter, and it will certainly pay us to give consideration to it. I am not yet convinced that it would be profitable to run a Commonwealth line of steamers, but I should advocate the running of such a line if the enterprise would pay. I am surprised that the late Postmaster-General did not give more consideration to the tender of Messrs. Scott Fell and Co. That firm, by greatly reducing freights between Australia and the East, has cut into the operations of a ring which previously controlled that trade, and has caused an enormous reduction in the charges for the conveyance, not only of tea and similar goods, but of the jute goods which are so much used by our farming communities. The firm tendered for the conveyance of mails from Adelaide to Colombo or Bombay—preferably the former—for a subsidy of £75,000. Under that arrangement they would have been transhipped at the port agreed upon into one of the many steamers which trade between England and the East.

Mr. SYDNEY SMITH.—The firm asked £110,000 for the conveyance of mails to a Mediterranean port.

Mr. WATSON.—I understand that for that sum they were prepared to land our mails at a Mediterranean port, and to send their steamers on to London. Their steamers would certainly not turn round in the Mediterranean, and come back without going on to London, because of the transshipment of cargo which that would make necessary. In view of their record, as their tender was that of an Australian firm, who were prepared with a tangible proposal, it should have received consideration.

Mr. SYDNEY SMITH. — For £110,000 they were prepared to carry our mails from Australia to Colombo, and there tranship them into swift passenger steamers calling at that port on their way home or to the Far East.

Mr. WATSON.—I think that they amended that tender, and offered to land the mails at a Mediterranean port, their steamers proceeding right through to London. However, everything points to the necessity of early action being taken for the determination of this question in order that we shall not be forced into such a position as we occupied recently, to some extent owing to our own delay, and also to some extent as the result of the attitude assumed by the Orient Steam Navigation Company. With regard to the extension of

the service to Brisbane, it seems to me that the view put forward by the honorable member for North Sydney is the correct one, namely, that we should conclude a mail contract, pure and simple, for the landing of the mails at the nearest rail port. There was a time in Australia when the facilities for the shipment of perishable produce were so inadequate that it was probably necessary—without debating the question whether the Post-office vote or our general expenditure should be debited with the cost—to give some encouragement to steam-ship owners to increase their cool storage accommodation. We have, however, passed that period. We find that the cargo vessels which are not in receipt of any subsidy are giving practically as good a service, so far as the carriage of perishables is concerned, as are the mail steamers. Nearly every steamer provides cool storage space, and arrangements have been made by a combination of lines for regular sailings, which are being availed of by butter shippers in preference to the somewhat faster mail steamers. Therefore, the question of assisting the exportation of perishable products is not nearly so important as it was a short time ago, and we are free at this stage to concentrate our attention upon the question of the carriage of mails alone. So far as that is concerned, I think that our purpose would be well served by arranging for the landing of our mails at Adelaide, and permitting the steam-ship companies to send their vessels on to whatever ports they please.

MR. AUSTIN CHAPMAN.—That would be a mail contract pure and simple.

MR. WATSON.—Yes. The fact that the present contract—no matter upon what terms it may have been arrived at—includes a condition that the mail steamers must come on to Melbourne and Sydney after they have delivered their mails at Adelaide, affords reasonable ground for the claim made by the representatives of Queensland that consideration should be shown to that State. I admit that special difficulties that exist in no other part of the Commonwealth have to be overcome in regard to the exportation of perishable products from Queensland. During my recent visit to that State I found that notwithstanding the great efforts that had been made by the State Government to induce the owners of the Aberdeen line to send some of their vessels to Queensland ports, the shippers were at that moment under the heel of an absolutely despotic shipping ring,

which prevented the vessels attracted to the port of Brisbane from carrying away a large proportion of the produce intended for export. That was a condition of affairs that no community should suffer in silence, and I am inclined, therefore, to extend the most generous treatment to the people of Queensland. All the Brisbane cargo brought out from England by the Aberdeen steamers had to be unloaded at Sydney and transhipped into other vessels, in order to be conveyed to Brisbane. According to the conditions laid down by the shipping ring, this transshipment was necessary, even though the over-sea steamers had to proceed to Brisbane empty. Further than that, these vessels were prohibited from shipping at Brisbane any perishable product other than butter. They were not allowed to load frozen meat, fruit, or other produce. That is a condition of affairs upon which Parliament should look with a desire to bring about a change. I am not so much concerned as to whether or not we should establish a precedent. I am afraid that the operations of commerce, which are usually extolled as being of the freest possible character, are so hampered by shipping rings and combinations that it is of no use to rely on precedent for the solution of the difficulties presented to us, and for that reason I do not attach the same importance to precedent as does the honorable member for North Sydney. There is only one other point to which I desire to refer—that is the statement of the honorable member for North Sydney as to the influence that the insistence upon white labour conditions in connexion with the mail steamers had upon the Orient Steam Navigation Company's contract. The honorable member said that, in his opinion, the prohibition of the employment of coloured labour had caused a demand for an increased subsidy. He quoted, in support of that view, the opinion expressed by the British Postmaster-General, that if he were free to arrange the whole contract—that is, for the carriage of mails both to and from Australia—he would probably be able to secure an accelerated service at the same outlay that was being incurred under the old contract. I would direct attention to the fact that that expression of opinion was given some time prior to the expiration of the last contract, and before the Orient Steam Navigation Company had indicated its position in reference to the renewal of the contract. As indicating that it was most unlikely

that the British Postmaster-General would have been able to secure a renewal of the contract on the favorable terms he indicated, I would point to the statement, which, no doubt, honorable members have seen, as to the position of affairs of the Orient Steam Navigation Company, which shows that they have been earning a very low rate of profit for some considerable time past.

Mr. DUGALD THOMSON. — They have been making a loss lately.

Mr. WATSON.—Exactly. The amount they have earned has not been sufficient to cover their outgoings. Surely the honorable member for North Sydney, as a business man, must recognise that the Orient Steam Navigation Company would have been compelled to do something in the direction of either increasing their earnings or decreasing their expenditure. They would have had to reduce their expenditure by lessening the speed of their steamers — which has a material influence upon expenditure—or by altering the route followed, in order that canal dues and other expenses might be avoided. The company would have been compelled to adopt some means to make its earnings yield a profit, and I cannot understand how the British Postmaster-General could have expected them to tender at the same rate as previously. I agree with the honorable member that the fact that the company has been losing money affords no reason why we should pay an increased subsidy. We are concerned merely with the question whether the service rendered will be worth the money asked for. But, incidentally, we are justified, when discussing the probability of the contract being renewed at the same price as formerly, and the question of accelerated speed, in looking at the position of the company; and when we find that for years they have been sustaining a loss, we may fairly assume that they could not have carried out the new contract on the conditions indicated by the British Postmaster-General. The honorable member for North Sydney said that the Peninsular and Oriental Steam Navigation Company might have been induced to provide a weekly, instead of a fortnightly, service, at the same rate as formerly.

Mr. DUGALD THOMSON.—Either the Peninsular and Oriental Company, or one of the other large steam-ship companies trading to the East.

Mr. WATSON. — The honorable member, in making that statement, apparently forgot that the Peninsular and Oriental Steam Navigation Company take up their Australian service as a part of their general Eastern service—as a part of the contract entered into with the British Government for the carriage of mails to and from India, China, and Australia. The mails are not brought out here under a separate contract. As a matter of fact, the rate per mile paid over the whole contract is considerably in excess of that which is nominally paid in respect to the Australian portion of the service. The Indian and China portion of the contract involves an outlay of something over 6s. per mile, as against a nominal rate of 3s. odd for the Australian portion of the service. The average works out at 4s. 9d. per mile of the consolidated contract; and if the British Government had been prepared to pay the Peninsular and Oriental Company 4s. 9d. per mile for the additional fortnightly service, making in all a weekly service, I have no doubt that the Peninsular and Oriental Steam Navigation Company would have accepted their terms. I refuse, however, to believe, on the evidence as to what they are now receiving, and the attitude taken up by them, that there was a ghost of a chance of their entering into an additional contract, except at the same rate that they are now receiving under their consolidated contract.

Mr. DUGALD THOMSON.—The Peninsular and Oriental Company could carry on the service more cheaply than any other company.

Mr. WATSON.—But the honorable member must remember that the service has not paid the Orient Company.

Mr. DUGALD THOMSON.—That is owing to certain conditions as to freight.

Mr. WATSON.—It is very evident that the Orient Company could not make a paying business of their Australian service from a very early period of their contract. In view of all the circumstances, it seems extremely unlikely that the Peninsular and Oriental Company would have been prepared to accept a smaller rate than they are now receiving for an additional fortnightly service.

Mr. DUGALD THOMSON.—Does not the honorable member see that if it would not pay the Peninsular and Oriental Company it would probably not pay any other company, and that, therefore, it is of no use

for us to look for a reduction of the present subsidy?

Mr. WATSON.—I consider that it is very unlikely that the Peninsular and Oriental Steam Navigation Company would perform an additional service for anything less than the remuneration they are at present receiving, and I do not think we are likely, under present conditions, to induce any company to take up the mail service at the old price. Therefore, I cannot agree with the honorable member that the insistence upon the white labour conditions had the slightest effect upon the Orient Steam Navigation Company. We need not rely solely upon the assertion of the chairman of directors of that company to the effect that the question of employing white crews had no bearing on the amount of the tender. We have to look to the state of the company itself, and to the fact that it had not been paying for some time previously. I trust that the Government will recognise the wisdom of affording us an opportunity to consider at a very early date what attitude we shall take up in this connexion.

Mr. AUSTIN CHAPMAN.—We do not want to be caught "napping" again.

Mr. WATSON.—Exactly. The sooner we commence to institute inquiries the better will be our prospects of securing a more satisfactory arrangement in the near future. I do not urge that we should adopt the poundage system, because it cannot be said that we occupy a position similar to that of America. Steamers ply to that country much more frequently than they are likely to do to Australia for some time to come. So long as our action does not impose too great a burden upon the people of the Commonwealth, I think we are quite justified in paying a subsidy to secure regular and frequent mail communication with the mother country. So far as the amendment is concerned, I am quite prepared, in view of the peculiar circumstances existing in regard to the Queensland trade—circumstances which are quite distinct from those governing the trade of any other State—to accord to it liberal treatment. At the same time, I agree that in future it should be our policy to deal with the carriage of mails only. We have reached that stage in our national existence when we can afford to disregard the other aspect of it, except in a very minor way. That being so, we should aim at securing the delivery of our mails at the point most convenient for their distribution

throughout the Commonwealth, and we should leave the ship-owners to make their own arrangements as to where their vessels shall call subsequently. In the present instance I am quite prepared to assist Queensland, in the hope that at an early date some action will be taken to break down the shipping ring which at present exists.

Mr. BROWN (Canobolas).—In dealing with this question one cannot fail to be struck by the fact that neither the late Postmaster-General nor his successor appear to be very enthusiastic in respect of the present mail contract. Both of them recommend its early termination, with a view to securing better terms for the Commonwealth. There are two or three reasons why the existing agreement presents such unsatisfactory features. In the first place there is undoubtedly a shipping ring in existence, whose influence is so powerful that it was able to exact practically its own terms. In its endeavours to do this it was supported by a number of persons who, for political purposes, made use of the white labour conditions that were inserted in the contract, and, to this extent, played into the hands of the ring. Under these circumstances, I think that the Postmaster-General is to be congratulated upon having secured the terms that he did. The Orient Steam Navigation Company has been dealing with the Australian people for the past twenty-two years. The Postmaster-General has informed us that Australia has paid to it and to the Peninsular and Oriental Steam Navigation Company, by way of subsidy, something like £2,700,000. Of this amount the Orient Steam Navigation Company has received the sum of £1,445,000. That amount was supplemented by a further sum of £298,000, which was paid by the Imperial authorities. Thus the total subsidies received by that company amount to £1,743,000. But, notwithstanding that the Orient Steam Navigation Company has participated in the large development of Australian trade that has taken place during the past twenty years, the subsidy demanded by it has increased rather than decreased. From that standpoint the present arrangement with the postal authorities represents a retrograde rather than a progressive movement. The Postmaster-General informed us the other evening that, under the present contract, the Orient Steam Navigation Company had obtained an additional subsidy of £38,000 per annum, the rate having been increased from

2s. 7d. to 3s. 8d. per mile. It provides us with a service of 696 hours, which is thirty-four hours in excess of that which is provided by the Peninsular and Oriental Steam Navigation Company. In other words, the vessels of the Orient Steam Navigation Company average about fourteen knots per hour, whilst those of the Peninsular and Oriental Steam Navigation Company average sixteen knots. Had the former company been able to enforce compliance with its original demands, the Commonwealth would have occupied a still more disadvantageous position, because the first tender which the company submitted was for £170,000—that amount covered the increased facilities which were sought by the Government—or £150,000 for the conveyance of our mails alone. Under the existing contract that subsidy has been reduced to £120,000. I agree with the honorable member for Bland that that reduction was largely due to the competition with which the Orient Steam Navigation Company was threatened by Messrs. Scott Fell and Company. Had the latter not come to the rescue of the late Postmaster-General I believe that the directors of the Orient Steam Navigation Company would have insisted upon their original terms. The Commonwealth owes something to Messrs. Scott Fell and Company for its very timely intervention. One or two honorable members—notably, the honorable member for Grey, the honorable member for North Sydney, and the honorable member for Bland—have referred to the extent to which the provision relating to the employment of white labour on our mail steamers affected the increased subsidy which was demanded by the Orient Steam Navigation Company. It seems to me that in dealing with this question one of the great difficulties which confronted the Postal Department was the prominence which was given to the white labour clauses of the contract by leading politicians in their addresses to the electors. I think I am correct in saying that at one period—the most critical time in the negotiations between the Orient Steam Navigation Company and the postal authorities—the public, by means of press criticism and the utterances of leading politicians, were led to believe that the whole difficulty centred in the question of whether white or black labour should be employed upon the vessels. As bearing on this phase of the question, I wish to quote a resolution passed by the Adelaide Chamber of Commerce on 26th January last. After considering the diffi-

culties that had arisen in the negotiations between the company and the Postal Department, the Chamber passed a series of resolutions, one of which was as follows:—

That this Chamber is of opinion that the clause in the Postal Act prohibiting the employment of coloured labour on mail steamers should be immediately repealed, in order that satisfactory contracts may be entered into for the prompt and regular conveyance of oversea mails.

The resolutions were considered by the Adelaide Stock Exchange, which decided to support them, and forwarded copies of them to the Prime Minister and other authorities interested. They represent the view adopted by the leading commercial men of Australia in reference to this question. Practically every representative commercial body in the Commonwealth echoed the sentiments which they expressed. We find, also, that they were re-echoed by the then Prime Minister, the right honorable member for East Sydney. In the course of an interview, published in the leading daily newspapers on 27th January last, the right honorable gentleman made the following statement, which I quote from the *Sydney Daily Telegraph*:—

I have never hesitated—on the contrary, I have, in the strongest terms, denounced the clause in the Postal Act which has created the present difficulty; whilst there is no man who is more loyal to what is known as the policy of a White Australia, I do draw a particular line between that policy and the attempt, as I have previously described it, to paint the oceans of the world in the same colour.

At the very time that the right honorable member made these statements to the press his colleagues were engaged in negotiating with the company, and the only inference that could be drawn from them was that the condition as to the non-employment of black labour on mail steamers was the principal cause of the difficulty that had arisen.

Mr. JOHNSON.—The Orient Steam Navigation Company have publicly admitted that it was not.

Mr. BROWN. — That is so; but the point I wish to make is that the negotiations of the Department were hampered by these statements. Although the condition as to the employment of white labour had nothing to do with the demand made for an increased subsidy, the people of Australia were led to believe that it had, and that it was the main point of contention. Having regard to the fact that the people were misled in this way by representative bodies and leading politicians, who ought to have known better, the wonder is not

that the Department made the bad bargain which the late Postmaster-General and his successor admit this contract to be, but that it was not forced into making a still more unsatisfactory agreement. The fact that it was not compelled to do so was due to the timely intervention of the Australian firm of Scott Fell and Co. The honorable member for Bland, who, when Prime Minister, a few months before had been called upon to deal with the renewal of the contract, replied to this statement on the part of the right honorable member for East Sydney in an interview, which appeared in the Australian press on the following day. He said—

An attempt has been made, and repeated with sickening iteration, to convince the public that the demand of the Orient Company for additional subsidy is due to the insistence upon the employment of white labour. This view has been so constantly put forward in Australia that the English papers are repeating it as an ascertained fact beyond further investigation.

The honorable member went on to refer to the right honorable member for East Sydney as joining in "this chorus of ignorance," which was "inexcusable," as—

In Mr. Reid's own Department is a letter from Mr. Anderson, Australian manager of the Orient Pacific line, addressed to Mr. Deakin while Prime Minister, in which it is stated that the question of employing white labour had no material bearing on the price asked for the renewal of the contract. While in office I had an interview with Mr. Anderson, when he again repeated that it was not a question of which class of labour should be employed, but solely one of allowing his company to escape a repetition of the loss involved in the contract then existing. He further stated that the cost of coloured labour was approximately the same as that of white, as the company had to employ two coloured men, with a corresponding increase in the accommodation set apart for the stokers. I gave the substance of that interview to Parliament and the press at the time, and quoted the statement contained in the letter to Mr. Deakin, so there is no excuse for Mr. Reid, or indeed any other leader of public opinion, being ignorant of the true position.

But for this statement the public would have continued to believe that the whole trouble related to the condition regarding the non-employment of black labour on mail steamers. To such an extent was criticism of this kind indulged in, whilst the negotiations were in progress, that the *Sydney Daily Telegraph* of 9th February last published a cablegram from London giving the substance of views expressed by the London *Times* with reference to this question—

The ideal of a White Australia, reasonably interpreted, and pursued by reasonable means, must

commend itself to the sympathy of every Englishman, but as applied to the mail service, the doctrine has been dragged into a matter upon which it has not the remotest bearing.

Evidently the *Times* was led to believe that the policy of a White Australia was at the bottom of the trouble in regard to the mail contract, whereas it had nothing whatever to do with it. Without going unduly into the history of the movement for the abolition of black labour on mail steamers, I would point out that a glance at the literature bearing on the subject discloses that it was considered prior to Federation by the Governments of the Australian States. My inquiries lead me to believe that it was first brought forward at a Postal Convention held in Hobart by the honorable member for Parramatta, who was then Postmaster-General in the State Government of New South Wales, led by the right honorable member for East Sydney, who now strongly condemns what he describes as an attempt to paint the ocean white.

Mr. JOSEPH COOK.—Why does not the honorable member state the whole of the case—that we did not attempt in any way to interfere with the mail service because of the employment of black labour?

Mr. THOMAS.—But the State Government in question informed the British authorities that the service would be unsatisfactory if lascars were not removed from the mail steamers.

Mr. BROWN.—I presume that the honorable member, in bringing the matter under the notice of the Convention, was influenced by a desire to induce the States to agree to the adoption of his proposal. If that were not so, why did he bring it forward? On the 9th February last the present leader of the Opposition, whilst on a visit to Tasmania, received a deputation from a number of ladies with regard to the contract labour provisions of the Immigration Restriction Act and the white ocean policy. According to the *Sydney Morning Herald* the deputation was introduced by Senator Dobson and Senator Mulcahy, and the reply of the right honorable member is reported in that journal in these terms—

He was one with the deputation in the desire to see "white ocean" and the "contract labour" clauses repealed, but could not see his way to initiate legislation on the subject, because to do so would lead to the break up of the Coalition Ministry.

Apparently the very estimable members of the deputation were somewhat disappointed at the reasons given, one good lady hinting darkly that she would lead an

insurrection. The *Daily Telegraph*, in criticising the action of the Government in this matter, said, ten days later—

As Mr. Reid is not at present finding fault with the "white ocean" policy, which he denounced at the elections, or proposing to amend it, but doing his best to give effect to it, and let the country take the injurious consequences, he cannot, perhaps, be expected to admit that the increased subsidy asked for is simply the logical result of the demand for a more expensive service.

During the conference of Premiers at Hobart, both the right honorable member for East Sydney and the right honorable member for Balaclava informed the assembly that the condition requiring the employment of white seamen on the mail boats had not materially affected the negotiations between the Postal Department and the Orient Steam Navigation Company in connexion with the mail contract. In this connexion I should like to refer to a paragraph which was published in the Melbourne *Argus* on the morning following the arrival at Largs Bay of the first steamer to come here under the new contract. It was as follows:—

R.M.S. ORMUZ AT LARGS BAY.

THE WHITE STOKERS.

ADELAIDE, Monday.—The Orient Pacific liner arrived from London to-day, and, in accordance with the new mail contract, she has no lascars employed on board. It is three years since the company first shipped black stokers and firemen. The reason for the change was the unreliability of white stokers, and their alleged over-fondness for intoxicating liquor. The chief engineer (Mr. McInnes) to-day expressed his deep regret that the political action of the Commonwealth should have forced the company to revert to the employment of white stokers and firemen. Their stoking of the ship, he stated, is not so satisfactory as the lascars'.

That statement was only in accord with the contentions of those who said that the difficulty in the way of securing a satisfactory mail contract was the condition in the Postal Act requiring the employment of white seamen; but a few days later the following letter appeared in the same newspaper:—

THE ORMUZ STOKERS.

To the Editor of the *Argus*.

Sir.—With reference to your telegram from Adelaide to *The Argus* of the 16th inst., in which you make the statement to the effect that I had expressed deep regret that the Orient Company had been compelled to revert to the employment of white firemen and stokers, and that the stoking of the ship was not as good as when lascars were employed, I deny that I made any comparison between white and black stokers, as far as

Mr. Brown.

their ability went. With regard to white firemen on board the present voyage, I never sailed with a steadier or more obedient lot of men, as I hope to be able to say the same at the conclusion of the voyage. In justice to the men and myself, I beg you to give publicity to this letter, both in Melbourne and Adelaide, where the above erroneous statements have been made.

Yours, &c.,

KENNETH MCINNES, Chief Engineer.

S.S. *Ormuz*, May 18.

As no other complaints have been made, it must be assumed that the experience of the other engineers in the Orient Steam Navigation Company's fleet has been the same as that of the chief engineer of the *Ormuz*, and no trouble has arisen from the employment of white stokers. In view of that fact, the use made of the provision in the Postal Act to denounce Federal legislation is not at all creditable to those responsible for it. The Orient Steam Navigation Company, as the result of its long connexion with Australia, has secured a very firm grip upon our commerce and trade, and when it came to negotiate with the Postal Department for the mail contract was in a very secure position, because of the way in which it has been nursed and favoured by the community. It could thus demand much more advantageous terms than it would otherwise have secured. It is true that Mr. Anderson has since declared that the white labour condition affected the negotiations indirectly, though not directly, but he has not indicated how it did so. He has suggested, however, that if there had been no such condition, the British Government might have come to the assistance of the Australian people by contributing part of the increased subsidy for which his company felt compelled for other reasons to ask. I should like to know from those who are so anxious that the British taxpayer shall not be saddled with expense for the benefit of the Commonwealth, and have proposed that our subsidy to the Navy shall be increased by 100 per cent., what they think of that suggestion? Would they allow the British taxpayer to bear a portion of the expense of providing us with a mail service? If they would not, of what advantage would it have been to allow the employment of black labour on these mail ships? The question of employing black labour upon mail steamers is quite distinct from that of a White Australia. If honorable members will refer back to the debates which took place upon the provision in the Post

and Telegraph Act for the employment of white crews upon mail steamers, they will see that its advocates did not propose it as a mere supplement to the White Australia policy, but with the object of encouraging the employment of British sailors in the mercantile marine. The honorable and learned member for West Sydney, in speaking upon the matter in 1901, quoted some statements made by Lord Brassey to the effect that the proportion of sailors in the British mercantile marine had, during the preceding twenty-five years, decreased to the extent of 50 per cent. Whereas twenty-five years previously 200,000 British seamen had found employment upon British merchant vessels, the number had dwindled down to 100,000, and was still rapidly decreasing. Lord Brassey pointed to the difficulty that would be experienced in obtaining a sufficient number of recruits for the Royal Navy, and also in maintaining an efficient naval reserve, adequate to meet the stress of war. It was pointed out that the mercantile marine was being manned by foreign sailors to a larger extent every year, and that a still worse condition of things was rapidly being brought about by the substitution of Asiatics for European seamen. The most recent statistics show that the decrease in the number of British seamen is proceeding at an alarming rate, and that the conditions are such as to cause the greatest concern to statesmen, who have any conception of the probable needs of the Empire in the event of Great Britain becoming involved in war. The object of initiating a white ocean policy was to insure that British seamen should be employed upon the mail steamers subsidized by the Commonwealth, and I feel sure that our action in that regard will meet with the approval of all well-wishers of the Empire. At the time that the controversy with regard to the white ocean policy was at its height, I, in company with a friend from the country, visited Circular Quay, in Sydney, and inspected a number of large steamers which were berthed there. We went on board the German steamer *Friedrich der Grosse*, a steamer larger than any belonging to the Orient Steam Navigation Company or Peninsular and Oriental Steam Navigation Company. We found no black labour upon that steamer, but the whole of the sailors were Germans. Alongside her was a sailing vessel, which, at that time, was the greatest attraction of Sydney Harbor. It was equipped by the German Government

for the special purpose of training youths for a seafaring life, in order that they might afterwards enter the mercantile marine, and eventually be drafted into the German Navy. It is scarcely necessary to say that there was no black labour to be found on that ship. On the other hand, we saw a number of sturdy fine-looking young men of ages ranging from sixteen to twenty-four, whose training was provided for as a part of the system by which Germany is building up her naval power. We next proceeded to the other side of the Quay, where we boarded one of the Peninsular and Oriental Steam Navigation Company's steamers. We found there a few British officers and a crew composed mainly of Cingalese. We have built up a navy which is the pride of the British people and the admiration of foreign nations, and we are blindly endangering our prospects of being able to maintain it by substituting for British seamen foreigners and Asiatics. I believe that the desire for gain which is responsible for the change now being brought about in our mercantile marine will eventually prove the greatest weakness in the British Empire. Our desire that the money which we pay in the form of subsidies to mail companies shall be spent in the employment of white labour is a commendable one. 'We do not wish merely to paint the ocean white, but, as far as lies in our power, to render secure the naval strength of the Empire. As indicating that the employment of British sailors is decreasing, I would point to the returns showing the number of youths indentured as apprentices on sea-going vessels. In 1870 they numbered 18,000; in 1880, 14,000; in 1890, 8,000; in 1900, 5,000; and in 1903, 5,339. This great reduction shows that the British tar is gradually disappearing from our mercantile marine. I would commend these facts to the serious consideration of honorable members who have expressed their disapproval of our white ocean policy. All the great nations are devoting their attention to the strengthening of their navies. Germany, England's great commercial rival, is paying more attention to her navy than to her army, and she is acting wisely in building up her naval strength by making every provision for the training of efficient seamen to man her fleets. There is another phase of this question to which I desire to refer, and that is the monopoly which has hitherto been enjoyed by the Peninsular and

Oriental Steam Navigation Company and Orient Steam Navigation Company in connexion with our produce export trade. These companies have received considerable encouragement at our hands, and, as their position has become strengthened, they have shown a disposition to exact from us all the harder terms. I desire to direct attention to the evidence given before the Butter Commission with regard to the commissions paid to brokers by the Peninsular and Oriental Steam Navigation Company and the Orient Steam Navigation Company. The following statement occurs in the report:—

1. That payments were made by the Peninsular and Oriental and Orient Companies from 12th May, 1894, to 30th April, 1903, amounting to £13,130 10s., to Messrs. J. Bartram and Son and Messrs. McMeekin Bros., and that the following shippers and others participated in the amount paid to Messrs. J. Bartram and Son, namely:—Messrs. C. W. Gray and Company, Wm. Telford Webb, Daniel Manson Taylor, Chas. Fredk. Taylor, and the Melbourne Chilled Butter Company.

2. (a) That the payments were in the form of a rebate on freight, and not for services legitimately rendered as brokers

Mr. SPEAKER.—I must ask the honorable member to refrain from any further reference to that matter, unless he can connect his remarks with the motion before the Chair.

Mr. BROWN.—The report discloses a monopoly, in which the Orient Steam Navigation Company is concerned, and that improper means have been adopted to secure trade preferences. I advance this as one of the reasons why we should seriously consider the relations in which we stand towards the Orient Steam Navigation Company before the expiration of the current contract.

Mr. SPEAKER.—I should hesitate to rule the honorable member entirely out of order, but I would point out that his remarks, whilst they may be made incidentally, must not be made the basis of a long argument.

Mr. BROWN.—I merely wish to quote one short paragraph from the report, which reads as follows:—

From the evidence elicited before this Commission, it is apparent that the shipping companies seek to limit the competition for the carriage of Australian butter. It is also evident that the shipping interest is sufficiently strong and influential to demand its own terms from the producers. The evils proceeding from this state of affairs appear to menace the Australian export trade in butter, and call for the united

efforts of the States to at once place the trade outside an influence which has the power of increasing the burdens of the primary producers.

This House is now engaged in considering a Commerce Bill, which I hope will speedily become law, and put a stop to such malpractices. I am quite in accord with the suggestion of the honorable member for North Sydney that we should enter into a contract solely for the carriage of mails. Our payments in this respect ought not to be regarded as payments for trade purposes. Whilst I consider that trade should be encouraged in every legitimate way, I am of opinion that that encouragement should be given in the form of special subsidies. It is undeniable that other lines of steamers are now entering into competition with the mail companies, as, for example, the White Star and the Lund and Aberdeen lines. I believe that the public attention which was directed to this matter by the recent negotiations with the Orient Steam Navigation Company has resulted in much good. Before they were threatened with opposition in the Australian trade, the mail steamers were receiving $\frac{3}{4}$ d. per lb. for the carriage of butter to the old country. The new shipping companies are now carrying it from Melbourne for $\frac{3}{4}$ d. per lb., a reduction of 50 per cent., and are guaranteeing a temperature of 20 degrees throughout the voyage. As a result of this competition, the Orient Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company have made a big reduction in their charge. They have offered to reduce it to 7-16ths of a penny per lb., and to maintain a temperature of 30 degrees throughout. Thus, I contend that the publicity which has been given to this matter, instead of exercising an injurious effect on the Commonwealth, has actually been productive of substantial benefit. Recently I saw, in one of the English magazines, an article which was written by a member of the Natal Legislature, setting out the great disadvantages under which that State suffered by reason of the excessive freight charges that are levied by some of the English companies trading there. It is evident, therefore, that other countries are suffering from the evils to which I have referred. I am very loth to support this motion. I do not consider that it is a fair one. To me it is apparent that the Orient Steam Navigation Company, finding that they practically controlled the situation, drove as hard a bargain with the Commonwealth as they

could. I only support the motion on the understanding that the present contract will be terminated as speedily as possible, and that in the interim the Government will endeavour to secure more reasonable terms than they have obtained hitherto. I trust that the investigation which a Select Committee is at present conducting into the wisdom or otherwise of establishing a State-owned line of steamers between Australia and the old country will elicit information which will be of benefit to this Parliament when it is again called upon to deal with this matter.

Mr. CULPIN (Brisbane). — I am very pleased that the Postmaster-General has agreed to accept practically the amendment of the honorable member for Kennedy. There is just one matter to which I should like to direct attention. The honorable member for North Sydney has stated that, in accepting the proposal of the honorable member for Kennedy, we shall be creating a precedent. In my opinion, all the legislation which has been enacted by this Parliament is in the nature of a precedent. So long as any proposal submitted for our consideration is a fair one, I do not think that we should fear to create precedents. The amendment outlined by the Postmaster-General will, in my opinion, do justice to all the States, and I hope we shall come to a vote upon it as soon as possible.

Mr. McDONALD (Kennedy).—I desire to withdraw my amendment. I understand that the Government are prepared to meet the views embodied in that amendment by submitting a proposal which will put the matter in a more constitutional form. I think that the amendment which will be proposed by the Minister of Home Affairs will accomplish everything that is desired by the House.

Amendment, by leave, withdrawn.

Amendment (by Mr. GROOM) proposed—

That the following words be added to the motion:—"but is of the opinion that without varying the original contract with the Commonwealth Government, arrangements should be made by which, during the continuance of its present contract with the Queensland Government, the Company, in consideration of the payment of a sum of 3s. 8d. per mile by the Commonwealth, shall agree to carry postal matter between the ports of Sydney and Brisbane, and shall reduce the payment to be made by the Queensland Government by a corresponding amount, and also that arrangements should be made for making similar provision in the case of Tasmania."

Mr. SYDNEY SMITH (Macquarie).—The honorable member for Bland and the honorable member for Canobolas have blamed the late Government because they did not accept the offer of Messrs. Scott Fell and Company.

Mr. BROWN.—I said that if the Government had not had the offer of that company in reserve, they would have been in a much worse position.

Mr. SYDNEY SMITH.—I pointed out by interjection that Messrs. Scott Fell and Company merely undertook to provide us with a service, either to Colombo or to Bombay, and to tranship our mails thence to some port in the Mediterranean. For this service they asked £106,000. I cannot understand why honorable members, who insisted upon a white ocean policy, should favour the Government entering into a contract which provided for the maintenance of a white ocean policy only as far as Bombay or Colombo, and which contemplated the transshipment of our mails at one of these ports to steamers manned by black labour.

Mr. WATSON.—I have said that I was not in favour of the transshipment proposal at all.

Mr. SYDNEY SMITH.—I have already shown the honorable member the correspondence relating to the matter, and he must be perfectly satisfied that the offer of Messrs. Scott Fell and Company provided for the transshipment of our mails.

Mr. BROWN.—Does the honorable member imagine that the Orient Steam Navigation Company would have reduced its tender to £120,000, if it had not been for the offer of Messrs. Scott Fell and Company?

Mr. SYDNEY SMITH.—My honorable friend knows very well that I used Messrs. Scott Fell and Company's offer for all it was worth. I was engaged in a business deal with a keen, shrewd body of men, and was determined to use all the ammunition at my disposal to secure the best possible bargain. In order that Messrs. Scott Fell and Company's offer should not be made public, I took care that it was not even placed on the official records for a time.

Mr. FISHER.—The honorable member was playing a game of bluff with the joker against him.

Mr. SYDNEY SMITH.—At all events, it would have been unwise to disclose the exact terms of the offer. I have been blamed for failing to inform the public

at the outset that it was an unsatisfactory one; but, in the circumstances, I do not think that I should have been justified in doing so. As to the complaint which has been made with reference to the conditions of the contract now before us, I wish to explain that I said nothing to the company as to the terms that we desired to impose until I knew that I was on solid ground. My first desire was to ascertain the bedrock price at which they would be prepared to supply this service, and when I had succeeded in inducing them to reduce their demand to a subsidy of £120,000 per annum, I said, "If we give such a subsidy it must be subject to certain conditions." The conditions are concessions that were obtained, in addition to the reduction of £30,000 per annum, on the original demand.

Mr. THOMAS.—What were those concessions?

Mr. SYDNEY SMITH.—I have already dealt with them. I think the Postmaster-General will agree with me that if the conditions sought to be imposed by the Orient Steam Navigation Company had been accepted, the Government might have been called upon to pay an additional £120,000 per annum.

Mr. WATKINS.—Does the honorable member say that the offer of Messrs. Scott Fell and Company would not have been accepted under any conditions?

Mr. SYDNEY SMITH.—It was not acceptable, firstly, because of the subsidy demanded, and, secondly, because it was for a transhipment service. I thought we ought to have a through service.

Mr. FISHER.—What was the objection as to the transhipment?

Mr. SYDNEY SMITH.—The general opinion is that we ought to have a through service for mail and other purposes, and that our mail steamers should be fitted with refrigerating machinery. A transhipment service would be unsatisfactory from every point of view. In the first place with such a service we should be unable to assist the producers to convey their perishable produce to the markets of the old world, and, secondly, there would be uncertainty as to the prompt delivery of mails.

Mr. THOMAS.—Had the matter been left in the honorable member's hands by his leader something better might have resulted.

Mr. SYDNEY SMITH.—It was not taken out of my hands.

Mr. THOMAS.—In the correspondence we find letters addressed "Dear Reid," although up to a certain point the letters from the company were addressed to the Postmaster-General.

Mr. SYDNEY SMITH.—The honorable member need not trouble himself about my position in the matter. In view of the speech made by the honorable member for Bland, which indicated that he was under a misapprehension as to the exact position of affairs respecting Messrs. Scott Fell and Company's offer, I felt it necessary to make an explanation. I should have been glad if a satisfactory offer could have been submitted by that company, because it would have been an Australian service; but I found that the offer was one that I could not reasonably recommend the Cabinet to accept.

Mr. FISHER (Wide Bay).—The closing remarks of the honorable member for Macquarie clearly bear out the statement which I made at an earlier stage in the debate that this contract was largely one for the carriage of perishable produce. When I asked the honorable member why, as Postmaster-General, he did not see his way to accept Messrs. Scott Fell and Company's offer, he replied that it would have involved the transhipment of perishable produce.

Mr. SYDNEY SMITH.—And of mails.

Mr. FISHER.—The honorable member said in the first place that it would be undesirable to have perishable produce for the old world transhipped—I presume, in a tropical country. No doubt that is quite correct. I agree with him, also, that it is inadvisable that mails should be transhipped; but the fact remains that our contention that the subsidy is not to be paid entirely for the carriage of mails has been fully borne out. It is a contract practically for the carriage of perishable produce, not from the whole, but from only a part of Australia. And yet some honorable members, who express a desire to see justice done to all the States, consider that there would be no justification for the Commonwealth paying for the extension of the service to Queensland. That is not a fair position to take up. It is clearly shown by the official correspondence that the particular desire of the Government was to secure a regular mail service by steamers which would also provide cool storage for perishable produce. That being so, the contention of the Premier of Queensland

that that State should share in the benefits of the contract is an extremely sound one. I am exceedingly pleased that, although the Government are not prepared to go as far as I think they ought, they are ready to take a step in the direction of meeting the wishes of Queensland. I congratulate them upon their change of attitude. In submitting the motion the Postmaster-General stated—inadvertently, I hope—that the Government did not propose to pay any portion of the subsidy of £26,000 per annum which the Queensland Government had arranged to give the Orient Steam Navigation Company to make Brisbane a port of call.

Mr. AUSTIN CHAPMAN.—I said that we were not prepared to pay a subsidy for trade purposes. We still take up that position, and are merely proposing that the Commonwealth shall pay something for postal services.

Mr. FISHER.—That is so, and I am pleased to know that the mail service is to be extended to Brisbane. I was very much disappointed at the attitude assumed by the honorable member for North Sydney, to whose opinions much weight is always attached. The honorable member appeared to be particularly anxious that the Commonwealth should assist Queensland, but at the same time he could not see his way to support the Government proposition. The honorable member for Barrier, who has given this question a great deal of consideration, has pointed out that in many instances the mails might be delivered more expeditiously at Melbourne than they would be if delivered at Largs Bay, or at what is termed the nearest rail port. It would be unjust, however, to make a provision of the nature indicated, having regard to the fact that the mail steamers would pass Adelaide. It certainly would not be in accordance with a true conception of national life. Surely one or two large centres should not benefit at the expense of the rest of the Commonwealth. I am especially pleased that Tasmania is likely to reap some benefit from this contract. We cannot hope for a national life if the big States are always to demand their pound of flesh. No Federal law could benefit the smaller States to the extent that it would assist the larger ones. Let me remind honorable members of the position of affairs when negotiations were first entered into for the renewal of the mail contract. The late Prime Minister had it in his power, when the contract was under consideration, to require that

Brisbane should be made a port of call. When the late Attorney-General declared that in future the High Court should sit only in Melbourne, the right honorable member for East Sydney stated emphatically that it should sit also in Sydney, and had he taken a similar attitude in regard to this mail contract, Brisbane would undoubtedly have been made a port of call. That is what I had in my mind when I said that if the Prime Minister of the day had represented a Queensland constituency the contract would have been different. The contention of the honorable member for Macquarie, that the Queensland Government did not bring before the Commonwealth Government the need for extending the mail service to Brisbane, has been proved to be without proper foundation, and the defence now made is that their communication was by means of a confidential letter from the Premier of Queensland. I have yet to learn that such a letter does not come within the cognisance of the whole of the members of the Government to whom it is addressed, and I venture to say that the members of the two Governments which have dealt with this question knew of that letter. It was written prior to the negotiations which resulted in the completion of this contract. In that letter, the Premier of Queensland states that his Government were prepared, after paying their share of the mail subsidy, to offer monetary assistance to the Commonwealth Government to secure the bringing of the mail steamers to Brisbane.

Mr. WILKINSON.—That was not wailing and crying.

Mr. FISHER.—No. The Government of Queensland have been ready at all times to do that. They have now agreed, not only to pay the Orient Steam Navigation Company £26,000 to bring their steamers to Brisbane, but, in addition, to allow them free pilotage, to forego all port dues, to give the steamers the sole use of the Pinkenba wharf, to provide free railway carriage for the servants and agents of the contractors of fuel, stores, and other requirements of mail ships between Brisbane and Pinkenba, and to discharge the steamers if they have to be quarantined. They have further contracted with the company to keep open a sufficient channel in the Brisbane River for the passage of their vessels. Yet some honorable members think that we are asking for more than a fair thing when asking

that a moiety of the mileage rate shall be paid to the Queensland Government on the condition that mails are carried between Sydney and Brisbane. The contract between the Orient Steam Navigation Company and the Queensland Government was entered into only after the contract between the company and the Commonwealth Government had been completed, and it was impossible to get the Commonwealth to agree to an extension of the service. The Government of Queensland did everything possible to make known the desires of their State on this subject, and to supply the Government of the Commonwealth with information. Having failed to get the Commonwealth Government to do what was wanted, there was nothing left but to conclude a contract with the Orient Steam Navigation Company on their own account. In my opinion, the Queensland Government have acted rightly, although the service will be a very expensive one. I hope that henceforth Brisbane will be considered one of the ports of call for all mail steamers. I agree with those who think that the Post-office should be asked to pay only for the conveyance of mails, and that the cost of carrying out arrangements for the conveyance of produce should be debited to an Agricultural Department, whose province it would be to see that the necessary provisions were inserted in the contract, and afterwards carried into effect. There would be no objection under such an arrangement to the negotiations in connexion with both the mail service and the service for the conveyance of produce taking place at the same time; but there should always be the distinct understanding that the contract would provide for the separate requirements of the two Departments. I trust that the action of this House in this matter will be an intimation that in the future a genuine attempt will be made to treat all the States of the Commonwealth alike, though I feel that Queensland is not getting what she deserves, or what she hoped for.

Mr. McWILLIAMS (Franklin).—I am not at all satisfied with the contract. I believe that a contract has never been placed before a Parliament which, taken all round, was more unsatisfactory than this is. There has been a total lack of ordinary business knowledge displayed in connexion with it. Just imagine a contract of this kind being allowed to practically expire before steps were taken to obtain

tenders for the continuance of the service. That is what happened, however, in connexion with this contract. In order to obtain the advantage of competition, it is necessary to get several steam-ship companies to tender for a service of this kind. That cannot be done unless twelve or eighteen months' notice is given, so that possible tenderers may have time to make all necessary arrangements. In this instance, however, the contract was allowed to expire by effluxion of time, and the poundage system had to be resorted to before any agreement had been come to. We are now being asked to ratify a contract, not for the conveyance of mails only, but to provide a cargo service for some of the States. What should have been done was to call for alternative tenders at least a year before the last contract expired. If steamers, after touching at Western Australia, came direct to Melbourne, although there might be a slight loss of time in delivering the mails there would be a great saving in the amount of subsidy required. It is well known that the mail companies have no desire to call at Adelaide, and that if they were free to exercise their own choice they would come straight on to Melbourne. Under the contract entered into with the Orient Steam Navigation Company the mail steamers are required, after having landed the mails at Adelaide, to go on to Melbourne and Sydney. I think it is very desirable that facilities should be provided for the proper conveyance of our produce; but if it is fair that the steamers should be required to proceed to Melbourne and Sydney, I do not see that any sound argument can be advanced against their being also called upon to continue their voyage as far as Brisbane. The producers of Queensland are as much entitled as are any others in the Commonwealth to avail themselves of the advantage of the cool storage space provided in the mail boats. As has been pointed out by the honorable member for Wide Bay, the transshipment of perishable products would spell ruin. Therefore, the producers of Queensland cannot avail themselves of the cool storage space provided in the mail steamers unless the vessels proceed to Brisbane. Tasmania is in much the same position as Queensland. Whilst that State has had to join with all the others in contributing upon a population basis towards the mail subsidy, its producers have had to enter into special arrangements with the mail

companies in order to secure advantages which have been rendered available to the exporters of Victoria and New South Wales free of any direct cost to them. Therefore, in common fairness, the producers of Queensland and Tasmania should be enabled to participate in the full advantages of the service. I am prepared to accept the amendment proposed by the Minister of Home Affairs. I do not think it would be desirable to provide that the mail steamers should proceed to Tasmania throughout the year, but in regard to the carriage of mails an allowance should be made to Tasmania in the terms proposed. I would urge upon the Government the necessity of adopting the common sense and business-like proceeding of inviting tenders fully eighteen months before the present contract expires. We are paying far too much by way of subsidy, and we should never have been called upon to make a contribution so disproportionate to the service we are receiving if ordinary business-like precautions had been adopted before the former contract had expired. In conclusion, I must express my regret that we are compelled to accept a contract which must be condemned by every business man in the House.

Mr. KING O'MALLEY (Darwin).—I congratulate the Postmaster-General upon having at last displayed sufficient uncommon sense to enable him to recognise the justice of granting a reasonable concession to that grand little gem of the seas—Tasmania.

Mr. KELLY (Wentworth).—I should like to know whether it is really considered necessary that there should be some augmentation of the mail service between Sydney and Brisbane. It may be contended that the mail steamers will carry mailed parcels between the two cities; but I would point out that it is not at all likely that the mail steamers will proceed from Sydney to Brisbane immediately after their arrival at the former port. They will have a considerable amount of cargo which will require to be discharged promptly, and the chances are that any packages or parcels sent on to Brisbane by them would be delayed for fully a week beyond the time at which they would have been delivered had they been despatched by train in the ordinary way.

Mr. AUSTIN CHAPMAN.—The same argument applies to parcels which are brought round from Adelaide to Melbourne and Sydney.

Mr. KELLY.—I do not think so. The Postmaster-General ignores the difference in the relative commercial importance of the two cities of Sydney and Brisbane. The Orient Steam Navigation Company is required under the contract to deliver the mails at Adelaide, and when that duty has once been discharged the steamers can proceed at leisure from port to port. The company will not consider it necessary to promptly despatch their steamers from Sydney to Brisbane; the exigencies of the cargo traffic will require a comparatively long stay at the former port. There will be no cargo for Brisbane.

Mr. AUSTIN CHAPMAN.—Then with what object will the steamers go there?

Mr. KELLY.—Because the company are to be paid for extending the service. If the Minister desires to meet the claims of Queensland in a proper spirit, he should admit that he is acting, not in the interest of the mail service, but in the interests of the producing and importing classes of Queensland. It is pretended that this amendment deals solely with the question of the carriage of our mails; but we have had quite enough of pretence in this House. In my judgment, the Postmaster-General would be acting more openly if he agreed to make a direct contribution to Queensland, in return for Queensland support. I ask the honorable gentleman to give some answer to the questions which I have put to him, so that, as far as possible, we may continue the debate upon amicable terms at this late hour of the evening.

Mr. DAVID THOMSON (Capricornia).—I wish to enter my protest against the payment to Queensland of the miserable pittance that is proposed. Although some of my colleagues appear to be satisfied with the amendment, I am not. Despite the fact that Queensland has contracted to pay £26,000 for the services rendered by the Orient Steam Navigation Company, under the Government proposal it will be reimbursed to the extent of only £3,000 or £4,000. I am surprised at the action of my own colleagues in supporting the amendment.

Mr. KELLY.—What amount does the honorable member think would represent a fair thing?

Mr. DAVID THOMSON.—I am aware that the honorable member for Wentworth is opposed to everything that will not benefit Sydney. In his opinion, that city is the

hub of the universe. If he were a representative of Queensland I am satisfied that he would entertain a very different view.

Mr. CARPENTER.—Will the honorable member give us some reason for his opposition to the Government proposal?

Mr. DAVID THOMSON.—The honorable member represents a constituency in Western Australia, and the mail steamers pass the front door of that State. The position of Queensland, however, is entirely different. The mail steamers do not pass its door, and the Government of that State are obliged to pay £26,000 annually to secure exactly the same service that the other States obtain without being called upon to make any special payment. I am convinced that the proposal of the Minister of Home Affairs is a violation of the Constitution. The Government magnanimously offer to reimburse the State of Queensland to the extent of £3,000 or £4,000.

Mr. KELLY.—It is an insult.

Mr. DAVID THOMSON.—Queensland is quite prepared to pay her own way. She does not want this paltry sum of £3,000 or £4,000, and I am inclined to think that she will refuse to accept it.

Mr. CARPENTER.—She is asking for it.

Mr. DAVID THOMSON.—No, she is asking for more. I intend to vote against the ratification of the contract.

Mr. JOSEPH COOK (Parramatta).—I would suggest that at this late hour the Government should agree to an adjournment of the debate.

Mr. KING O'MALLEY.—If we adjourn now, let us meet at half-past 10 o'clock to-morrow morning.

Mr. JOSEPH COOK.—I should like to speak upon this motion, and I do not think that any other honorable member upon this side of the House desires to do so. I should not hesitate to proceed with my remarks to-night, except I do not feel equal to the task, having been in the train for two successive nights.

Mr. DEAKIN.—The honorable member should have spoken earlier.

Mr. JOSEPH COOK.—What difference would that have made?

Mr. AUSTIN CHAPMAN.—A large sum of money which is due to the Orient Steam Navigation Company is at present locked up in London pending the ratification of the contract.

Mr. JOSEPH COOK.—If the Government will not consent to an adjournment I suppose that I must proceed with my

speech. So far as the mail service, as a whole, is concerned, I think that the best that could be done under the circumstances was done. The late Government stood out until the last moment in the hope of securing better terms, and they only reluctantly agreed to those that were offered, after every effort had been made to secure a cheaper and more effective service.

Mr. BROWN.—Does the honorable member think that they could have secured better terms?

Mr. JOSEPH COOK.—I have said that they could not. To my mind, their only alternative was to entirely repudiate the contract, and to carry on the service upon the poundage system. After a short experience of that system, I have no desire to see any more of it in Australia. It injured the community commercially. It injured the whole population in many ways.

Mr. CARPENTER.—There was a lot of clamour about it in the press, but there were no complaints from the people.

Mr. JOSEPH COOK.—I can speak only of my own experience. When I found that the weekly letters to the newspapers from London had been intercepted owing to the intermittent service provided, I felt it to be a very great deprivation indeed. That represents only one of a huge number of inconveniences which the community suffered.

Mr. FRAZER.—What about that section of the community which does not receive a mail once a month?

Mr. JOSEPH COOK.—The advantage of which I am speaking is shared by the whole community. I am referring to periodical mails and letters. I felt their irregular delivery to be a great inconvenience, and it is only one of a number of collateral disadvantages from which the community suffered by reason of the poundage system. I venture to say that the mercantile community suffered greatly. I do not pooh-pooh anything in regard to the mercantile community as honorable members in the Ministerial corner seem to do. They seem to think that the mercantile class is the last one that ought to receive any consideration, judging from the contemptuous way in which they refer to it. I, however, think that anything that affects the mercantile community profoundly affects every man and woman here. When, therefore, the late Government could make no better terms than to pay an increased subsidy, I think they did a very

wise thing, and I was one of those who congratulated the late Postmaster-General upon what he had done. Much has been said about running our own ships and carrying our own mails. We have a great deal more and better work to do in Australia than to launch into enterprises of that kind. I am surprised that honorable members opposite should make such impracticable suggestions. Why do they not, before talking of competing with the mercantile world, face the fact that there is one pressing problem upon which they ought to concentrate their attention, with a view to solving it, namely, the problem of the unemployed? That is a great deal more important to them than any proposal for nationalizing private enterprises.

Mr. WEBSTER.—The honorable member's leader failed to remedy the unemployed difficulty when he was in office in New South Wales.

Mr. JOSEPH COOK.—My leader failed to solve the problem, and certainly the honorable member, after twelve years of public life, has not succeeded in suggesting a solution.

Mr. THOMAS.—The right honorable member for East Sydney said he would solve it in twenty-four hours if he got on the Treasury benches.

Mr. JOSEPH COOK.—And because he did not solve the problem it faces us still. Before we talk about running ships and nationalizing industries we ought to face that initial problem, and solve it satisfactorily. I read in the newspapers to-day that in this city yesterday this very matter was considered, and of all the absurd impracticable schemes commend me to the proposal there made for solving the question of settling the people upon the land.

Mr. SPEAKER.—That question has nothing to do with the one under consideration.

Mr. JOSEPH COOK.—I only allude to it to show how absurd it is to say that in our present stage of industrial development we can hope to run great socialistic enterprises upon the basis constantly suggested by the labour members.

Mr. THOMAS.—Did the honorable member speak like this during the first three years he was in the New South Wales Parliament?

Mr. JOSEPH COOK.—I never spoke differently, so far as I can recollect. I never advocated any of these wild Socialistic proposals. There are many things that

the party opposite can do, and do well, in the interests of the country as a whole, but it should make practical proposals rather than put forward visionary schemes such as these.

Mr. HUTCHISON.—Will the honorable member support a progressive land tax?

Mr. SPEAKER.—That has nothing to do with the ratification of the Orient Steam Navigation Company's contract.

Mr. JOSEPH COOK.—I shall be glad to furnish an answer to that question if the honorable member's leader will tell me whether he is in favour of double ranking the land tax.

Mr. SPEAKER.—There is one simple question before the House—whether or not the Orient Steam Navigation Company's contract shall be ratified. I have asked not only the honorable member for Parramatta, but other honorable members to confine themselves to the question before us.

Mr. JOSEPH COOK.—There is one other subject to which I wish to allude. It was referred to by the honorable member for Canobolas. He said that I initiated the White Ocean policy. A little while ago his party paid me the compliment of asking questions upon the subject in the Senate, but they took care only to ask such questions as were entirely misleading.

Mr. BROWN.—I had nothing to do with asking any questions in the Senate.

Mr. JOSEPH COOK.—I am speaking of other honorable members. The facts are simply these. At the Hobart Conference referred to, motions were proposed stating that in our opinion white labour ought to be employed on these mail boats; that since we subsidized them we thought that white labour should be employed. And I say now that we ought to have white labour upon the mail boats as far as we can possibly get it—not merely for such reasons as are sometimes put forward, but for great Imperial reasons, for defence reasons particularly, and the development of our mercantile marine. We sent a resolution to the Imperial Government, which cabled back to say that for Imperial reasons they could not consent to a stipulation regarding the labour employed on the mail boats. What did we do then? We regretted the reply we received, but we found that, to insist upon our resolution, irrespective of the policy of the Home Government, meant the dislocation of the mail service.

We made our resolution the basis of negotiations with the Imperial Government, but we subsided the moment that Government made it clear to us that, for Imperial reasons, they could not agree to the exclusion of black labour from the mail boats. Rather than dislocate the mail service, we unanimously agreed to a further contract on the basis of black labour being employed on the steamers. Honorable members might very well tell the public of that fact when they are mentioning this matter.

Mr. POYNTON.—That was not the attitude taken up by the honorable gentleman in regard to the colour line fixed by the Alien Restriction Bill.

Mr. JOSEPH COOK.—I do not recognise the relevancy of the interjection. I am simply stating the facts so persistently distorted by some of the honorable member's party.

Mr. BROWN.—Is the honorable member against this contract because it provides for the non-employment of black labour?

Mr. JOSEPH COOK.—I am not opposed to the contract, although I should be opposed to the payment of poundage rates for the carriage of mails on vessels employing black labour. The honorable member will admit that it is nothing more than hypocrisy to refuse to pay a direct subsidy for the carriage of mails by vessels on which coloured crews are employed, while at the same time we allow mails to be carried at poundage rates by vessels on which such labour is employed. The honorable member for Canobolas, however, while strongly objecting to black labour on subsidized mail steamers, does not object to mails being carried under the poundage system on boats employing coloured labour. My honorable friends of the Labour Party are logical when they desire not only to abolish black labour, but to insure the carrying out of their object by establishing a Commonwealth fleet of steamers. But they are simply beating the air in suggesting that we are ready to carry our own oversea mails. It was said this afternoon that we were obtaining no better conditions than we enjoyed seven years ago. Having in view the experience of New South Wales during the last seven years, I do not think we ought to expect much better conditions. It has been a period of extreme stress and strain, and of diminishing freights. I venture to say that the volume of trade carried

from Australia by these vessels during the years in question has not increased; and we have to remember that it is always the volume of trade which determines the profitability or otherwise of these great services. It has been stated this evening that our mail contracts should be confined to the carriage of mails. However applicable such a principle may be to the postal departments of old and settled countries where other facilities are abundant, it could not be applied to the Postal Department of a wide and thinly populated country like Australia. If we were to confine the Postal Department to the carriage of mails, we should greatly impair its usefulness so far as Australia is concerned. We ought to increase rather than decrease the conditions obtaining in respect to our mail boats. It is of the utmost importance that we should insist upon proper provision being made for the carriage of perishable produce by these vessels. I shall tell honorable members why. The mail services set the pace for other produce-carrying vessels in the trade to and from Australia. When it is known that there is a line of steamers carrying produce to London with the greatest possible despatch, other companies desiring to compete with them recognise that they must cover the journey within practically the same time, and so this subsidy is not the great loss that we sometimes imagine it to be. I venture to say that had we not this constantly accelerated mail service, the time occupied by other vessels engaging in our oversea trade would gradually increase, and we should have a much slower service all round. From that point of view alone the mail service is worth more than we give for it. I come now to the facilities offered by the Postal Department. If we confined the internal arrangements of the Department to the mere carriage of mails, we should find that the subsidies we had to pay would be materially increased. It is well known that tenders for the carriage of mails in country districts are sent in at exceptionally low rates, because of the passenger traffic to be secured on the roads. Another point is that the mail coaches furnish the only means of communication with some of the remote districts of Australia. An application was recently made in connexion with a contract which was about to expire for the carriage of mails to a certain part of my constituency, that they should in future be conveyed by coach instead of by bullock as

at present. The change was desired in order that passengers might be carried to and from the district, and the Postmaster-General consented to call for tenders for a coach service, and see what the difference in price would be. That was a commendable decision. In this and many other ways the Postal Department can be of great assistance to the people living in remote districts. It is all very well to treat the carriage of mails on a purely commercial basis, and to say that the Postal Department should not take other matters into consideration; but the fact remains that our postal system is of great public utility. It does something more than carry mails. It furnishes a service to the people of this country which we sometimes do not even dream of when we are speaking of it. That being so, if we were to bring back the Department to the mere basis of a mail-carrying service, we should strike a blow at Australian settlement, of the consequences of which many honorable members are not aware. We do well to insist upon these special conditions in connexion with our mail services to various parts of the world. We may very wisely follow the example set up by other countries, and the experience we have gained is perhaps the best guide we could obtain in regard to these contracts. There has been a great deal of criticism from honorable members on the corner benches of the terms of this contract, many of them having said that it should not have been entered into, because the arrangement which it secures is not a good one. But the late Postmaster-General, in calling for tenders, followed the example of his predecessor, the honorable member for Coolgardie, who was the first to call for tenders for a service for the carriage of mails to Brisbane. That being so, I was surprised at his inconsistency in opposing the proposal that Brisbane should now be made a port of call.

Mr. FISHER.—I think that the Cabinet had something to do with the action to which the honorable member refers.

Mr. JOSEPH COOK.—Perhaps so. My own feeling in this matter is that, whether what is proposed may, or may not, be strictly correct, it is wise in the interest of Federal feeling to meet Queensland to this small extent. It has been suggested that our action may be construed as a precedent, but I do not regard it as likely to be used in that way. In my opinion we are making a concession to that State

to secure a better Federal feeling, because a good understanding between the States is the only basis of a successful Commonwealth. If hereafter it is sought to regard our action on this occasion as a precedent, it may be shown that Queensland contributed £21,000 on her own account to secure the extension of the service to Brisbane. I do not think that any other State is likely to come down so handsomely to obtain a similar advantage. But Queensland being prepared to do this, the least we can do is to meet her to some small extent. This is not the first time that I have stretched a point in connexion with a mail contract to secure a good feeling between the States. I got into hot water in New South Wales some years ago because I supported a proposal to allow the mail steamers to call at Fremantle. That involved a delay in the delivery of mails in Brisbane and Sydney of about twenty-four hours.

Mr. HUTCHISON.—And was business in New South Wales thereby disorganized?

Mr. JOSEPH COOK.—I do not think that the people of New South Wales were placed in any worse position by that arrangement. Similarly, I think that if we give this small concession to Tasmania and Queensland, and thus link the States together by means of a line of mail steamers, it will not make the Commonwealth any poorer. For that reason I shall support the amendment.

Mr. THOMAS (Barrier).—I understand that the honorable member for Parramatta contends that some of us have been unfair to him in what we have said about his action in regard to the removal of lascars from the mail boats. I believe that he has stated that he and other Postmasters-General, who met in conference at Hobart, wished to remove the lascars from the mail boats, but that when the Imperial authorities said that, for Imperial purposes, it would be unwise to take that step, they gave way, and allowed the lascars to continue to be employed. But the honorable member has spoken on the subject in this Chamber.

Mr. SPEAKER.—Does the honorable member think that these remarks have anything to do with the contract? He has already spoken on the main question.

Mr. THOMAS.—I take it that I can speak to the amendment, and reply to

statements which have been made during its discussion.

Mr. SPEAKER.—If it happens that I allow a remark to pass which is irrelevant, that does not justify a long discussion on the point afterwards. I missed one or two points which were made by the honorable member for Canobolas, and therefore did not prevent the honorable member for Parramatta from referring to what he said, but I do not think that I should permit a long debate now, because I missed the point to which the honorable member wishes to refer.

Mr. THOMAS.—I do not think that there will be a long debate on the subject. All I ask is to be permitted to read an extract. That will not occupy more than a minute or two. I think that it is only fair that we should have an opportunity to reply to the statement of the honorable member that a number of us have been unjust to him in our criticism of his action in regard to the removal of lascars from the mail boats.

Mr. SPEAKER.—If I grant the honorable member a minute or two, other honorable members may ask for a similar concession. I ask the honorable member to conclude what he has to say as speedily as possible.

Mr. THOMAS.—I will say what I have to say on the motion for the adjournment of the House.

Mr. WEBSTER (Gwydir).—I have a word or two to say on this matter, notwithstanding that it seems to be thought that certain honorable members having spoken, no one else should rise. I shall not be brow-beaten out of my right as a representative of the people to say something upon a proposal to expend the money of the taxpayers of the Commonwealth. I see no justification for the proposed expenditure to placate Queensland and Tasmania. Perhaps Brisbane should have been made a port of call under the contract, but I am of opinion that the only port of call which should be stipulated for is that to which the steamers have to come to deliver their mails. All we should require from the contractors is that they shall land the mails in Australia.

Mr. WILKS.—Suppose that the mails are landed at Fremantle, the first port of call, what then?

Mr. WEBSTER.—The contractors have to land the mails at a point where they can be distributed with the greatest expedition, and I presume that that point is Adelaide. If there were no condition that the mail-boats shall call at Melbourne and Sydney, they would still call at those ports, not because of the mails which they would carry, but because of the trade which they would do therewith. I cannot see how Queensland can rightly expect the Commonwealth to pay a proportion of the sum which is needed to induce the Orient Steam Navigation Company to send their boats to Brisbane. That is purely a service for developing the commerce of the State. In days gone by, when Melbourne and Sydney were not such popular ports as they are to-day, large sums had to be paid to induce lines of steamers to call there. I cannot see that the matters which have been discussed to-night by the honorable member for Parramatta have much to do with the question before the House. He has introduced the elements which constitute the subject-matter of every speech he delivers. He has referred to the way in which the contracts are carried out, and the ships are manned, thereby increasing the cost of the service. It has been argued here to-night time and again that the reason why the Commonwealth has to pay such a large subsidy is not because of the services which are rendered by the Orient Steam Navigation Company, but because we demand that their boats shall be manned with white men, and not with lascars. It is alleged that the amount of the subsidy is affected by the description of labour which is employed on the mail boats. Therefore, I think that any reference to that question is admissible in a discussion of this character. However, I only intend to enter my protest against this placating of States when there is no real justification for taking that step. I cannot see any reason why the Government should have accepted the amendment, unless it is that they wish to oblige the representatives of particular States. The conveyance of our mails has been very unsatisfactory. It has been stated more than once here that the whole business has been muddled. The controllers of the Department, as men of common foresight, should have looked forward to the time when the contracts would have to be renewed. They should have taken time by the forelock, so as not to give the

Orient Steam Navigation Company an opportunity for imposing hard conditions upon the Commonwealth. But, be that as it may, I am prepared to vote for the ratification of the contract, because I believe that we cannot honorably do otherwise. The Postmaster-General of the day entered into this contract, subject to the approval of Parliament. The contractors have carried out their part of the contract, and are entitled to be paid for their services. In view of these facts, no matter how I may object to the terms which were arranged by the Postmaster-General of the day, I cannot object to this motion; but I object to the money of the Commonwealth being used in developing the commerce of any port which is not visited by the mail steamers. In my opinion, we shall not be performing our duty to the taxpayers if we sanction the use of Commonwealth money for that purpose. The honorable member for Parramatta has an idea that the expenditure ought to be incurred in order to cultivate and develop the Federal spirit. It is about time that that kind of argument was dropped. We are not dealing with a question of sentiment, but with a question of public expenditure. If the proposal is wrong in itself, it ought not to receive our sanction, even though we are great admirers of the Federal sentiment. The honorable member for Parramatta says that £7,000 is only a small sum; but that money will have to come out of the proportion payable to the other States. Not wishing to labour the question, or to prevent honorable members from catching their trains—and if they lose them I shall not be responsible—I shall content myself with entering this protest and voting against the amendment.

Mr. JOSEPH COOK.—Has the amendment been altered so as to make the second contract run concurrently with the original contract?

Mr. AUSTIN CHAPMAN.—Yes, by inserting the word "present" before the word "contract."

Question—That the words (Mr. Groom's amendment) proposed to be added be so added—put. The House divided.

Ayes	...	...	35
Noes	...	...	5
			—
Majority	...	...	30

Bonython, Sir J. L.
Brown, T.
Carpenter, W. H.
Chanter, J. M.
Chapman, A.
Cook, J.
Culpin, M.
Deakin, A.
Edwards, R.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Frazer, C. E.
Fuller, G. W.
Groom, L. E.
Hutchison, J.
Isaacs, I. A.
Kennedy, T.

Kelly, W. H.
Mahon, H.
Poynton, A.

Tudor, F. G.
Skene, T.

AYES.

Lee, H. W.
Liddell, F.
Lonsdale, E.
Lyne, Sir W. J.
McWilliams, W. J.
Page, J.
Ronald, J. B.
Salmon, C. C.
Smith, S.
Storrer, D.
Thomson, D. A.
Watkins, D.
Watson, J. C.
Wilkinson, J.
Wilson, J. G.
Tellers:
Cook, Hume
McDonald, C.

NOES.

Tellers:
Thomas, J.
Wilks, W. H.

PAIRS.

McCay, J. W.
Thomson, D.

Question so resolved in the affirmative.
Amendment agreed to.

Question—That the motion, as amended, be agreed to—put. The House divided.

Ayes	...	...	28
Noes	...	...	11
			—
Majority	...	...	17

AYES.

Bonython, Sir J. L.
Brown, T.
Chapman, A.
Cook, J.
Culpin, M.
Deakin, A.
Ewing, T. T.
Fisher, A.
Forrest, Sir J.
Fuller, G. W.
Groom, L. E.
Hutchison, J.
Isaacs, I. A.
Liddell, F.
Lonsdale, E.

Carpenter, W. H.
Chanter, J. M.
Edwards, R.
Kennedy, T.
McDonald, C.
Poynton, A.

McCay, J. W.
Lee, H. W.
Mauger, S.
Glynn, P. McM.
Smith, B.

Lyne, Sir W. J.
Mahon, H.
McWilliams, W. J.
Page, J.
Smith, S.
Storrer, D.
Watkins, D.
Watson, J. C.
Webster, W.
Wilks, W. H.
Wilson, J. G.

Tellers:
Cook, Hume
Kelly, W. H.

NOES.

Thomas, J.
Thomson, D. A.
Wilkinson, J.
Tellers:
Frazer, C. E.
Tudor, F. G.

PAIRS.

Ronald, J. B.
Salmon, C. C.
Spence, W. G.
O'Malley, K.
Bamford, F. W.

Original question, as amended, so resolved in the affirmative.

Resolved—

That this House accepts the Agreement, made and entered into on the 25th day of April, 1905, between the Postmaster-General, in and for the Commonwealth, of the first part; the Orient Steam Navigation Company Limited, of the second part; and the Law Guarantee and Trust Society, of the third part, for the carriage of mails between Naples and Adelaide, and other ports, but is of the opinion that, without varying the original contract with the Commonwealth Government, arrangements should be made by which, during the continuance of its present contract with the Queensland Government, the Company, in consideration of the payment of a sum of Three shillings and eightpence per mile by the Commonwealth, shall agree to carry postal matter between the ports of Sydney and Brisbane, and shall reduce the payment to be made by the Queensland Government by a corresponding amount, and also that arrangements should be made for making similar provision in the case of Tasmania.

SECRET COMMISSIONS BILL.

Mr. ISAACS (Indi—Attorney-General).—I move—

That clause 4 be recommitted for the purpose of inserting after the word "agent," wherever it occurs in paragraphs *a* and *b* of sub-clause 1 the words "of the principal," and that clause 5 be recommitted for the purpose of omitting the word "and," with a view to insert in lieu thereof the words "the receipt, account, or document."

Last evening I deferred the third reading of this measure, out of consideration for some views expressed by the honorable member for North Sydney, who asked me to reconsider two matters. I have done as requested, and the honorable member is satisfied with the amendments, which I have shown to him.

Mr. JOSEPH COOK (Parramatta).—I protest against this motion as a most unfair proceeding at this hour of the night.

Mr. ISAACS.—If the motion is objected to, I shall not proceed with it further. I took the step out of consideration for the honorable member for North Sydney, and I think that the honorable member for Dalley knows the whole of the circumstances.

Mr. WILKS.—I have not said a word yet.

Mr. JOSEPH COOK.—The Attorney-General led me to believe that all he was going to do was to formally move the third reading of the Bill. He did not inform me that he proposed to recommit certain clauses.

Mr. WATKINS.—The motion to recommit is submitted in order to suit the honorable member for North Sydney, who is a member of the Opposition.

Mr. JOSEPH COOK.—It does not follow that the proposals may commend themselves to all the members of the Opposition.

Mr. SPEAKER.—It is after 11 o'clock: therefore, new business can be proceeded with only if there be no objection.

Mr. JOSEPH COOK.—I object to the motion being proceeded with.

ADJOURNMENT.

WHITE LABOUR ON MAIL STEAMERS.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I move—

That the House do now adjourn.

I beg to intimate that the business will be taken in the order in which it appears on the notice-paper. I am much obliged to honorable members for stopping till this hour of the night, and to the honorable member for Parramatta for speaking under the disadvantage of ill-health.

Mr. THOMAS (Barrier).—I desire to read the extract to which I alluded in my speech on the mail contract question, and to very briefly reply to the statement of the honorable member for Parramatta that members of the Labour Party have been unfair to him in regard to his action on the lascar question. I now quote from the speech of the honorable member on that question, as reported in *Hansard* for the session 1901-2, page 3739, as follows:—

When this matter is reconsidered in Committee, I think that we should definitely provide that our mails should be carried by white labour, and that such labour shall not be beaten off the boats by the coloured workers of other countries. The point we should insist upon is that it is the companies themselves who are making the preference. We are acting on the defensive in this particular matter. The sooner that point is made clear to the home authorities the better chance shall we have of getting our own labour restored to these boats.

Mr. BROWN (Canobolas).—The honorable member for Parramatta, in the course of his address on the mail contract proposal, took exception to some remarks I made in regard to the origin of the white labour clause. The honorable member conveyed the impression that he considered my remarks were the outcome of some action taken by the Labour Party, which led to some questions being asked in another place. I wish to say that I was not

aware that the Labour Party had taken any action, and I had no knowledge of any questions being asked in another place, until so informed by the honorable member. My reference was entirely due to my having read the report of the proceedings at the Hobart Conference, at which the honorable member for Parramatta submitted the motion referred to. That was all the information I had, and my sole reason for speaking of the matter.

Mr. JOSEPH COOK (Parramatta).—I was not alluding to the honorable member for Canobolas, but to the oily member who preceded him. That honorable member is both oily and tricky, and his quotation to-night is no less tricky than any of the others.

Mr. FISHER.—It is hardly in order to call an honorable member "tricky."

Mr. JOSEPH COOK.—Perhaps not. I do not know why the honorable member for Barrier has quoted my remarks.

Mr. WATSON.—It is a shame to quote from *Hansard*!

Mr. JOSEPH COOK.—As I say, I do not know why the honorable member for Barrier read the quotation, because he is taking entirely new ground. I made no reference to the occasion to which he referred just now. I referred to another matter, alluded to, first of all, by the honorable member for Canobolas. So far as I know, I have nothing to withdraw, explain, or repudiate, either in connexion with the Hobart Conference, or the occasion referred to.

Mr. HUTCHISON.—Then, why is the honorable member explaining?

Mr. JOSEPH COOK.—For the purpose of showing that the honorable member for Barrier, in making a vicious attack upon me, has dug up something from *Hansard* which is totally irrelevant to what I was talking about just now. I take the position now that we ought to do our very best to obtain white labour on all these boats. I do not deviate from that position, but it is another thing when we risk the dislocation of the whole service of the Empire in order to carry out a proposal of the kind.

Mr. THOMAS.—I quoted from the speech made by the honorable member when the Post and Telegraph Bill was under consideration.

Mr. JOSEPH COOK.—Really that is information! What is there in that speech to contravene the position I now take up? I say, again, that I am in favour of white

labour on these boats, but I am also in favour always of maintaining our connexion with the Empire in the matter of mail contracts, and of doing nothing to dislocate the service of the Empire. That has been my attitude all through, and is my attitude now. The honorable member for Barrier may twist and twirl my words as much as he likes.

Mr. WATSON (Bland).—The honorable member for Parramatta states that he was in favour of the general principle of employing white labour on mail-boats, but that he would not dislocate the service of the Empire by insisting on its employment. Yet when the honorable member was speaking on this particular section of the Statute, the occasion being that a proposal had been given notice of, not to consider what the authorities of the Empire might desire, but to insist that as a Commonwealth we should not provide any subsidy in connexion with postal contracts unless white labour only was employed on the mail-boats—

Mr. JOSEPH COOK.—What was the proposal?

Mr. WATSON.—I have not the exact words of it before me.

Mr. JOSEPH COOK.—I object to the honorable member putting it in his own language.

Mr. WATSON.—I think my memory of the proposal is sufficiently clear to enable me to state it.

Mr. JOSEPH COOK.—I say the honorable member is twisting my statement now.

Mr. WATSON.—Considering that I have not yet put any construction upon it, I should imagine that I have not yet commenced to twist it.

Mr. JOSEPH COOK.—I challenge the honorable member to quote it.

Mr. WATSON.—The honorable member for Parramatta may be an authority on twisting, but, at all events, I have not yet commenced to twist his statement. The proposal then made was that the employment of coloured people on boats subsidized by the Commonwealth Government should be prohibited. On that the honorable member said that—

When this matter is considered in Committee, which, of course, is the proper place to consider these detailed proposals, I think that we should definitely provide that our mails should be carried by white labour.

How does the honorable member reconcile the use of the term "definitely provide"

with the expression of a pious hope that the authorities of the Empire would encourage the employment of white labour? The expression "definitely provide" conveys to my mind that, in the opinion of the honorable member, the proposal, which was afterwards carried, that we should insist only on white labour being employed on boats which we subsidized, should be given effect. The intention was to make it clear that we insisted on these terms, and on nothing less. Yet the honorable member now talks about twisting. I think that practice has been resorted to by the honorable member to-night in the endeavour to escape responsibility for the expressions to which he gave utterance when the matter was under definite consideration.

Mr. WILKS (Dalley).—The honorable members for Bland and Barrier have produced a formidable volume, a "black book," which probably contains the minutes of the Labour Party. It is strange how quickly this volume was unearthed. We are told that extracts from *Hansard* have been inserted in it, but they are merely extracts which tell, as the honorable members who quoted them believe, against the honorable member for Parramatta. The context is not given. I am taking a part in the debate because I think it is remarkable that the honorable member for Barrier, who has followed the same occupation as that followed by the honorable member for Parramatta, should take advantage not only of the first, but of every opportunity to attack that honorable member. There is no honorable member of whom members of the Labour Party should be more proud than the honorable member for Parramatta; but the fact is that they are annoyed because he is now a free man, and is not under the ban of the caucus. So far as twisting is concerned, I may, perhaps, be allowed to say that there is no man in public life in New South Wales who is more valued for the honest expression of his opinions than is the honorable member for Parramatta. Any honorable member of the Labour Party with the same record of service, and of whom the same thing can be said, occupies a very honorable position indeed. The honorable member for Newcastle has made a derogatory interjection, but, as a man who has followed the same calling as the honorable member for Parramatta, the honorable member should look upon him as a credit to the community. I protest against honorable members bringing

forward the "black book" of the Labour Party and reading extracts from it to suit themselves.

Mr. WEBSTER.—The honorable member objects to *Hansard*.

Mr. WILKS.—Probably the honorable member for Gwydir would like to have it burned. Perhaps, in the interest of the country and in the interest of some members of the Labour Party, it would be better that it should be burned. I regret that the time of the House should be occupied in matters of this kind, and that, under cover of a motion for the adjournment, so vile and unjustifiable an attack should have been made on the honorable member for Parramatta.

Question resolved in the affirmative.

House adjourned at 12.5 a.m. (Thursday).

Senate.

Thursday, 12 October, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

PUBLIC SERVICE CLASSIFICATION.

Senator PEARCE.—I desire to ask the Minister representing the Minister of Home Affairs, without notice, what action, if any, the Government are taking with the classification of the Public Service, having regard to the discussion upon the scheme in both Houses of Parliament?

Senator KEATING.—The classification scheme, together with an exhaustive report from the Public Service Commissioner on the criticisms levelled thereat in both Houses, is before the Cabinet, and will receive almost immediate consideration.

GUNS AT LARGS BAY.

Senator GUTHRIE.—I desire to ask the Minister of Defence, without notice, if he has observed, in the Adelaide press, paragraphs concerning questions which have been asked in the State Parliament about the guns which are being mounted at Largs Bay, and if so, whether it is true that the guns are obsolete?

Senator PLAYFORD.—When I noticed the paragraphs in the Adelaide press, I asked for a report on the subject from my officers. I cannot answer the honorable member's question until the report has been received.

Senator DE LARGIE.—When the Minister of Defence is furnishing the answer to Senator Guthrie's question, will he let us know whether the guns being mounted at Largs Bay are identical with the guns which Senator Guthrie so generously offered to Western Australia when they were buried in the sand in South Australia?

Senator PLAYFORD.—These are not the same guns. I never generously offered any guns to Western Australia.

AUXILIARY SQUADRON.

Senator MATHESON.—I desire to ask the Minister of Defence, without notice, whether he is yet in a position to give the Senate any information as to the respective strength of the *Euryalus* and the *Powerful*?

Senator PLAYFORD.—This morning I received from the Naval Director a report on the subject, which I have sent on to the Prime Minister to be specially communicated to the Admiralty.

Senator MATHESON.—Can the honorable gentleman give the Senate any information on the subject?

Senator PLAYFORD.—I do not know whether I ought to do so at present. I shall consult my colleagues on the matter.

Senator Sir JOSIAH SYMON.—All that honorable senators desire to know is, which is the more powerful ship?

Senator PLAYFORD. — Undoubtedly the *Euryalus* is the more powerful.

Senator MATHESON.—I desire to ask the Minister whether the *Powerful* complies with the requirements of the contract?

Senator PLAYFORD.—I am advised that she does not comply with the conditions of the contract.

Senator MATHESON.—Do the Government, under the circumstances, propose to take any steps to enforce the contract?

Senator PLAYFORD.—The matter has been referred to the Prime Minister, and I have not the slightest doubt but that all necessary steps will be taken. Of course, until a reply to our communication has been received, I cannot say whether the Naval Director's report is absolutely accurate in every particular. It may be controverted. We should wait until we hear the other side of the question before we take any further steps.

ORIENT MAIL CONTRACT.

Senator MILLEN.—I desire to ask the leader of the Senate whether the notice of motion which his honorable colleague has just given for the ratification of the Orient mail contract will be proceeded with to-morrow? It involves a very large question, and, therefore, it is desirable that honorable senators should know whether it will be proceeded with to-morrow or not.

The PRESIDENT.—The honorable senator ought not to argue the matter.

Senator MILLEN.—I ask Senator Playford, in courtesy to the Senate, to say when the motion will be moved?

Senator PLAYFORD.—Later on I hope to be able to inform the Senate on the subject. It will all depend upon the progress which is made with Government business.

GOVERNOR-GENERAL.

ASSENT TO BILLS.

Senator MATHESON asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Is it a fact that Supply Bill No. 3 was only passed finally by both Houses on the 27th September, 1905?

2. By whom, when, and where was this Act presented to His Excellency the Governor-General for the Royal Assent?

3. Is it a fact that the message assenting to the Act is signed by His Excellency, and is dated Government House, Melbourne, 28th September, 1905?

4. Is it also a fact that on that date His Excellency was on board the Orient mail steamer *Ortona*, at sea off the coast of Western Australia?

5. Did His Excellency, as a matter of fact, personally sign both this Act after presentation, and the message, at the place and on the date mentioned in the message?

6. If not, then by whom, and on what date were His Excellency's signatures attached to the Act and to the message?

7. Is it competent for His Excellency to delegate to a subordinate the power to give the Royal Assent to the Acts of the Commonwealth Parliament?

8. Is there any constitutional reason why His Excellency's message should be dated from Government House, Melbourne, at times when, as a matter of fact, he is in residence elsewhere?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. to 6. His Excellency the Governor-General, while in Perth on the date named, communicated his assent to the Bill by telegram, and on arrival in Adelaide signed the usual four copies of the Bill, and the message to Parliament.

7. There was no delegation.

8. There is no such constitutional reason.

DEFENCE FORCES: TASMANIA.

Senator MATHESON asked the Minister of Defence, *upon notice*—

1. Is the Minister of Defence aware of a letter, dated the 26th June, 1903, written by Mr. Propsting, then Premier of Tasmania, to Sir Edmund Barton, the Prime Minister, asking him to reduce the proposed Federal expenditure on the Defence Force of Tasmania by £4,000; and to suspend the application of the general scheme for paying militia as far as Tasmania was concerned?

2. What gentleman was Minister of Defence at the date of Mr. Propsting's letter?

3. Did the Minister of Defence accede to the request of Mr. Propsting in whole or in part?

4. Did the action of the Minister result in great discontent on the part of the Tasmanian Forces, who desired to be paid the same rates as similar Forces were paid on the mainland?

5. Is it a fact that as a result of the Minister's action a large number of men refused to parade at Hobart in 1903 to receive General Hutton, and that one or more regiments were disbanded in consequence?

6. Has provision been made this year to bring the Forces in Tasmania up to the requirements of the Federal Peace Establishment, both in respect to numbers and pay?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. Sir John Forrest.

3. The Estimates were reduced by the Treasurer, although the Minister of Defence very strongly urged that the reduction should not be made.—See page 5190 of *Hansard*, 17th September, 1903 (Sir George Turner).

4. The causes of discontent on the part of the troops in Hobart, and the Southern District of Tasmania, were reported by the late G.O.C., to be:—

(a) That they have not been equally treated as regards pay, upon a basis similar to the larger States.

(b) That the troops allotted to the Field Force (*i.e.*, to the defence of the Commonwealth as a whole) have been drawn entirely from the Northern District of Tasmania.

5. For the reasons stated in reply to question 4, a number of the troops in Hobart and the Southern District of Tasmania disobeyed an order to attend a particular parade, and certain units were disbanded in consequence.

6. The full peace establishment is not yet provided for in any of the States. The number provided for this year in Tasmania is an increase of 445 over last year.

COLONIAL CONFERENCE.

Senator Sir JOSIAH SYMON asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Have any communications been received from or addressed to the Imperial Government or the Colonial Office by this Government with

respect to the holding of a Colonial Conference next year; if so, will the Government lay copies on the table of the Senate?

2. Is the Government aware whether such a Conference is to be held or not; and, if it is, do the Government intend to be represented thereat?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. There has been no communication from the Imperial Government on this matter since this Government took office, except a telegram of reminder respecting a despatch received by the previous Government. This was replied to on the 16th August. The correspondence is at present confidential.

2. In accordance with the terms of the resolution of the 1902 Conference another Conference is due next year. No date has yet been fixed for holding it nor has the Government considered the question of representation.

KALGOORLIE TO ESPERANCE RAILWAY.

Senator Sir JOSIAH SYMON asked the Minister representing the Minister of External Affairs, *upon notice*—

1. Has the Government any information as to whether the Government of Western Australia intend to proceed with the construction of the railway from Kalgoorlie to Esperance at an early date?

2. If not, will the Government communicate with the Western Australian Government, in order to ascertain the probability or otherwise of the early construction of that line?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. No.

2. The Government see no reason for making such communication.

TRANSFERRED PROPERTIES.

Motion (by Senator STEWART) agreed to—

That a return be furnished to the Senate showing—

1. The amount expended in each of the States upon the buildings, &c., transferred to the Commonwealth.

2. The cost in each State of the lands upon which said transferred buildings were erected.

3. The total cost in each State of said lands and buildings.

THE GOVERNOR-GENERAL.

CONTROVERSIAL QUESTIONS.

Senator HIGGS (Queensland).—I move—

That, in the opinion of the Senate, it is contrary to the established principles of constitutional and parliamentary government that the head of the Executive should in public express himself on matters of public policy unless advised so to do by his responsible Ministers.

I was in hope that the Government might have treated this motion as a formal one. If they had done so, they would have been able to avoid a discussion and then save time. The motion is couched in very general terms, and I do not see how it can be disagreed with by any representative of the Government here. I wish to say that I submit the motion with some reluctance, because I have never met any one in a similar position to that held by His Excellency the Governor-General who has impressed me more favorably as a man, and I believe that no Vice-regal couple who have ever landed in the Commonwealth have been more anxious, and more successful, in placing people whom they have met at their ease and unembarrassed than their Excellencies Lord and Lady Northcote. But the representatives of His Majesty in the Commonwealth have so frequently of late years, in spite of all warnings, taken part in controversial politics, that I deem it to be my duty to bring forward such a motion for the consideration of the Senate. These gentlemen who accept positions as Governors are the representatives of His Majesty the King. They are, to all intents and purposes, as is pointed out in Todd's *Parliamentary Government in the British Colonies*, local constitutional Sovereigns, and they should not indulge in any public utterances which are calculated to be used by any party to further its particular ends.

Senator DOBSON.—The present holder of the position has not done so.

Senator HIGGS.—I propose to show that His Excellency the Governor-General has made a speech on the question of defence, which may be considered to be very controversial.

Senator DOBSON.—His Majesty the King made a similar speech some time ago. The honorable senator had better go to England and object to his doing so.

Senator HIGGS.—I have referred to the warnings which have been given by various members of Legislatures in these States. Honorable senators will recollect the case of Sir Hercules Robinson, who ventured to make a speech on the question of education some years ago. Senator Symon will also recollect the case of Sir William Robinson, referring to matters of public controversy, on which occasion the honorable and learned senator remarked that—

It was a deplorable thing that the Governor of the State of South Australia—and he

said this with a good deal of pain—should interfere in matters of public politics in the Colony.

Senator Symon went on to say—

To his mind it lowered the high office which His Excellency held, and His Excellency, when he made these observations, projected himself into the region of conflict and criticism, and he must not complain if those who had the interest of the country at heart as much as His Excellency resented an interference, which was deeply to be regretted.

There was also the case of the Earl of Kintore in South Australia, who published a despatch on the question of coloured labour, in connexion with which, as will be seen on page 678 of the South Australian *Hansard* for 1891, the following resolution was carried, on the motion of Mr. Grainger:—

That, in the opinion of this House, the public expression of vice-regal views on debatable politics, unless at the request of responsible Ministers or of Parliament, is opposed to the best interests of good government.

That motion was carried unanimously in the South Australian House of Assembly, where it was supported by the present Minister of Defence, Senator Playford. As to the question whether, as Senator Dobson has said, the King has taken part in controversial politics—

Senator DOBSON.—I did not say that he had done that. I said that His Majesty had done something very much like what the Governor-General had done—that is, that he had spoken about defence matters.

Senator HIGGS.—I hope that Senator Dobson will quote the King's words, because I remember that when the present Bishop of New Guinea approached His Majesty and asked him to send a few words as a message to his subjects in New Guinea, the King declined to do so, because he had not been so advised by his Cabinet Ministers. Senator Dobson will also see in yesterday's newspapers a cablegram showing that the King refused, for similar reasons, to receive a petition from certain persons. It has been the practice, ever since the English Revolution of 1868, to limit the powers of our constitutional Monarchs. The Monarch has never, without challenge, expressed any public opinion calculated to invade the domain of controversial politics. The late Queen never did so; nor, I affirm, has the present King done so. It remains for Senator Dobson to prove that he has. I have referred to Todd's *Parliamentary Government in the*

British Colonies. Let me quote a passage—

The position of a Governor in a Colony possessing representative institutions, with "responsible government," is that of a local constitutional Sovereign. Whatever other powers may be conferred upon him by the law of the particular Colony, he is, by virtue of his commission and instructions from the Crown, the representative of the Queen in this part of her dominions, who is herself the source of all executive authority therein. He has his responsible Ministers, who advise him upon all acts of executive government and in all legislative matters.

The question is whether His Excellency the Governor-General has made a speech on a controversial subject. I quote from the *West Australian*, of the 28th September of this year, which contains a report of a military dinner given at the Esplanade Hotel, Perth, at which His Excellency made a speech about a variety of subjects usually mentioned by Governors at similar functions, but in which also he touched upon defence in these words—

He had of late seen a good many references to the military system which prevailed in the Swiss Republic, and there were a good many newspapers and public men in this country who appeared to advocate the adoption of a similar system for the Commonwealth. So far as the Swiss system appealed to able-bodied citizens to make themselves familiar with the use of arms, he was in full sympathy with the principle. (Cheers.) It could not but be good for every able-bodied young man to learn how to handle a rifle, to shoot and ride well, and perfect himself in all manly exercises. But when that was said, he thought that the parallel between Switzerland and Australia completely and entirely ended.

Senator WALKER.—Is it not so?

Senator HIGGS.—I do not think so.

Senator DOBSON.—Where is the controversial politics?

Senator HIGGS.—It may be claimed by some that defence is not a matter of controversial politics. They will claim it as a self-evident proposition that we should defend our country. No one will deny that. But will any one say that the question of how we shall defend our country, and the provision we shall make, and what method we shall adopt, are not controversial questions? I take the ground that the question of how we shall defend our country is very controversial. I have had a little experience on a Select Committee, and in other ways, of the military system which some public men in this Commonwealth want to engraft here, or to continue so far it has been engrafted; and I say that that system is calculated to bring to the

front the crawlers, and to make it almost impossible for men of independent mind and spirit to remain in the Defence Forces.

Senator MILLEN.—Is the passage from His Excellency's speech which the honorable senator has quoted, the only portion of it which he contends is controversial?

Senator HIGGS.—I have another quotation to make later on, showing that the Governor-General referred to the ability of Australia to spend a proportion of her funds in defence matters, and also his opinion on immigration.

Senator MATHESON.—The Governor-General was the guest of a certain number of officers, was he not?

Senator DOBSON.—So that he talked "shop" out of courtesy to his hosts?

Senator HIGGS.—The report shows that—

At the Esplanade Hotel last night His Excellency the Governor-General and the Inspector-General of the Military Forces, Major-General H. Finn, were entertained at dinner by the officers of the Commonwealth Military Forces of Western Australia.

Senator MATHESON.—It was a private dinner, and the proceedings ought never to have been reported.

Senator HIGGS.—Evidently it was not a private dinner, because the press reported the speeches made. But if some honorable senators take the ground that it was a speech privately made, I think that that makes it all the more objectionable. We have in this Commonwealth, as His Excellency said, a good many newspapers and public men, who say that we ought to adopt the Swiss military system for the defence of Australia.

Senator MILLEN.—His Excellency does not advocate that.

Senator HIGGS.—By inference he condemns it, except so far as the Swiss military system teaches men to shoot well, and to cultivate their physical qualities.

Senator DOBSON.—He simply says, "Adopt the Swiss system so far as it is applicable to your own requirements."

Senator HIGGS.—I hope Senator Dobson will allow me to continue without so much interruption.

Senator DOBSON.—I wish I could stop the honorable senator from wasting our time.

Senator HIGGS.—These interjections are no doubt a very excellent method of putting on record Senator Dobson's extreme loyalty to the monarchical system.

Senator MILLEN.—Is the honorable senator's motion due to his objection to that?

Senator HIGGS.—The honorable senator knows my opinions, and is well aware that I am quite prepared to state them at any time; but I do not wish to introduce them in connexion with this subject. Whilst the majority of people in the British Dominions and this Commonwealth uphold the present system, it is my duty, as a loyal subject, to obey the wishes of the majority. But, at the same time, it does not prevent me from holding my own opinions and expressing them, as I hope to do in a relevant manner whenever occasion requires. It might be contended that the question of a Customs Tariff is not controversial, because every one agrees that there must be a Tariff. But the controversial question is, what particular kind of Customs Tariff we shall have. We may all agree that it is in the interests of the Commonwealth to increase the population, but there is a great deal of difference of opinion as to how that shall be brought about. Then we all agree that railways are good for the country, but it is controversial as to in which particular directions railways shall be constructed. Mr. Hughes, of the Australian Defence League, which has been formed in Sydney, was interviewed some days ago by the *Melbourne Age* as to the aims and objects of that organization, and he expressed certain opinions in favour of the Swiss military system, showing by his remarks that the subject is extremely controversial.

Senator PEARCE.—Mr. Hughes showed that Cardinal Moran and the Rev. Dill Mackay agree with him; and it would, therefore, appear that the question cannot be controversial.

Senator HIGGS.—Mr. Hughes may be of opinion that Cardinal Moran and the Rev. Dill Mackay are in accord as to the necessity for such a system of defence, but he did not take into account the Governor-General, who has condemned the Swiss system as inapplicable to the Commonwealth.

Senator PEARCE.—The Governor-General did nothing of the kind.

Senator HIGGS.—Mr. Hughes, in the course of the newspaper interview, said—

I do not admit for one moment that there is any analogy between such a force as I have in my mind and conscription in vogue on the Continent of Europe. We see in Switzerland

the happy results of a nation taking upon itself the duty of defending its frontiers as against the professional militarism in the surrounding countries. In Switzerland there is no military caste—the army is composed of citizens. The people are citizens first and soldiers afterwards. To them it is but a part of their duty as citizens to be trained to repel invaders.

I shall show later on in what respect I think the Governor-General's speech has had a pernicious effect.

Senator DOBSON.—How can the honorable senator say that?

Senator HIGGS.—The Governor-General's speech was made to a gathering of military officers, including Major-General Finn, Inspector-General, who may be called upon at any time by the Minister of Defence to report as to the value of the proposals made by this recently-formed defence organization. Major-General Finn said at that banquet—

It was not sufficient to say that the defence of Australia should be carried out by the citizens alone.

My experience of Major-General Finn, judging by his attitude when before the Hutton-Neild Select Committee, is that he is very likely to have his opinions coloured by the opinions of the man who may be his superior. Before that Committee, we found Major-General Finn condemning Lt.-Col. Neild, and asking that the latter should be retired from the service, but, as soon as Major-General Hutton left the Commonwealth, Lt.-Col. Neild was restored to his position in the Force, probably by Major-General Finn. There is objection to the Governor-General making a speech condemning the Swiss system, when that speech is addressed to officers who may have to pass an opinion on the proposals of the new Defence League. The *West Australian*, in commenting on the speech of the Governor-General, said—

The fact which the Governor-General sought, and rightly sought, to impress on his hearers was that Australia must make a strenuous endeavour to set its house in order; it must not be satisfied to be a helpless appanage of the Empire, a source of weakness rather than of strength.

Is it necessary for Australia to set her house in order, or to be told to do so by the Governor-General? That is the question.

Senator PLAYFORD.—These are not the words of the Governor-General.

Senator HIGGS.—Does Senator Playford not see that the speech must be controversial when a newspaper like the *West Australian* infers from the remarks that

they mean to impress on Australia the necessity to set our house in order?

Senator PLAYFORD.—Everything a man says, unless it be an absolute truism, such as that the whole is greater than a part, is controversial.

Senator HIGGS.—The Governor-General in that speech went on to say:—

But should the British Empire be involved in a war, the responsibilities of Great Britain would be enormous, and her powers, great as they were, were not absolutely illimitable. Therefore, it was necessary that Australia should be strong enough to protect herself, at all events at home, and in order to do that she needed to develop her resources and to increase her able-bodied population.

The first portion of the speech might be taken to support those who wish to establish an Australian Navy, and also it might be taken as a defence of the Imperial authorities, who have, as pointed out by Senator Matheson the other day, failed to carry out the Naval Agreement. The latter portion of the remarks might be taken inferentially as a condemnation of our immigration laws. We all agree that we ought to increase the population, but, while some of us are of opinion that we ought to increase it by raising more babies, and endeavouring to keep alive those already born, there are others who believe that we ought to throw down all the barriers in our immigration restriction laws, and admit people who come under contract or in any other way. The Governor-General went on to say:—

It would be simply impossible for Australia to spend more than a certain portion of money upon its military and naval defence, and that proportion could not be very large.

Some of us take the view that Australia is well able to provide the funds for necessary defence, and there are those who believe that we are spending quite sufficient at the present time—that we are not spending a small sum, as suggested by His Excellency. Canada, with a population of over 5,000,000, is spending about £400,000 per annum on defence; while Australia, with a population of 4,000,000, spends about £1,000,000. In the present year we in Australia are spending some £300,000 more on defence than we were spending prior to Federation, in 1900, when the expenditure, including the naval contribution, was about £700,000. Canada, which is near the seat of any trouble likely to arise, and has continual friction on her borders with the people of the United States, is spending less on defence than

Australia, which is so far away from the centre of any likely conflict. I now propose to leave His Excellency the Governor-General, and refer to another representative of the King in the Commonwealth, namely, Sir George Le Hunte, the Governor of South Australia, who has written a report on the Northern Territory, no doubt intended for publication.

Senator Sir JOSIAH SYMON.—The Governor of South Australia did not make the report public.

Senator HIGGS.—I ask honorable senators to read the report, and then say whether there is not any amount of internal evidence that it was intended for publication. Sir George Le Hunte describes in great detail the country through which he passed—the condition of the settlers, of the Chinese and the aboriginals, and so forth—relates the experiences of himself and party, and gives an account of the social functions which they attended. It is a very elaborate report of the same type as the reports which he issued when Administrator in British New Guinea. There would be no harm if this were merely a narrative; but Sir George Le Hunte ventures to discuss controversial matters, such as that of coloured labour, protection *versus* free-trade, the railway system, and the administration of the Post and Telegraph Department. The Governor of South Australia must not think that because he is authorized by a section in the Constitution to issue writs for the return of senators, that it is his duty to indulge in criticism of Commonwealth politics.

Senator MILLEN.—To whom was the report addressed?

Senator HIGGS.—According to the document, it was addressed to the Premier of South Australia for the information of Ministers in that State?

Senator MILLEN.—Who made it public?

Senator HIGGS.—It was laid on the table of the Legislative Assembly of South Australia by the present Government of that State.

Senator Sir JOSIAH SYMON.—The report was also laid on the table of the House of Representatives by the Commonwealth Ministry, who had no business to do anything of the kind in the case of a report by the Governor of a State.

Senator HIGGS.—It was laid on the table of the Legislative Assembly of South Australia on the 31st August of this year,

and about a week later the Honorable R. W. Foster, who was Commissioner of Public Works and Minister of Agriculture in the Butler Ministry, asked the leader of the present Government, Mr. Price, if the Government proposed to publish the Governor's report in pamphlet form, for the purpose of wider circulation. The Butler Government were in office at the time the Governor took this trip, and without doubt it was intended to publish the document; and Mr. Foster thought it ought to be issued in pamphlet form and distributed right throughout the State, if not throughout the Commonwealth. Even if the document were not intended for publication, I ask honorable senators to consider the question whether a Governor should express such views as are there set forth.

Senator Sir JOSIAH SYMON.—Surely, if the Governor were asked to do so by his Ministers, and he did so, they alone could complain?

Senator HIGGS.—Surely we have a right to complain?

Senator Sir JOSIAH SYMON.—I think not.

Senator HIGGS.—We have a right to place on record our objection to a King's representative taking action of that sort. The Governor, in the course of the report, refers to Victoria Downs Station in these words—

A great want is a regular mail service; at present they are without one. . . . I was very sorry to hear when I got to Port Darwin that the Commonwealth postal authorities had not seen their way to granting it, on the ground that, having regard to the very small amount of the revenue that would be received from it, they did not think the mail service was required there at present. . . . In every country which is being first settled a mail service must be carried on at a loss for a considerable time; but it is a material form of assistance and encouragement which a Government should readily grant wherever it is possible to do so. I shall hope to hear that further consideration has been given to this matter by the Federal Government.

It is Sir George Le Hunte who hopes to hear.

Senator WALKER.—Why should he not?

Senator HIGGS.—I hope I shall not be further interrupted by means of interjections. I want to know what Sir George Le Hunte has to do with the matter.

Senator MILLEN.—If the South Australian Government asked him to report, was he not right in setting out his opinions in that report?

Senator HIGGS.—I prefer to answer questions at the conclusion of my address, as Senator Millen no doubt says

when he is on an election campaign, and does not desire that he should be thrown off his argument. I want to know what Governor Le Hunte has to do with postal matters? It may be contended that his remarks cast a reflection upon the representatives of South Australia in the Federal Parliament. If there is anything deficient in the postal service of South Australia, what are they doing that they have not looked after the matter, and why should it be left to the Government of the State to interfere? With regard to the agricultural industry, Governor Le Hunte takes a side, and joins a party, the party to which Senator Dobson belongs, who object to our White Australia legislation. Dealing with the Northern Territory, he says—

With regard to labour, it must be cheap, reliable in its supply, and it must be, to a certain extent, skilled; cheap, because our products will have to compete with those of cheap labour countries; reliable in supply, because no tropical industry can be carried on with an intermittent supply; and skilled, because, however prolific may be the production, unless there is the requisite expert knowledge and skill in the various treatments and preparation of the products for the markets of the world, it will not realize its proper value, and the industry will fail. Indeed, it is only where products are cultivated by the native population of a tropical country that the growers can afford to take what they can get for their produce according as to whether it is of good or inferior quality. The evidence of nearly all who have studied the subject on the spot is unanimous that tropical products cannot be grown to pay in any large quantities in the Northern Territory without the introduction of cheap labour suitable for the climate and suitable for the industry for which they would be required; in other words, that coloured imported labour is a necessity. Australia at the present time has given an adverse verdict to this. It has even been said on high authority that it would be better for the Northern Territory to remain for ever undeveloped than that a coloured alien labourer should set his foot in it. It is not my intention, nor is it my duty, to criticise this decision, though I will take the liberty of saying that, in my opinion, that expression will, at some future date, be viewed with the same curiosity as the now celebrated telegram "Infantry preferred."

Is not that another way of saying: "It is not my duty, and it is not my intention to criticise you, but I take the liberty of saying that in my opinion you are a consummate ass"? That can hardly be denied, because the action of the Imperial authorities, who, when volunteers were offered from the States, sent out a cable to the effect that foot soldiers would be preferred to mounted men for the Boer

war, was certainly the action of an egregious fool. That is the plane on which Governor Le Hunte places our action in deciding on the White Australia legislation. He reflects on Australian miners, and labourers, by saying that he met the son of a colour-sergeant of the Royal Horse Artillery, a very fine specimen of a workman, engaged in sinking a shaft, who was of opinion that white men could do anything, even tropical agricultural work in the Northern Territory, and Governor Le Hunte adds that "if they were all like him he might perhaps agree with him." If the Governor of South Australia wishes to see miners at work he might go to Charters Towers, where the climate is somewhat similar to that of the Northern Territory, or to Western Australia, where he will see miners at work about the furnaces at Kalgoorlie, with the temperature at, I suppose, about 150 degrees.

Senator Sir JOSIAH SYMON.—In the shade.

Senator HIGGS.—No, near the furnaces. The work is done under cover, but the temperature in which it is done is hotter than in the sun. It is certainly much hotter than we found it in Western Australia away from the furnaces when the thermometer registered 114 degrees in the shade. There is, I think, in the remarks to which I have referred, a great reflection on Commonwealth legislation. His Excellency's views on protection and free-trade are contained in this paragraph—

Can white labour be employed at such a price that it will pay the employer to send out his produce to compete with that of cheap labour countries? Granting, for the sake of argument, that the white man is physically able and willing to do the work in that climate, would he ever be employed in large numbers—for it takes large numbers to keep a large industry such as sugar, cotton, rice, &c., going as a paying concern? Could any large industry survive, except perhaps by the help of a bonus, which though no doubt defensible in the interests of a new industry which requires temporary help till it can maintain itself is otherwise indefensible on economic principles, and ought never to be continued indefinitely to an industry which cannot at all exist without it.

Senator Sir JOSIAH SYMON.—A very sound principle, is it not?

Senator HIGGS.—Sound, no doubt, according to Senator Symon, who is a free-trader; but surely not sound according to Senator Playford, who is a protectionist? Honorable senators who come from Queensland look at this paragraph as perhaps containing a slight dig at the New South Wales

and Queensland sugar industries, which are being assisted by bounties. Governor Le Hunte's arguments, expressed in a State like South Australia—some of whose representatives are opposed to the sugar bounties—might be calculated to induce them to continue their opposition to those bounties when, but for this report, those who support the bounties might have been able to convince them that they should cease their opposition. With regard to the railway, he said—

The question of the railway is a vital matter to the Northern Territory, as without it it can never be developed.

And he at once became controversial, when he said that a State railway would be a dead loss for many years to come, and added that it would not be a loss to the country if it were constructed on the land-grant system. On this question there are two parties in South Australia—those who believe in the construction of this railway on the land-grant principle, and those who believe that it should be a State railway, and should not be constructed on that principle. It has been said that this report is a confidential document, and I may mention that the Government of South Australia took occasion in it to refer to a number of matters of detail in connexion with the functions which he attended. He deals with all kinds of subjects, and even mentions the fact that Senator Neild was on the boat with his party, but had to return on account of an attack of dengue fever. He refers to his visit to the police camp, and says that the building ought to be more tidily kept. Fancy the Governor of a State assuming the office of a municipal inspector, and inspecting the buildings of the police camp. Details of this kind occupy a considerable portion of the report. There are some references to the glorious moonlight and the flowing waters—poetic touches to brighten a report which it was intended should be circulated throughout the community.

Senator DOBSON.—It is hardly fair to say that it was intended that it should be circulated. It was written at the request of His Excellency's Ministers.

Senator HIGGS.—The Governor of South Australia would not have gone to the trouble of writing a report occupying seventeen closely printed pages, and comprising over seventy paragraphs, of twenty or thirty lines, each on a variety of subjects, unless he intended that it should be

published, just as his reports from New Guinea and other places in which he held office as Administrator were published.

Senator PLAYFORD.—He was obliged to make reports on New Guinea.

Senator HIGGS.—He may have been compelled to make reports on New Guinea, but does not the Governor of South Australia realize the difference between the two positions—one, that of a State Governor, a local constitutional sovereign, and the other that of a man whose duty it might be even to inspect and report on police camps and so forth?

Senator DOBSON.—Was all his knowledge to be shut out because he was a Governor?

Senator HIGGS.—No, but I think that expressions of political opinion such as I have mentioned were quite out of place in his present position. I hope that on all occasions I shall be prepared to resent interference of this kind. The Governor of a State or the Governor-General of the Commonwealth is a kind of umpire. Sir Frederick Bedford realizes the position, and showed that he did by the observations he made at a banquet. He said, in effect, "I have no policy to declare, and I should be very careful about declaring it if I had, for it seems to me that so long as one keeps his mouth shut very little fault can be found. It is only when a policy is declared that criticism comes in." That is the position which a Governor ought to take, and which is assumed by many Governors.

Senator WALKER.—Merely a machine.

Senator HIGGS.—I do not put it in that way. His position is that of an umpire, and when he ventures to express opinions about defence, the system of bonuses, railways, and immigration, he enters a very controversial field, and, as Senator Symon pointed out in the case of Sir William Robinson, he must not then complain if his conduct is criticised. We have made every endeavour in our Standing Orders to prevent the name of the Governor-General being used disrespectfully. So far as we could, we have tried to safeguard him, and to protect him from any criticism which might make his position undignified or uncomfortable. Perhaps it is not right that we should compel him to go over to New South Wales and live in a house in Sydney for a certain portion of the year, when that is entirely unnecessary; but, generally speaking, we do our level best to make the position a dignified and comfortable one. The Governor-General

should recognise that, and if he does not, if through carelessness, neglect, or inadvertence he gives expression to political opinions he must expect that persons who entertain such views as I hold will criticise what he has said. I hope that the motion will be carried. It would probably have been carried on the voices if it had not been called "not formal." Since the leader of the Government in the Senate has placed us in such a position that we must express our opinions, and must vote to show that there is a majority in favour of the motion, the Government must take the responsibility.

Senator PLAYFORD (South Australia—Minister of Defence).—Senator Higgs has expressed the opinion that if I had not called "not formal" to the motion it would probably have been carried without any trouble. I can assure the honorable senator that he is very much mistaken. Other members of the Senate would have called "not formal" to the motion if I had not done so. I called "not formal" to it because I do not like the wording of the motion. The honorable senator uses the words, "and express himself on the matters of public policy." What are the matters of public policy? We require some better definition of the phrase. I informed Senator Higgs that the Government would oppose the motion unless it was made more definite. I have a distinct recollection of supporting the motion—at all events by refraining from expressing any opinion on it—to which the honorable senator has alluded in the case of Lord Kintore, but honorable senators will find that the wording of that motion differs from that submitted by Senator Higgs. It made no reference to "public policy." Almost every subject that can be imagined, including education, defence, and finance, might be regarded as a subject of public policy. And very often it is a matter of controversial policy. Under ordinary circumstances I have expressed the opinion, and the Government of which I am a member hold the opinion, that it is unwise for the Governor-General of the Commonwealth, or the Governor of a State, to express his views on questions which are agitating the public mind, and on which people take different sides. It is better for their Excellencies not to take any side, but to abstain from expressing their opinions on these questions. I do not think that the motion

should be carried coupled with this condition—

Unless advised so to do by his responsible Ministers.

I do not think that, in any circumstances, the Ministry should be allowed to advise His Excellency in a matter of this kind, because he is supposed to hold the balance between the two parties, whether they be called the ins and the outs, the protectionists and the free-traders, or the Socialists and the anti-Socialists. It is the duty of a Governor-General, as well as of a Governor, to hold the balance evenly. Certainly, he ought not to enter the public arena and express opinions favorable to his Government's proposals any more than he should express opinions hostile to their proposals, because in a very short time he may have for his advisors the very minority whom he has perhaps been severely criticising. It certainly is not right, under any circumstances, for the Ministry to ask the Governor-General to express his opinions on controversial politics, and undoubtedly it would be wrong if they made such a request. Senator Higgs has referred to the report on the Northern Territory which was written by the Governor of South Australia. I do not wish to enter into a controversy on this point, because His Excellency is amenable to the Ministry and Parliament of his own State, who can deal with him as they please. I can imagine that His Excellency announced that he intended to take a trip to the Northern Territory, and that the Ministry of the day said, under the circumstances, "Your Excellency, we shall be only too pleased to receive a report on the various matters which may engage your attention in this important part of our territory." No doubt His Excellency kept a journal of his trip. In his report he expressed his opinions pretty freely, as he had a perfect right to do, but in a confidential manner to his Ministry. If the report was not marked confidential when it was sent in, it ought to have been.

Senator PEARCE. — Would the Government have laid the report on the table of the House if it had been so marked?

Senator PLAYFORD.—Very likely the Government asked His Excellency if he would approve of the report being tabled, and no doubt they obtained his approval.

Senator Sir JOSIAH SYMON.—It does not appear to have been marked confidential, except that it was addressed to the Premier,

and the responsibility for publication rested with the latter.

Senator PLAYFORD.—The Premier of the day ought to have known that a great many of the opinions which His Excellency had expressed were so highly controversial that it would not be wise to print the report. Even if His Excellency had not perceived any harm in printing the report the Premier ought to have advised His Excellency that, under no circumstances, would he recommend the printing of the highly controversial passages. I blame the Ministry of the day to a certain extent for what was done. In a similar position I should have noted the highly controversial passages, and recommended His Excellency, for his own protection, not to make them public, because it could only give rise to a heated controversy, and cause considerable trouble to the Ministry, and possibly attract notice in other parts. Now, I anticipate that if the Governor-General had not made this speech at Perth, Senator Higgs would not have moved this motion. In the speech, which I have read very carefully, I cannot discover anything which is highly controversial, and which we ought to condemn. I cannot put upon the speech the construction which my honorable friend does.

Senator HIGGS.—Because the Minister is against the adoption of the Swiss system.

Senator PLAYFORD. — No; I have a perfectly open mind on the subject.

Senator HIGGS.—I judged so, from the Minister's speech in opposition to Senator Dobson's motion the other night.

Senator PLAYFORD.—I opposed the motion of Senator Dobson, because, in my opinion, the time has not yet come for us to institute compulsory service. That I have been in favour of compulsory service in South Australia is well known. It is an ideal system, which I should like to see adopted. But I am doubtful whether it would be wise to take that step just now. And I am also extremely doubtful as to the willingness of the people whom we serve, and have to obey, to put up with it. There is not one word in the Governor-General's speech which is condemnatory of the Swiss system. Let me read what His Excellency said—

He had of late seen a good many references to the military system which prevailed in the Swiss Republic, and there were a good many newspapers and public men in this country who appeared to advocate the adoption of a similar

system for the Commonwealth. So far as the Swiss system appealed to able-bodied citizens to make themselves familiar with the use of arms, he was in full sympathy with the principle.

Senator HIGGS.—Is not that only a part of it?

Senator PLAYFORD.—No; it is the main part. His Excellency went on to say—

It could not but be good for every able-bodied young man to learn how to handle a rifle, to shoot and ride well, and perfect himself in all manly exercises.

His Excellency had a perfect right to call attention to the fact that there was no parallel between the two countries, because one country is an island continent with a coastline of 8,000 miles, and the other country has not an inch of coastline, but is surrounded by the most powerful nations of Europe, and protected by special treaties. But for these treaties the Swiss could no more protect themselves than fly. The great Napoleon said, "I am going to take Switzerland," and thereupon he took it without the slightest trouble. The Swiss never attempted to fight his army because it would have been utterly useless. He formed a constitution for the Swiss, and gave to the country the name of Helvetia. He really did what he liked with these people. If France, or Germany, or Italy would not come to her assistance, any one of these three powers could take Switzerland without the slightest trouble. In making that reference, His Excellency did not discuss a question of controversial politics, but merely mentioned an actual fact. He went on to say—

But when that was said, he thought that a parallel between Switzerland and Australia completely and entirely ended.

Surely at a dinner given to the Governor-General — the Commander of the Military Forces of the Commonwealth—by military officers to whom the question of defence was the most important, His Excellency is allowed to say something on the question of defence, and to utter a few words on the question of the defence of Switzerland. Surely His Excellency is permitted, on such an occasion, to say that he can see no harm in the Swiss defence system, and that, in his opinion, it would be a good thing if all men in these States were trained to the use of arms. That is a pious aspiration which we all have; and it involves no controversial question. Is there a man in the Commonwealth

with any common sense who will say that it is not an ideal system which we might adopt? The Governor-General did not say whether our Defence Force should consist of so many men, or whether we should protect ourselves by paying a subsidy to the British Navy, or having our own fleet. He did not go into any of these highly controversial questions. He simply made a passing reference to the Swiss system, because a number of the officers whom he was addressing are in favour of it. A colonel in New South Wales has given a very interesting account of the system in a book which he has written. We are all imbued with the idea, I presume, that the most perfect defence system for any country would be one under which every able-bodied man was trained to the use of arms and able to take his place in the ranks when necessary. That is all the Governor-General said. A little further on he said—

Beyond this no two countries could be more divergent. After all, Switzerland was but a small land-locked territory, while Australia was a vast Continent, with, it might be said, an unlimited seaboard.

He referred to a matter of fact, and not a matter of controversial politics.

Senator HIGGS.—Why did His Excellency wish to remind the newspaper and public men who hold these views that they are wrong.

Senator PLAYFORD.—His Excellency did not say that they are wrong. The honorable senator may draw that inference from the speech, but it contains no statement to that effect. He merely said that he approved of the Swiss system to a certain extent, but he pointed out that there is no parallel between Switzerland and Australia.

Senator HIGGS.—Evidently His Excellency thought that the newspaper and public men did think that there is a parallel between the countries, and he pointed out that, in his opinion, there is not.

Senator PLAYFORD.—Why should not His Excellency make that remark? After the honorable senator had alluded to the speech in the Senate, I read the report, and said to myself, "Well, however can my friend Higgs see anything of a highly controversial character in this speech"? I thought it was an intelligent speech. I think that His Excellency made a great many observations which we can all appreciate. Next day, a Perth paper, in a leading article, commented on the speech in

very favorable terms. It did not discover anything specially wrong in the speech, or say that His Excellency had broken any proper rule. It was left for the honorable senator to make that discovery. Apparently nobody else did. Certainly no newspaper did.

Senator HIGGS.—The secretary of the Defence League in Sydney thought it his duty to write to the papers to explain away what the Governor-General had said.

Senator PLAYFORD.—I have not seen the letter, and certainly the secretary had a very easy task, for I cannot see where an explanation would come in. His Excellency also points out in this speech that there is no Japan close to Switzerland, and that it is of no consequence to the Swiss that the United States has acquired the Philippine Islands. He went on—

The consequence was that it was absolutely necessary that Australia should become strong and able, actively and seriously, to assist in her own defence.

There is no harm in that.

Senator HIGGS.—He pointed out that it was a matter of great concern to us that the United States had annexed the Philippines.

Senator PLAYFORD.—So it is, because the Philippine Islands are a buffer between us and Asia. The taking of the Philippines by the United States was one of the best things that ever occurred from an Australian point of view.

Senator HIGGS.—The Governor-General puts it in a different light.

Senator PLAYFORD.—I do not know that he does. If so, it does not appear in the report from which I am quoting. After saying that Australia ought to become strong and able to defend herself, a remark with which we shall all agree, and then which he could have said nothing truer, His Excellency proceeded—

Should the British Empire be involved in a war the responsibilities of Great Britain would be enormous, and her powers, great as they were, were not absolutely illimitable. Therefore it was necessary that Australia should be strong enough to protect herself, at all events at home, and in order to do that she needed to develop her resources and to increase her able-bodied population.

That is a statement of absolute facts. Yet the honorable senator says that the Governor-General has entered into the question of immigration. It is a wonder that he did not say that His Excellency brought in General Booth and the Salvation Army. I see no reference to controversial questions

whatever in this speech. It is merely a statement of absolute truisms. We must increase our population; and when our population is larger we shall be better able to defend ourselves. Is there anything controversial about that statement of fact? The speech continued —

From a military point of view, it must be remembered that so long as the population of Australia remained at about its present numbers, and so long as the revenue of the country remained what it was, it would be simply impossible for Australia to spend more than a certain portion of money upon its military and naval defence, and that proportion could not be very large.

There is nothing controversial in that, is there? Some people think we can spend a great deal more on defence; and others that we ought to spend less. True, that is controversial; but the statements made by the Governor-General are practically truisms known to us all. We have not illimitable powers to draw upon; we have to be careful in the money we spend; we have to see that it is usefully spent.

That meant—and he regretted to say it—considering the audience to whom he was speaking—that they could not afford to maintain as many officers as he thought would be desirable under happier circumstances.

See how nicely His Excellency keeps away from controversial questions! Notice the pious hopes and wishes that he indulges in! He went on—

The officers generally must co-operate loyally and actively in doing all they could to facilitate the discharge of the new duties which have been imposed upon their friend and guest, the Inspector-General of Australia, Major-General Finn.

There is nothing in that to which the slightest exception could be taken. After reading the whole speech, I say that there was nothing to complain of in it. Coming to the motion itself, if it contained a simple abstract proposition, and if a few words were altered, I might agree to it. I dissent from the statement that His Excellency has entered into controversial questions.

Senator O'KEEFE.—Will the Minister support the amendment which I intend to move?

Senator PLAYFORD.—I do not know until I see it. I quite agree, however, that Governors and Governor-Generals should copy the example of the present King. I followed his career with great interest while he was Prince of Wales, and to a great extent I have followed him in his various utterances since he has been

King. One cannot but notice the great tact which characterizes His Majesty's speeches. He never expresses definite opinions on highly controversial questions that come before the people whom he governs. Those who represent him in the British dominions should, I quite agree, be careful not to transgress the well-understood rule that the representatives of His Majesty should not express public opinions on highly controversial political questions of the day. But in this particular case, I say that the Governor-General has not expressed such opinions. It seems to me that the motion is aimed especially at His Excellency; and as the passing of it would be a reflection on him, I shall have to vote against it.

Senator O'KEEFE (Tasmania).—I intend to propose an amendment which I think that both Senator Higgs and the Minister will be able to accept. I wish to make the motion read as follows:—

That, in the opinion of the Senate, it is contrary to established principles of constitutional and parliamentary government that the head of the Executive should in public express himself on matters of controversial politics.

Senator WALKER.—Why not insert the word "highly" before "controversial"?

Senator O'KEEFE.—No; I hold that it is inadvisable that the representative of the King should express opinions on controversial political questions.

Senator PEARCE.—I wish to move an amendment that would come before that mentioned by Senator O'Keefe.

Senator O'KEEFE.—I believe that the honorable senator wishes to apply the motion solely to the Governor of South Australia. If I sat down, and gave him an opportunity to move it, I should lose my chance of proposing an amendment.

Senator PEARCE.—Shall I be prevented from moving an amendment coming before that mentioned by Senator O'Keefe, if his amendment is moved now?

The PRESIDENT.—Yes.

Senator O'KEEFE.—I will not move my own amendment at this stage in deference to Senator Pearce's wish, but will get some other honorable senator to move it for me after I have concluded my observations. I quite sympathize with Senator Pearce's desire to make the motion apply to the Governor of South Australia so far as that goes, but I do not think it goes quite far enough. If the motion is amended as I suggest, there will be nothing in it to which

any honorable senator cannot agree. Even the Minister of Defence has said that he has always been very jealous of the privilege of self-government, and he has given us to understand that he will vote for the motion if it is amended in such a way as I have indicated. The difference between the Minister and Senator Higgs is simply one of opinion as to what was really intended by the Governor-General. In that regard I differ to some extent from Senator Higgs. I believe that His Excellency did not intend his remarks to bear the controversial aspect that the honorable senator has endeavoured to read into them. At the same time, it might have been better if His Excellency had not said as much as he did. Under our system of government, we are left absolutely free to make our own laws. The Governor-General is the representative of His Majesty in this Commonwealth, whose people hold different views, and are divided into various political parties. His Majesty himself, I am sure, would not give utterance to opinions in public which would tend to support or to emphasize the political views of any party, and I am quite sure that His Majesty would not desire that his representative here should do anything of the kind. I think that the speech of the Governor-General in Western Australia did touch slightly upon forbidden ground. When we enter into matters of defence, we deal with a very vital question, about which different opinions are held in Australia. There is a large body of political opinion which favours the idea that the military system carried on in the past by the States, and taken over by the Commonwealth, should prevail in the future, and is best calculated to meet the purposes of the defence of Australia. A number of people believe in maintaining highly-paid officers and a generally expensive military system. On the other hand, a large section of our people do not believe in that system, but hold that we should have a strong force of citizen soldiers. Certainly the speech of the Governor-General did slightly touch upon dangerous ground, so far as it seemed to favour the present military system, because, taking the Minister's own word for it, the Governor-General expressed his regret that the present financial position of Australia did not allow us to have as many officers as he thought would be desirable in happier circumstances.

Senator HIGGS.—Surely that is controversial.

Senator O'KEEFE.—Yes. It seems to me that the Governor-General in that speech favoured the present military system, with which a large number of people do not agree, and that, therefore, he was on controversial ground. With the remarks generally of Senator Higgs I cordially agree; but, while disapproving of the action of the Governor-General—

Senator STEWART.—What does it really matter?

Senator O'KEEFE.—It matters a great deal while we remain under our present system of government and the Governor-General is the link between the Commonwealth of Australia and the Crown. We desire to keep the Governor-General in the position of a link, and I think I may say, without disrespect, retain him as the figure-head of the Government. That, I make bold to say, is the view of a large number of people in Australia. His Excellency has, generally speaking, pleased the people of Australia more than did any of his predecessors, and he and his lady are immensely popular in every part of the Commonwealth.

Senator DE LARGIE.—Why make an invidious distinction?

Senator O'KEEFE.—It is not an invidious distinction to say that the Governor-General, with his happy manner of carrying out his duties, has made himself very popular within the Commonwealth.

Senator STEWART.—The Governor-General recently advised the Australian people to patronize Australian industries; does Senator O'Keefe regard that advice as controversial?

Senator O'KEEFE.—Undoubtedly. In my opinion, the Governor-General was just as wrong in that case as he was in the case under discussion. It is extremely probable that large numbers of free-traders throughout Australia are of opinion that the Governor-General ought not to have expressed any such views.

Senator GRAY.—Nothing of the sort. It was only a bit of human nature on the part of the Governor-General.

Senator O'KEEFE.—That may be; but a gentleman in the high and responsible position of Governor-General is not supposed to express opinions of the kind. The Governor-General was not well advised in having, as it seems to me, favoured a system of military defence which does not meet with the approval of large numbers of Australians. However, that is a matter of opinion on which we may very well differ;

and I may say that I have not taken quite the same serious view of the occurrence as Senator Higgs. As to the complaint in regard to the Governor of South Australia, however, I am of opinion that that gentleman in the report he drew up showed extremely bad taste.

Senator Sir WILLIAM ZEAL.—What has the Commonwealth Parliament to do with the matter?

Senator O'KEEFE.—No doubt it is a matter for the South Australian Government, but it must not be forgotten that amongst the subjects dealt with by His Excellency were some purely under Federal administration; and, under the circumstances, I think we are entitled to express an opinion, always provided that it was intended to make the report public. In that report was dealt with one of the most vital questions of policy that has ever agitated the minds of the people of Australia—the White Australia policy. That is a question with which, of course, I am not entitled to deal now; but, rightly or wrongly, it has assumed immense importance. The next Federal elections, like the two previous elections, may be fought largely on the question; and yet we have the Governor of a State showing such extremely bad taste as to, in strong language, express views on one side. I do not say whether His Excellency is right or wrong in the views he holds, but his private opinions ought to remain private opinions. The question arises whether it was intended that the report should be made public; and if that was not the intention, either the South Australian Government or the Federal Government have blundered in giving it publicity.

Senator PLAYFORD.—The report appeared in the newspapers all over the country.

Senator O'KEEFE.—If the report was intended to be private, it ought not to have been laid on the table of the Commonwealth Parliament House.

Senator PLAYFORD.—The State Government first made it public.

Senator O'KEEFE.—Then the blunder is with the State Government.

Senator KEATING.—After the report had appeared in print, members of the Federal Parliament asked the Government to procure copies, so that the full text might be seen.

Senator O'KEEFE.—I think it is the duty of this Senate to express disapproval

of any interference by a State Governor in such questions as I have indicated. I feel quite sure that His Majesty has no desire that his representatives either in the Commonwealth or in the States should take sides on questions of vital public policy. If my amendment as indicated should be submitted, any honorable senator who voted against it would place himself in what I cannot help regarding as an absurd position.

Senator GRAY.—I should vote against it.

Senator O'KEEFE.—Then the honorable senator would be taking a very dangerous step, because he would be declaring inferentially that he approved of the Governor-General, or the Governor of any State, taking sides in politics.

Senator GRAY.—Not necessarily so.

Senator O'KEEFE.—I think that if the motion were amended in the way I have indicated, it would commend itself even to those honorable senators who do not think the Governor-General intended to express opinions on matters of controversial policy.

Senator PLAYFORD. — I could vote for such a motion, but not now, because it would mean a slap in the face for Lord Northcote.

Senator O'KEEFE. — In deference to Senator Pearce, who, I understand, has a prior amendment to move, I shall not submit my own amendment at this stage.

Senator PEARCE (Western Australia). — I find myself unable to support the motion as it is placed before us. It undoubtedly has reference to the head of the Executive of the Federal Government, and Senator Higgs has plainly stated that it is based on the speech made by His Excellency in Perth in September last. I have read that speech very carefully, and I cannot see that the Governor-General has in any way committed himself to any definite military policy. On the other hand, His Excellency seems to have merely stated the facts in regard to Switzerland, and the facts in regard to Australia, and said that these must be taken into account in dealing with any military policy. Do we not all recognise that truth? The speech seemed to be delivered for the purpose of directing attention to the question of defence; and His Excellency very skilfully evaded party politics. He expressed his admiration for the Swiss system, and, at the same time, pointed out the difference in the circumstances of the two countries, and I consider he has rendered

Australia a service in directing public attention to an important question without involving himself in party politics. The objection I have to Senator O'Keefe's amendment—which, I understand, may be moved by Senator Croft—is that it leaves the motion based practically on the grounds stated by Senator Higgs. While passing a motion affirming our belief that the Governor-General did not interfere in politics, we base that motion on the speech which he delivered in Western Australia; and, in doing so, we practically say that in that speech His Excellency did exceed his duty.

Senator O'KEEFE.—The amended motion would ask the Governor-General not to do so in the future.

Senator PEARCE.—I do not admit that the Governor-General has done so in the past.

Senator KEATING.—It is a case of "not guilty; but don't do it again."

Senator PEARCE.—Why pass the motion if the Governor-General has not exceeded his duty. Such a motion indicates either that the Governor-General has transgressed in the past, or is likely to do so in the future; and, if he has not done so in the past, why need we fear he may do so in the future? I cannot see that the Governor-General, in this or any other speech, has transgressed the liberty that should be accorded to him. While I disagree with Senator Higgs on that point, I thoroughly agree with the view he takes of the action of the Governor of South Australia. No doubt Sir George Le Hunte has in the most direct manner interfered in a highly controversial question, and the manner of the interference makes it, in my opinion, even more criminal.

Senator DOBSON. — I ask whether the honorable senator is in order in using such a word.

The PRESIDENT. — I do not think that Senator Pearce ought to use the word "criminal" in this connexion.

Senator PEARCE. — I withdraw the word, which was a slip of the tongue, and substitute "culpable."

Senator Sir WILLIAM ZEAL.—Say "injudicious."

Senator PEARCE.—Well, then, I will use the word "injudicious." My desire is to move a series of amendments which will make the motion read thus:—

That, in the opinion of this Senate, it is contrary to the established principles of constitutional and parliamentary government that the

head of the Executive of the State of South Australia should have in public expressed himself on matters of controversial public policy.

In the report of Sir George Le Hunte there is what appears to be an extract from the State *Hansard*, as follows:—

(*Hansard*, 7th September, 1905.)

GOVERNOR'S REPORT ON NORTHERN TERRITORY.

The Commissioner of Public Works told Mr. Smeaton that the report of His Excellency the Governor on his visits to the Northern Territory was the outcome of a visit paid to the Northern Territory by His Excellency as arranged by the late Government. It did not express the views of the Government. It ought not to have been laid on the table of the House, as it was for the information of Ministers; but, having been tabled, it was the intention of the Government to have it printed.

We all have a knowledge of the circumstances. The Jenkins Government tried to engineer the land grant railway, and it was that Government which, through the Premier, expressed a desire to people the Northern Territory with coloured labour. This Government asked the Governor to go to the Northern Territory, and to compile this report. What could have been the object, but an endeavour to secure the influence of the Governor's opinion on behalf of their policy of land-grant railways, and of coloured labour for the Northern Territory? That that was their intention is shown by the fact that when the report was sent in, although it was a confidential report for Ministers, the Government laid it on the table of the Legislative Assembly of South Australia, with the result that the press had access to it, and it became a public document.

Senator DOBSON.—Which Government laid it on the table?

Senator PEARCE.—I understand that it was the Butler Government, who were the successors of the Jenkins Government. When the Price Government assumed office, the position was that the document had been tabled, and then it was ordered that it should be printed. I asked the Government of the Commonwealth to obtain copies of it. I say that the manner chosen by the Governor of South Australia for the expression of his opinions added to their importance. They were placed before the public, not in a report of a mere after-dinner speech, but in the form of a public official document, which will be handed down to posterity as a parliamentary paper. I contend that the Governor of South Australia, in consenting

to make that report, in which he deals with Federal and highly controversial questions, must have known that he was taking up a party and controversial position. I have only to add that I think the Senate will be right in interfering in the matter, because while it may be said that the State Parliament of South Australia is the guardian of the dignity of the Governor of that State, His Excellency, in the report he has compiled, has ventured to express opinions on matters of Federal politics. We are, therefore, within our right, and I think it is our duty, to pass a motion expressing our opinion of his action. I hope that the Senate will pass the motion in the form in which I propose it should be amended. When the motion deals with the action of the Governor of South Australia, against whom we have some ground of complaint, there can be no objection to its being passed by the Senate.

The PRESIDENT.—Senator Pearce will see that he is proposing to move a number of amendments, consequent on each other, and that if they are submitted in the form indicated they will prevent Senator O'Keefe from moving his amendment.

Senator PEARCE.—To test the matter, first of all, I move—

That after the word "Executive" the following words be inserted, "of the State of South Australia."

Question—That the words proposed to be inserted be inserted—put. The Senate divided.

Ayes	2
Noes	16

Majority	14
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AYES.

Croft, J. W.

Teller:

Pearce, G. F.

NOES.

Baker, Sir R. C.

Dawson, A.

de Largie, H.

Dobson, H.

Drake, J. G.

Givens, T.

Henderson, G.

Higgs, W. G.

Keating, J. H.

Macfarlane, J.

O'Keefe, D. J.

Playford, T.

Stewart, J. C.

Story, W. H.

Turley, H.

Teller:

Millen, E. D.

Question so resolved in the negative.

Amendment negatived.

Senator STEWART (Queensland).—After some little consideration, I have come to the conclusion that it is a pure waste of time to discuss motions of this character.

Surely we have outgrown that condition when we ought to jealously criticise every public utterance of our Governor-General. I do not suppose that any one here cares less for the Governor-General than I do, knows less about him, or is less concerned about his opinion. I do not think the people of Australia care two straws what the Governor-General says on any public question. It does not affect them in the slightest degree. It appears to me to be a pure waste of time to discuss such a matter here. We have very much more important business before us than anything the Governor-General can possibly say upon any known subject. I do not believe in Governors-General or Governors at all, but if we have them here, why shut their mouths? What are they to talk about? If the Governor-General goes to a show and talks of the desirability of increasing the pig industry or the pumpkin industry, politicians will at once accuse him of interfering in a matter of public controversial politics. I have no more to say on the subject. I think we have been wasting public time this afternoon.

Original question put. The Senate divided.

Ayes	...	...	8
Noes	...	...	10
Majority	...	...	2

AYES

Croft, J. W.	Story, W. H.
Dawson, A.	Turley, H.
de Largie, H.	
Givens, T.	<i>Teller:</i>
O'Keefe, D. J.	Higgs, W. G.

NOES.

Baker, Sir R. C.	Pearce, G. F.
Dobson, H.	Playford, T.
Drake, J. G.	Stewart, J. C.
Henderson, G.	
Macfarlane, J.	<i>Teller:</i>
Millen, E. D.	Keating, J. H.

Question so resolved in the negative.

TOBACCO MONOPOLY.

Motion (by Senator PEARCE) agreed to—

That the Select Committee on Tobacco Monopoly have leave to extend the time for bringing up the report to this day four weeks.

PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Report of Lieut.-Colonels Bridges, Owen, and Le Mesurier, on 7.5 guns for North Fremantle: Statements of Senator Matheson.

Ordered to be printed.

PUBLIC SERVICE.

Debate resumed from 5th October (*vide* page 3212), on motion by Senator STANFORTH SMITH.

1. That the female employés in the Civil Service possessing equal qualifications and aptitude should be placed in the same class and receive equal remuneration as male civil servants doing similar work.

2. That at least one-half of the total number of telegraphists should be in the 4th Class.

3. That the three grades in the General Division should be abolished, and increments substituted up to at least £150.

4. That district allowances should be more in conformity with those previously allowed by the States, and should constitute a more equitable compensation for increased cost of living, isolation, and climatic conditions.

5. That the composition of the Appeal Board should be altered so that one member should represent the Government, one member the civil servants, to be presided over by a Judge or stipendiary magistrate.

Senator KEATING (Tasmania—Honorary Minister).—I hope that the Senate will not agree to this motion. It will be remembered that at the commencement of this sitting I intimated that Ministers had before them the amended classification scheme, together with a very exhaustive report by the Commissioner, on the criticisms which had been offered thereon in both Houses of the Parliament this session. In moving this motion Senator Smith contented himself with merely remarking that he had dealt somewhat exhaustively with most of the matters therein mentioned when he took part in the general discussion on the classification scheme. The motion consists of five paragraphs, affirming five principles. I might, if time permitted, deal very exhaustively with each affirmation of principle.

The first paragraph says—

That the female employés in the Civil Service possessing equal qualifications and aptitude should be placed in the same class and receive equal remuneration as male civil servants doing similar work.

That principle was not only affirmed in the discussion on the Public Service Bill, but has been given effect to by the Commissioner in his scheme. Of course, in a comprehensive scheme, which embraces the classification of over 12,000 public officers in the transferred Departments, it is quite possible that an individual critic or a hypercritical person may fancy that he or she can single out one or two cases where it is thought that the principle has been departed from. But I think that a careful analysis of the scheme will show that the classification, in each Department,

has been based solely upon the character of the work done by each officer in his particular office, and absolutely irrespective of sex. From the statement in this part of the motion, any one would imagine that the female employes have not received any consideration since they were transferred to the Commonwealth and the Public Service has been classified. The largest number of female officers are employed in the transferred Departments in Victoria. We find that the female officers in the State number 343, that their salaries aggregated £25,266 in 1901, and aggregate £37,416 in 1905, showing an aggregate increase of £12,150. The average increase per officer is £35, and the percentage increase which that represents on their previous salaries is 48. In other States, where the employment of female officers is not so extensive as it is in Victoria, the Commissioner has followed the same principle. I think it will be seen that he has had regard to the efficiency of the work, and has not in any case considered the sex of the officer in determining the amount to be paid. The second affirmation of principle in the motion is—

That at least one-half of the total number of telegraphists should be in the 4th Class.

The Commonwealth employs a large number of telegraphists. Of course, the greater number of these officers are employed in New South Wales and Victoria; but it is considered that the work which the majority of them do is not, considering all the circumstances and the necessity of keeping the expenditure within reasonable limits, worth more to the Commonwealth than £160, that is to say the maximum of the fifth class. A number of the more important telegraphists are engaged on quadruplex and duplex lines, and also in many instances they act as supervisors. One-third of the total number of telegraphists have been allotted accordingly to fill such places and have been put in the fourth class, and proportionately graded, receiving salaries ranging from £185 to £285. Prior to Federation, a telegraphist in New South Wales could advance by regular periodical increments to £125, but after he had reached that salary his progress was very slow, and largely depended upon the number of vacancies which might occur. Under the present system, the whole of the telegraphists in the fifth class who are sufficiently efficient, and whose efficiency

Senator Keating.

is acknowledged in the annual reports, can advance automatically year by year until they obtain a salary of £160, as against a salary of £125 prior to Federation. In New South Wales fifty officers have been advanced to the fourth class since Federation. In Victoria the number of fourth class telegraphists has been increased by the classification from 14 prior to Federation to 93, and instead of being able to rise to a salary of only £235, they can rise to the salary of £285. It must be remembered that more than one avenue of promotion is open to telegraphists. In many instances telegraphists have first claim to the vacant positions of postmasters, especially where the officer is required to have a knowledge of telegraphy. Quite a number of such vacancies occur from time to time, and these are additional to the ordinary avenues of promotion which are open to a telegraphist in his own class. There are some 500 positions of that character to which telegraphists are eligible for appointment as vacancies occur. It will be seen that they are not restricted in their opportunities of promotion to their own particular work. Out of 1,284 telegraphists, there are 856 in the fifth class, and these are eligible for promotion to a superior position when vacant, upon showing their efficiency. Besides those positions, they are eligible for promotion to the 500 positions of postmasters as vacancies occur.

Senator STORY.—In many cases at a lower salary though.

Senator KEATING.—In most cases at a higher salary—certainly at a salary higher than that of a telegraphist in the fifth class. The positions I have mentioned do not include the positions of testing officers and supervisors. This proposal to place one-half of our telegraphists in the fourth class is, I submit, not justified on any grounds. Senator Smith did not assign any reason for his proposal, other than referring us to the views which he had expressed when discussing the general scheme. I submit that the value of the work does not warrant the Commonwealth in placing such a large proportion of its telegraphists in that class, nor is the proposal justified by any comparison with the conditions prevailing prior to Federation. There are so many avenues of promotion open to these men outside their immediate work that it cannot be said that there is an absence of due opportunities for pro-

motion. The increased expenditure in connexion with the fourth class, as the result of the classification, comes to £3,000 per annum. If the proposal of Senator Smith were given effect to, the additional expenditure would be increased from £3,000 to £9,000 per annum. If the grading system were abolished, and telegraphists were allowed to rise to the maximum salary of class 4, the increase per annum would amount to £50,000. Of course it is very easy for honorable senators to take one or two isolated cases with the whole of the circumstances of which they are not fully cognisant; but it is a serious matter to assert a series of principles which would have as one of their consequences such an increase of expenditure. I may point out that the classification scheme was published in June, 1904. The telegraphists throughout the Commonwealth have their own organization—and a very active and efficient one it is. I can fairly say of it, from careful observation of its proceedings, that it exists not alone to conserve the interests of the telegraphists, but also, as far as possible, to see that those who are engaged in public work shall look after the interests of the people whom they are serving. I think that, individually and collectively, through their association, the telegraphists have always shown their disposition to do that. Twelve months after the classification scheme was issued, a conference of representatives of Commonwealth telegraphists was held, and, according to records published in their journal, a scheme founded on a proportion of one-half of the officers being in the fourth class and divided proportionately, was considered. But that conference was unable to agree, and finally submitted the scheme to the various State associations for consideration. So far as I know, no finality has been arrived at, whilst some State associations are, I believe, opposed to this proposition of their own conference. That fact itself serves to show that amongst the telegraphists themselves there cannot be anything like an unanimous agreement with the principle contained in paragraph 2 of this motion. Some passages, which indicate the difficulties involved in this matter, may be quoted from the service journal. For instance, it is stated, in reference to the proposal to put half the telegraphists in the fourth class—

The percentages suggested by the Conference are not so liberal to the three higher grades as the Commissioner's scheme, because it would not

have been possible to have persuaded the Commissioner to apply his percentages without unduly swelling the higher grades and necessitating a large expenditure of public money.

Another reference is—

The suggested change must be more costly than the Commissioner's scheme.

The problem is a difficult one to solve, and, at the same time, do justice all round.

Another passage, which I commend to the consideration of honorable senators from my own State, who have addressed themselves to the classification scheme, and who may be disposed to support this motion, is the following:—

Under the suggestions of the Conference the State which will suffer most will be Tasmania, for the highest paid telegraphists in that State would be £210 per annum.

There is a table of figures published in the same journal, and the matter is summed up in this way—

"The above tabulated figures" (referring to a published table) "will assist the Executive Committees when efforts are being made to untie this hard knot."

Passages like those clearly indicate that in the minds of these gentlemen, who are responsible for guiding and directing much of the work done by the telegraphists as a body in their association, there is no agreement as to the reasonableness of the principle that Senator Smith would have us affirm in paragraph 2 of this motion. The third principle which he enunciates is one which I have, to some extent, anticipated. It says—

That the three grades in the General Division should be abolished, and increments substituted up to at least £150.

In the discussion on the classification scheme here and elsewhere, when references were made to the general division, the instances most frequently quoted were those of the letter-carriers. I find that, under the classification scheme, one-third of the letter-carriers of the Commonwealth receive 7s. a day, one-third 8s., and the remainder 9s. It is considered that 8s. a day is a fair maximum rate for work of this character, but 9s. is being paid to a certain number of officers as a recognition of their long service. Of course those who are receiving that sum will, year by year, become fewer. I will make a comparison between these rates and the salaries paid to letter-carriers before Federation. The average salary throughout the Commonwealth, under the grading system, is £122 per annum. Compare that amount with the average salaries paid in the States in the year 1901. They

were: In New South Wales, £101; in Victoria, £120; in Queensland, £112; in South Australia, £113; in Western Australia, £116; and in Tasmania, £89.

Senator GRAY.—The expenses of living have gone up 20 per cent. since then.

Senator KEATING.—This is another case of King Charles' head. The reference is, I suppose, to the Tariff, under which the honorable senator believes that the cost of the necessities of life has increased by 20 per cent. I do not think that many other members of the Senate will indorse his opinion.

Senator GRAY.—I would rather take the opinion of a family man.

Senator KEATING.—There, however, is the fact—that £122 per annum is the average salary paid to letter-carriers in the Commonwealth to-day, whilst the highest salary paid in any State, in 1901, was £120 in Victoria; and the lowest was £89, in Tasmania. The adoption of the principle contained in this particular paragraph of the motion would involve an increased annual expenditure of £20,000.

Senator PEARCE.—How does the honorable senator arrive at that amount?

Senator KEATING.—The estimate is one that has been furnished to me authoritatively. The increased expenditure involved in abolishing the grading for the general division, so far as concerns the letter-carriers, would be £20,000 per annum, and if that principle were applied to the general division altogether, the increased annual expenditure would be £75,000 per annum.

Senator STORV.—Ought the cost to be considered before the justice of the case?

Senator KEATING.—Certainly not, but before the Senate pledges itself to a principle involving such an increase of expenditure, very cogent reasons should be given—certainly reasons far more cogent than any that have been submitted upon this motion, or in the discussion of the classification scheme.

Senator GRAY.—I believe that only 1,500 letter-carriers are concerned.

Senator KEATING.—I do not think that those figures can be correct. The figures which I have quoted are given on the authority of the responsible head of the Department concerned, and I feel pretty certain that honorable senators can rely upon them. Possibly Senator Gray's memory does not serve him correctly, or he is confusing two things.

Senator GRAY.—The Minister may be perfectly right.

Senator KEATING.—I am bound, in justice to the Senate, to give this information, which I think is relevant; and I repeat that before we assert a principle which would involve the Commonwealth in such an extra annual outlay, we should be careful that the most cogent reasons are given. As to paragraph 4 of the motion, in connexion with district allowances, I am inclined to think that Senator Smith had in his mind the circumstances of Western Australia more, perhaps, than those of any other State. We know that in 1900 and 1901 the conditions of Western Australia were in some degree different from what they are to-day. I do not suppose that it will be said that the cost of living in that State has been increasing during the last five years. At all events the special Tariff has, in accordance with the Constitution, been lessened by one-fifth each year, and in the course of a very short time will disappear altogether. Consequently, so far as the special Tariff may have increased the prices of the necessities of life, it is a diminishing quantity. It must be remembered that, to a large extent, Western Australia is a very new country, and, in most new countries, the conditions are such as to make the necessities of life much dearer than they are elsewhere. But those conditions pass away, and I am inclined to think that Western Australia is no exception to the rule in that respect. However, it has to be said that, in Western Australia, during the last five years, however much the conditions of life may have varied, the salaries of officers have not decreased, but have steadily increased. The average salary paid throughout the State has risen within that period from £124 per annum to £134. There are 405 officers stationed at the General Post Office, Perth. Their salaries before Federation amounted to £59,037. They now amount to £66,566, or an increase of £7,529. That represents an annual increase of £18 per officer per annum. The last paragraph of the motion deals with the constitution of the appeal boards. There are six appeal boards, presided over in each State by the Public Service Inspector of the State; and the substance of this paragraph is that the place occupied by the Public Service Inspector should be taken by a Judge or a stipendiary magistrate. It is argued that such a president would be a legally trained man, to take

and sift evidence. It must be remembered, however, that an appeal board does not necessarily deal with cases in every respect in the same strict manner as does a court of law in determining an issue. The Public Service Inspector in each State is in constant touch with the Commissioner on the one hand and the public servants on the other.

Senator DOBSON.—I think that the member of the board whom Senator Smith wishes to eliminate is the officer appointed by the head of the Department.

Senator KEATING.—I am now dealing with the proposal of Senator Smith, and pointing out that the Public Service Inspector is familiar with the Public Service Act, and that he knows the classification scheme and the lines on which it has, so to speak, been built. All the Public Service inspectors in the several States have the same knowledge, and, consequently, in dealing with matters, must necessarily be guided by uniform principles. If, on the other hand, there be appointed a Judge or stipendiary magistrate who is not in touch with the Public Service of the Commonwealth—who may, or may not, be intimate with the administration of the Public Service Act and regulations of his own State—we shall have one who, by the necessity of his position, is not familiar with the principles and policy of the Commonwealth Public Service Act and classification. Such an appointment would immediately open the door to want of uniformity in the decisions of the appeal boards; we should have one principle acted on in Tasmania, say, and another in Western Australia, and so on right through the States. Such a system could not lead to anything but chaos and confusion, whereas if the Public Service Inspectors guide and control the appeal boards, we shall have men in very intimate touch with the public servants of their own States, and only in degree less intimately in touch with the whole of the Commonwealth Service, and, as I have said, thoroughly acquainted with the principles of the Public Service Act and regulations. A Public Service Inspector can recognise how a determination in an individual case may affect not only the particular officer who is appealing, but also others of the same class in the same State who may not have entered an appeal.

Senator TURLEY.—Is it fair that the man whose decision is questioned should decide the appeal?

Senator KEATING. — Undoubtedly. Surely the honorable senator does not think for one moment that personal reasons will operate with a Public Service Inspector, to the prejudice of an officer?

Senator TURLEY.—Not personal reasons.

Senator KEATING. — The appeal is made to a man familiar with the working of this comprehensive, and, if I may so call it, complicated system throughout the Commonwealth—who has been specially appointed to do this work, and who can see at once the full effect of his decision. He knows the class of work which is done by the man who appeals, and how that work is related to that of others in the same branch, and, further, he knows how the work compares with that of corresponding classes of officers right throughout the States. This system gives a harmony and uniformity, which could not be obtained by the scheme proposed in the motion.

Senator STORRY.—The right of appeal is only a farce in that case.

Senator KEATING.—Not at all. If the honorable senator was aware of the numerous successful appeals he would hesitate to express such an opinion. There is nothing new in the proposal that the person who makes the classification shall also be the judge in the case of appeal. It is a principle which is acted upon in the highest tribunals in the land. In Tasmania, where there are three Supreme Court Judges, appeals from the decisions of any one of them are heard by the three, and I think the same system prevails in South Australia. The Chief Justice of the latter State has, I believe, the distinguished record of never having had an appeal to the Privy Council made successfully against his decisions.

Senator PLAYFORD.—That is Sir Samuel Way.

Senator WALKER.—Sir Charles Lilley, in Queensland, had a similar record.

Senator KEATING.—I have been told, however, that the South Australian Chief Justice very nearly had one of his decisions upset by the Privy Council. In a certain case which he heard, there was an appeal to the Full Court, and the Chief Justice, as a member of that Court, "went back" on his previous decision. The other two Judges, however, upheld the previous decision; but when the case went to the Privy Council the finding of the Full Court

was over-ruled, in favour of the later judgment of the Chief Justice. When the classification of the Victorian State Public Service was carried out in 1900, a Reclassification Board was appointed by Act of Parliament, and that board, which had prepared the original scheme, heard all appeals. The danger suggested by Senator STORY is more apparent than real. After all, the Public Service Inspectors are not appointed in the interests of a private employer, or an employer whose interests are in conflict with the interests of the employé; the inspector is there representing, to a large extent, the public servants as well as the Commissioner and the taxpayer. These different interests have to be carefully guarded in any scheme of the kind.

Senator STORY.—The inspectors are there to keep down the cost as far as possible.

Senator KEATING.—Consistently with the efficiency of the service and justice to the men who do the work. The average increase of salaries under this scheme is very respectable, and speaks well for the improvement in the position of officers since they came under the Commonwealth.

Senator DOBSON.—As I understand, the criticism is levelled at the presence on an appeal board of the officer appointed by the head of the Department.

Senator KEATING.—I am now dealing with the proposal to introduce an entire outsider, who, however good his qualifications might be, would, by reason of his position, be liable to take an individual and isolated view, without regard to the homogeneity and harmony that is desired in the service.

Senator DOBSON.—Need that other man be on the board?

Senator KEATING.—I decline to go beyond the terms of the motion, because, if I were to discuss all the different phases of the criticism levelled at the classification, I am afraid that we should not get through the debate this week. I know that the proposal of Senator Smith is supported by a plausible and specious argument, which I regarded as very reasonable when it was first presented to me. But I have since discussed the matter with those who are very competent to deal with Public Service questions, and who wish to study the interests of the service and the public, and I have arrived at the conclusion that it would be a very dangerous principle to

introduce—a principle which, in its consequences, would inevitably tend to destroy the uniformity and harmony that should characterize the administration of the Public Service from Cape York to Cape Pillar.

Debate (on motion by Senator STORY) adjourned.

PARLIAMENTARY EVIDENCE BILL.

Report adopted.

COYPRIGHT BILL.

In Committee (Consideration resumed from 4th October, *vide* page 3119):

Postponed clause 4—

In this Act, unless the contrary intention appears—

“Artistic Work” includes—

- (b) any engraving, etching, print, lithograph, woodcut, photograph, or other work of art produced by any process, mechanical or otherwise, by which impressions or representations of works of art can be taken or multiplied:

“Book” means any book or volume, or part or division of a book or volume, or any pamphlet, newspaper, sheet of letterpress, sheet of music, map, chart, diagram, or plan separately published, and any illustration therein:

“Lecture” means a piece for recitation or any address, but does not include a political speech or a sermon delivered in a place of public worship:

“Publication” in reference to a book, means the first offering of the book for sale, or the first distribution of copies of it, or the first making of the book accessible to the public with the privity, in each case, of the author:

“State Copyright Act” means any State Act relating to the registration of the copyright or performing right, or lecturing right in books, or dramatic or musical works, or in artistic works or fine art works, or in lectures.

Senator PEARCE (Western Australia).—I move—

That after the word “multiplied,” line 9, the following words be inserted—“but does not include any engraving, etching, print, lithograph, woodcut, photograph, or other work of art designed to be used for any other articles of manufacture, or to be attached in any way to manufactured articles, or to bottles, boxes, and packages containing such manufactured articles.” My object in moving this amendment is to endeavour to prevent artistic works which are practically used as trade marks from being copyrighted as such, and to compel them to be registered as trade marks, if

protection as trade marks is sought for them. To mention familiar cases, the picture known as "Bubbles," used in advertisements of Pears' soap, and the picture used for the well-known brand of "Bull Dog" stout, might have been copyrighted, and they could then have been used as trade marks. The copyright would continue in operation for the full term laid down in this Bill, whereas, if they had to be registered as trade marks, the protection afforded in that way would require to be renewed every fourteen years. While in one sense these are artistic works, as used in application to manufactured articles they are practically trade marks and should be registered as such. There is another kind of artistic work, and if this exception is not made in the definition of the term, I am doubtful whether they could be copyrighted. I refer to the familiar theatrical posters, which are often very costly, but which may not be held to be artistic works. Honorable senators will see that the exception I propose will not include them, because they are not attached to articles of manufacture, nor are they used for articles of manufacture.

Senator GRAY.—Artistic works very often are not sought by manufacturers for trade purposes for perhaps two or three years after their first publication.

Senator PEARCE.—So far as the picture itself is concerned, the copyright in it will continue to exist. In the case of the well-known picture, "Bubbles," I understand that the copyright was sold to the proprietors of Pears' soap. They have used it, not as an artistic work, but practically as a trade mark attached to their goods. The picture from which the "Bull-dog" stout brand has been reproduced was, I suppose, in the first instance a painting or artistic work, and it is now used as a trade mark. I do not say that these pictures have not been registered as trade marks, but I refer to them as instances in which the use of the picture can be safeguarded by copyright, while it may be used as a trade mark. I desire that in such cases the owner should register the artistic work as a trade mark.

Senator MILLEN.—In the instances to which the honorable senator refers copyright in the pictures may still exist, but the honorable senator proposes that, if the owner wishes to use them as trade marks, they must also register them under the Trade Marks Act.

Senator PEARCE.—That is what I desire. What I propose is not without precedent. In the United States it was found necessary to pass an amending Statute to meet the case. It will be found in the United States *Statutes at Large*, vol. 18, part 3, chapter 301—"An Act to amend the law relating to patents, trade marks, and copyright." After the enacting words I find this provision—

That in the construction of this Act the words engraving, cut, and print, shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patents Office.

This deals with the question of maintenance of actions for the infringement of copyrights, where notice has been given in reference to cuts, engravings, photographs, paintings, and prints perfected and completed as a work of the fine arts. Seeing that it was found necessary to deal with the matter in the United States, and that the practice of attaching these works of art as trade marks to articles of manufacture has become very common, it seems to me that there will be a loophole between the Trade Marks Act and the Copyright Act, by which a manufacturer might evade registration of his trade mark, and yet secure all the protection for it which he needs, by reason of the fact that it is copyrighted.

Senator DOBSON.—What harm will he be doing if he does?

Senator PEARCE.—I do not know that very much harm will be done, except that if a picture is used as a trade mark I think we should compel its registration as a trade mark.

Senator MILLEN.—"Bubbles" has never been used as a trade mark, but as an advertisement.

Senator PEARCE.—I am not sure that it has been, but I have no doubt that the "Bull-dog" stout picture is used as a trade mark. The practice to which I refer is becoming quite common. Particularly striking pictures, originally issued as works of art, are now commonly being used as trade marks. I move the amendment in order to provide that where they are so used they must be registered as trade marks, and that we shall not give copyright protection to a trade mark.

Senator KEATING (Tasmania—Honorary Minister). — I have considered this amendment since Senator Pearce, on the second reading of the Bill, indicated his

intention to move it. It would be a very difficult matter to give effect to what the honorable senator desires in the way he proposes. We simply provide in the Bill for copyright in an artistic work, and we define "artistic work" to include, amongst other things—

Any engraving, etching, print, lithograph, woodcut, photograph, or other work of art produced by any process.

The honorable senator proposes to except from that definition any engraving, etching, print, lithograph, woodcut, photograph, or other work of art designed to be used for any other articles of manufacture. It is conceivable that a man might bring out a work of art, an etching, print, or photograph, without any intention whatever of having it applied to any other article of manufacture as a trade mark. He might subsequently sell his copyright in it to some one else, who might so apply it. Are we to ask the man who first brings out the work whether he intends that it shall be applied to such a purpose, and if he says "No," give him copyright in it, and if he says "Yes," refuse to give him copyright in it. It might be brought out without any intention one way or the other; the artist might be indifferent as to whether it would be used for the purpose of a trade mark or not. For instance, the painter of a picture like "Bubbles," might say, "I will sell this picture and the copyright in it to any one who will buy it at the figure I name."

Senator PEARCE.—The amendment would not interfere with that; but the copyright would not protect the man who bought it as against others using the picture for application as a trade mark to other articles of manufacture.

Senator KEATING.—I still think that if there was copyright in the work, and somebody used it with proper authorization as a trade mark, he would not necessarily acquire the rights of the holder of a trade mark in it, unless he complied with the provisions of the Trade Marks Act. I do not see how anybody would be served by this amendment.

Senator DOBSON.—There is no objection to a man having the protection of both Acts.

Senator KEATING.—None at all.

Senator MILLEN.—There would be nothing in the amendment to prevent that.

Senator KEATING.—No, there would not. I think that if a man desires to take

advantage of the reproduction of a work of art by using it in the form of a trade mark, he would have to comply with the provisions of the Trade Marks Act. Take the instance of the "Bull Dog" brand picture, to which Senator Pearce has referred. Suppose the original of that picture were copyrighted, and a person desired a licence to use a reproduction of it on bottles of beer, and secured the consent of the owner of the copyright in the picture to reproduce it for that purpose, I think that consent would not entitle him to use it in that way unless he first complied with the requirements of the Trade Marks Act.

Senator PEARCE.—It would prevent anybody else using it as against him, and that would be all the protection he would need.

Senator KEATING.—The honorable senator is thinking of a limited licence by the owner of the copyright to some one to use the picture in a certain way. I do not know that we require so lengthy an amendment to effect the object which he desires to attain.

Senator MILLEN.—Would not the effect of the amendment be to deny copyright to a man whose work was used as a trade mark?

Senator KEATING.—That would be the effect.

Senator MILLEN.—I understand that Senator Pearce does not wish to do that.

Senator KEATING.—I think that what Senator Pearce desires might be effected by the insertion in paragraph *b*, after the word "art," of the words "not being a print or label for application to other articles of manufacture." A man paints a picture, and another, seeing it, says, "If I could get a reproduction of that picture in a certain form it would make a very fine label for the article I manufacture." Take the case of the "Bull Dog" brand picture. A man who wished to use it as a trade mark might get it reduced to a certain size for the purpose, and then, going to the owner of the copyright of the picture, obtain from him a licence to reproduce it in the form of a trade mark for the goods he manufactured. The owner of the copyright might agree to the terms proposed, and it would then be applied as a trade mark to the first man's goods, whilst no one else could apply.

Senator MILLEN.—It would not be registered as a trade mark.

Senator PEARCE.—The effect would be the same as if it were.

Senator KEATING.—It is the intention of the Bill to give the author of an artistic work copyright in it, and I think we might let individuals use their works as they think fit. We should not, I think, limit the class of cases in which copyright shall be granted. The cases which deal with the question, of what is a work of art go to show that, so far as the Courts are concerned, they have not been very rigid in laying down any definite interpretation of what shall or shall not be considered artistic. It seems to me that it would be better that Senator Pearce should endeavour to give effect to his desire by the incorporation of his amendment in the Trade Marks Bill, and say that, where a person acquires a mark from a copyrighted work of art and uses it as a trade mark, he shall be bound to so register it. The insertion of the amendment would disturb the conditions of this Bill. I would urge the honorable senator, if he wishes to impose upon such a person the necessity of registering a mark as a trade mark, not to endeavour to do it indirectly in this Bill, but to do so directly in a Trade Marks Bill.

Senator MILLEN (New South Wales).—I am not quarrelling with the object aimed at by Senator Pearce, but it appears to me that his amendment will do the very thing which he says he does not wish to do. I understand that he does not wish to take copyright away from an artistic work simply because it is used for the purpose of a trade mark. Surely, if his amendment means anything, it would destroy the copyright in any artistic work which was used for the purpose of a trade mark or trade advertisement. The amendment provides that copyright in an engraving may not subsist except under certain conditions. That means that except under those conditions copyright in an engraving shall not subsist. It would open a very wide door to any one who wished to evade the law. If any person designed a picture which ultimately became a trade mark, he would lose his copyright therein, because the amendment distinctly says that the copyright shall not include those works which are used for the purpose of a trade mark or trade advertisement. I understood Senator Pearce to contend that a copyright shall not include a trade mark right.

Senator PEARCE.—I do not go so far as the honorable member suggests. I think that the copyright in an artistic work ought

to be taken away when it is used as a trade mark.

Senator MILLEN.—At first I thought that the honorable senator referred to the mere registration of the copyright in an artistic work.

Senator PEARCE. — When an artistic work is used as a trade mark it should be registered as such.

Senator MILLEN.—Then the amendment clearly sets out the wish of the honorable senator, and it does not meet with my approval. It would be monstrous to enact that the copyright in an artistic work such as "Bubbles" should be denied simply because it was used as a trade advertisement.

Senator PEARCE.—It could be registered as a trade mark.

Senator MILLEN.—It is not a trade mark, but simply a trade advertisement.

Senator PEARCE. — Then that is not a case in point. Take the picture of the bulldog which is used as a trade mark.

Senator MILLEN. — Suppose that an artist executes a picture in respect of which he is entitled to copyright. Later on he may part with the right to use that picture as a trade mark to a manufacturer. I admit that the manufacturer, before he can claim the protection of the Trade Marks Act, must apply to register the picture thereunder as a trade mark. I do not think that the mere fact that a picture had been registered under the Trade Marks Act ought to destroy the copyright existing therein under this measure. The amendment seems to me to give a man the option of protecting himself under one law or the other, but not under both. It excludes from copyright a work which is otherwise artistic, and which may be attached in any way to manufactured articles. Clearly that goes further than a trade mark, and covers an advertisement.

Senator PEARCE.—It can only be an authorized advertisement.

Senator MILLEN.—It is not a trade mark. In addition to the large picture of "Bubbles," which is distributed by the owners of Pears' soap, a small copy of the picture is wrapped round their higher-priced articles. Under this amendment copyright would be denied because that picture was attached to a manufactured article. I appeal to Senator Pearce, whether it would not be better to devise an amendment which, while respecting the copyright in an artistic work, would simply

affirm that it should not give any rights under the Trade Marks Act.

Senator PEARCE (Western Australia).—I admit that Senators Keating and Millen have advanced strong arguments against the adoption of the amendment, but still I contend that it is necessary to take some step in this direction. Since the Trade Marks Bill is still in the possession of the other House, I would ask Senator Keating to consider whether an amendment cannot be introduced into the Bill before it is returned, or whether, on recommitment, an amendment cannot be inserted in this clause of the Copyright Bill. Undoubtedly, the case I have mentioned is not provided for in either Bill. But in view of the objections to the amendment as it is drawn, I do not intend to press it to a division.

Amendment negatived.

Amendment (by Senator KEATING) agreed to—

That the definition of "Book" be amended to read as follows:—"Book" includes any book or volume and any part or division of a book or volume and any article in a book or volume, and any pamphlet, periodical, sheet of letter press, sheet of music, map, chart, diagram, or plan separately published and any illustration therein.

Senator DOBSON (Tasmania).—I wish to propose that copyright shall apply to sermons as well as to lectures. Perhaps the Minister will indicate what would be the best way for me to carry out my intention?

Senator KEATING (Tasmania—Honorary Minister).—I do not know that there is much doubt as to what is generally meant by a lecture, though there is an old copyright Statute which contains the curious provision that if a man wishes to preserve a lecturing right, he must give forty-eight hours notice to a justice of the peace. But I am not aware that there is any statutory definition of a lecture for purposes of copyright. If Senator Dobson wishes to include sermons, perhaps the better way will be to make the definition read, "Lecture includes a sermon," then we should have the benefit of English decisions, together with the fact that sermons would be included. I have no feeling one way or the other as to his proposal. Senator Symon some time ago drew attention to the difficulty that existed as to what was meant by a "piece for recitation." There is also a little difficulty as to what is exactly meant by a lecture.

Senator MILLEN.—Does not that constitute an obligation to try to define it?

Senator KEATING.—In Murray's *New English Dictionary* the word "lecture" is defined as follows:—

A discourse given before an audience upon a given subject usually for the purpose of instruction. The regular name for discourses or instruction given to a class by a professor or teacher at a college or university. The instruction given by a teacher to a pupil or class at a particular time.

Amendment (by Senator DOBSON) agreed to—

That all words after "Lecture" be left out, with a view to insert in lieu thereof the words "includes a sermon."

Amendment (by Senator KEATING) agreed to—

That the definition of "Publication" be left out, with a view to insert in lieu thereof the following:—"Publish" and "Publication" in relation to a book refer to offer for sale or distribution, in each case with the privacy of the author, so as to make the book accessible to the public."

Senator GIVENS (Queensland).—I have an amendment to move in the definition affecting publication, with the object of protecting publishers in Australia in the same manner as publishers in other countries are protected. The Senate has received a petition from the largest firm of publishers in Australia, pointing out that before copyright can be obtained in the United States, a book must be set up in type there or must be printed from plates made there. That is a very good provision from the United States point of view, and one that might be copied in Australia, thereby removing a disability from which our publishers suffer, and placing them on the same footing as American publishers. The amendment which I have prepared is as follows:—

For the purposes of this Act publication of a book in the Commonwealth shall be deemed to be simultaneous with publication elsewhere, provided it is printed from type set up in the Commonwealth, or from plates made therefrom, and is offered for sale in the Commonwealth within fourteen days of its publication elsewhere.

If that amendment can be moved hereafter at the recommitment stage, I will forego my right to move it now upon the definition clause.

Senator MILLEN (New South Wales).—I would suggest to Senator Givens that whatever merit there may be in his proposal, it goes further than is desirable. What we require is to make a law of this kind reciprocal. At the present time his

amendment would deny copyright to any book published in England unless it was published simultaneously in Australia. But it is only the United States that acts as he has described, and if we desire to legislate against that policy, we need not impose restrictions against other countries that are treating us in a different manner. I think the honorable senator's proposal ought to apply only to those countries which extend the same treatment to us.

Senator GIVENS.—That is a matter for consideration.

Senator MILLEN. — I suggest that Senator Givens should revise his proposal so as to give it a reciprocal effect.

Senator KEATING (Tasmania—Honorary Minister).—I do not think that the amendment which Senator Givens desires to submit will effect the object he seems to have in view. It proposes to deal with simultaneous publication, but that matter is provided for in clause 5, by which a margin of fourteen days is allowed. Clause 13, paragraph 2, provides that copyright shall subsist in every book which has been first published in Australia "before or simultaneously with its first publication elsewhere," and that clause might be amended, so as to provide that copyright shall subsist in a book which has been "first or simultaneously printed and published in Australia." If I remember rightly the petition referred to by Senator Givens does suggest that we should retaliate.

Senator GIVENS.—I think it does.

Senator MILLEN.—I think that the petition suggests that the only means of retaliation is by means of the Customs.

Senator KEATING.—A letter published by the same firm in the newspapers of Melbourne and Sydney admitted the difficulty of the situation, and recognised that an American copyright work might acquire copyright in the United Kingdom, and thereby throughout the British Empire.

Senator GIVENS.—That is because we have not made our legislation independent.

Senator KEATING.—There is no question of making the legislation independent. The Parliament of Great Britain has legislated for the British Empire, and it may, or may not, be a fact that, as Senator Givens suggests, the provision in the American Act is a desirable one. That provision has been questioned very considerably in America itself, and I have the authority of people in the trade that it has been far from the beneficent enactment that was expected. If Senator Givens realizes that

we cannot, in this Bill, make a provision which limits rights acquired, under Imperial enactment, for the whole of the British Dominions, and he wishes copyright to subsist in a book which must be printed in Australia, the necessary amendment might be made in clause 13.

Senator GIVENS.—My amendment cannot be moved separately unless on recommendation, and I ask the Minister whether he will allow me to take that course.

Senator KEATING.—I have no objection to give the honorable senator an opportunity to move his amendment as a new clause.

Amendment (by Senator KEATING) proposed—

That in lines 26 and 27, after "State Act," the following words be inserted, "in force at the commencement of this Act."

Senator MILLEN (New South Wales).—I thank the Minister for having attended to the point to which I previously directed his attention. But I fear that, with the amendment as drafted, there will be a possibility of complication in regard to other clauses. "State Copyright Act," as defined, means only State laws in existence to-day, but clause 8 says that State copyright shall not apply to any book or other work in which copyright subsists under the Bill. If it is meant by the Minister that the State may pass an Act after we have legislated, there is a possibility of a little complication.

Senator KEATING (Tasmania — Honorary Minister).—I do not think any State will have power to pass a Copyright Bill which would come into conflict with this measure, or to establish any system of copyright inconsistent with it.

Senator MILLEN.—A State Act might not be inconsistent, and yet quite separate.

Senator KEATING. — A State may deal with a subject like designs, but I did not myself think that there was a necessity for considering clause 60 in the way which suggested itself to Senator Millen. Any difficulty, however, might be met by the amendment I have proposed. The idea was to avoid the possibility of anybody who acquired copyright under a subsequent State enactment taking advantage of clause 60.

Senator MILLEN (New South Wales).—Clause 60 ought, I think, to apply only to State laws existing to-day; but it is a question whether we ought to make the

limitation in the interpretation clause, and so apply it to the whole Bill.

Senator KEATING.—I have moved this amendment to meet the criticism of the honorable senator, but I think that the Bill as it stands is perfectly safe.

Senator MILLEN.—While the inclusion of these words would have an advantage in clause 60, I think we are creating the possibility of danger elsewhere in the measure by inserting them in the interpretation clause, thus making them apply throughout. The observations of the Minister would show that he has a similar fear, and I suggest that, perhaps, the amendment had better be dropped.

Senator KEATING.—Does the honorable senator desire to make the amendment in clause 60?

Senator MILLEN.—Certainly.

Senator KEATING.—I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 4, as amended, agreed to.

Postponed clause 8—

(1) The State Copyright Acts shall not apply to any book, dramatic or musical work, lecture, or artistic work in which copyright, performing right, or lecturing right, subsists under this Act.

(2) Subject to Part II. of this Act, nothing in this Act shall affect the application of the laws in force in any State at the commencement of this Act to any copyright or other right in relation to books or dramatic or musical works or lectures or artistic or fine art works acquired under or protected by those laws before the commencement of this Act.

Senator MILLEN (New South Wales). — At the request of Senator Symon, I move—

That sub-clause 1 be left out, with a view to insert in lieu thereof the following: "After the passing of this Act no copyright shall be acquired or be capable of being acquired in any book, dramatic or musical work, lecture, or artistic work under or by virtue of any State Act."

The object of the amendment is that there shall not be two concurrent copyrights. Once copyright has been obtained under this Bill, it should not be obtained under a State Act. Honorable senators will recognise that the amendment goes a little further than the Bill. The Bill would seem to leave it open to any author to apply for copyright under a State Act or under the Commonwealth copyright law. It proposes that he should not do both, but he is left the choice

of either. The amendment would not leave him the option, but provides that if he desires to obtain copyright, he must do so under the Commonwealth law. I submit that it is preferable to the provision of the Bill.

Senator KEATING (Tasmania—Honorary Minister).—The amendment certainly does go further than the clause as it stands, but it has not very much merit in that respect, because it goes very much too far. Seeing that it provides that copyright cannot be acquired or be capable of being acquired, it would mean that no copyright either under a State Act or under the Commonwealth Act could pass by the operation, for instance, of the law of insolvency in any State, or by the operation of the laws regulating succession to personal property.

Senator MILLEN.—Surely the honorable and learned senator has not a grip of the clause?

Senator KEATING. — Undoubtedly I have.

Senator DOBSON.—Would passing by the operation of an insolvency law be "acquiring?"

Senator KEATING. — Undoubtedly. Let me put it in this way. Suppose a man living in Tasmania enjoyed a copyright under the State law of Tasmania, or under the Commonwealth law, and he went insolvent. By the operation of the Bankruptcy Act of 1870, that copyright would vest in the trustee in the insolvent estate. The trustee would acquire that copyright by operation of the bankruptcy law of Tasmania.

Senator DOBSON. — The amendment would not affect that.

Senator KEATING.—If Senator Dobson will read the amendment he will find that it provides that—

After the passing of this Act no copyright shall be acquired or be capable of being acquired—

under or by virtue of any State Act.

Senator MILLEN. — Does the Minister take exception to the use of the word "acquired," and not to the object clearly aimed at by the amendment?

Senator KEATING.—I think that the object aimed at by the amendment is far better secured by the sub-clause it is intended to replace, whilst the amendment is certainly full of pitfalls and dangers.

Senator DOBSON.—In the instance the honorable and learned senator gave copyright had been acquired.

Senator KEATING.—Of course, but a hundred people may acquire the same copyright in succession.

Senator DOBSON.—That is not what the amendment means.

Senator KEATING.—It is probably not what the framer of the amendment intended. In the case of the death of a person who has acquired a copyright, whether under the Federal law, or under the State law at present, by the operation of the Deceased Persons Estates Act in Tasmania certain persons would acquire that copyright.

Senator DOBSON.—I read "acquired," as it appears in the amendment, as referring to the original acquisition of copyright.

Senator KEATING.—The word "original" will not be found in the amendment. It says, "No copyright shall be acquired, or be capable of being acquired." There are State Acts which have nothing whatever to do with copyright, but which deal generally with property—

Senator MILLEN.—Assuming, for the sake of argument, that the language of the amendment is defective, the Minister might address himself to the question whether it is desirable to give people who wish to obtain copyright the option of obtaining it under a State Act or under the Commonwealth Act.

Senator KEATING.—I shall deal with the amendment in its other aspects as well, but I remind the honorable senator that it is suggested in substitution for the present sub-clause 1, on the ground that the latter is ill-drafted.

Senator MILLEN.—It aims at something else.

Senator KEATING.—It does, but it does not achieve that, and it does achieve something which I do not think the Committee would approve. I point out that in this respect the amendment is very ill-drafted. It does not contemplate the possibility of copyright, like other personal property, being acquired by the operation of Acts other than Copyright Acts. They may be acquired on the death of persons holding them through the operation of Statutes relating to deceased persons' estates, and they may be acquired through the insolvency of the holders, by the operation of State enactments regulating the law regarding bankruptcy. Again, the honorable and learned

senator who is responsible for drafting this amendment has used the words "After the passing of this Act no copyright shall be," and so on. If honorable senators will look at the Bill they will see that it will not come into operation immediately it is passed. It is to come into operation on a day to be fixed by proclamation. After the passing of legislation of this character an interval is necessary before it is brought into operation, to enable those who will be responsible for carrying it out to be completely ready to continue the work of its administration from a certain day. If the interval in this case should extend for four or five months the effect of the amendment would be that during that period it would be absolutely impossible for any one to acquire copyright in any part of Australia.

Senator DRAKE.—It would be better to say "From the date named in the proclamation bringing the Act into operation."

Senator KEATING.—It is easy enough to suggest amendments, but when they are put into form it is possible that they will be found as susceptible of criticism as the clauses which they are intended to supplant. When the honorable and learned senator who is responsible for this amendment indicated his intention to move it he indulged in a great deal of criticism of sub-clause 1 of clause 8 as it stands. When honorable senators see that that sub-clause is not as open to criticism as is the sub-clause which it is proposed to put in its place, they will hesitate before they accept the amended form suggested.

Senator MILLEN (New South Wales).—The Minister has devoted his remarks almost entirely to a criticism of the draftsmanship of the amendment, and he has said practically nothing as to its purpose.

Senator KEATING.—I pointed out that its purpose would be disastrous.

Senator MILLEN.—No; what the Minister pointed out was that the effect of the amendment, if adopted in its present form, would be disastrous, but he never said a word about the different object aimed at by it as compared with clause 8 as it stands. The clause as it stands leaves it optional with any author to obtain copyright under a State or under the Commonwealth law. The whole purpose of Federation is to secure uniformity, and we shall not get uniformity if we allow one publisher to obtain copyright under the Federal law and another to obtain it under a State law.

Whatever may be its faults of draftsmanship, the purpose of the amendment is to provide that the only way in which an author can obtain copyright is under the Federal law.

Senator STANFORTH SMITH.—Or under the Imperial law.

Senator MILLEN. — Of course, that stands. I am not responsible for the manner in which the amendment has been drafted, though I have no doubt a very great deal could be said in support of it if the author of the amendment were present, but I am concerned with the object at which it aims. I ask the Committee to say that it is desirable to limit the right of an author to obtain copyright only under the Commonwealth law, and to deny to him the right to obtain it under a State law. In my opinion the whole benefit of the Bill will disappear if we leave it optional with any author to obtain copyright under a State law or the Federal law. I am prepared to accept suggestions for the improvement of the verbiage of the amendment if that is thought necessary, but I hope that honorable senators will agree to the principle involved, and will provide that when this Bill comes into law it will be possible to obtain copyright under it, and under no other law.

Senator KEATING (Tasmania—Honorary Minister).—I hope, as I said before the suspension for dinner, that the Committee will remember that proper consideration has been given to the drafting of the provision.

Senator MILLEN.—I do not propose to press the amendment any further.

Senator KEATING.—If that is the case, I shall proceed with the amendment which has been circulated.

The CHAIRMAN.—Does Senator Mil- len wish to withdraw his amendment?

Senator MILLEN (New South Wales). —I do not care, sir, to withdraw the amendment, in view of the fact that originally it was moved by Senator Symon. Therefore, in order not to hamper the Minister and to test the feeling of the Committee, I ask you to put the question for the omission of only the word "the."

Question.—That the word "The," line 1, be left out—resolved in the negative.

Amendment (by Senator KEATING) agreed to—

That after the word "Acts," line 1, the following words be inserted—"so far as they relate to the copyright in any book, the performing right in any musical or dramatic work,

the lecturing right in any lecture, or the copy- right in any artistic or fine art work."

Clause, as amended, agreed to.

Title agreed to.

Ordered—

That clauses 13, 33, and 60 be re- considered.

Clause 13 (Copyright in books).

Senator PEARCE (Western Australia). —Senator Givens, who is absent for the moment, has given notice of his intention to move an amendment to carry out the idea embodied in the petition which was presented to the Senate. I understand that the Minister has signified that if that principle, or any modification of it, is to be embodied in the Bill, it should be done in this clause.

The CHAIRMAN.—Perhaps the Min- ister will agree to postpone the considera- tion of this clause until the other two clauses have been dealt with.

Senator KEATING.—I have no objection.

Clause postponed.

Clause 33 (Protection of newspapers).

Senator PEARCE (Western Australia). —I move—

That the following new sub-clauses be in- serted :—

(6) Subject to the regulations, the Minister may, if he is satisfied that any combination of newspaper proprietors exists for the purpose of obtaining news of any facts or events which have taken place outside Australia, and has re- fused, without reasonable cause, to admit any newspaper proprietor to membership or to the benefits of membership in such combination or to supply him at reasonable rates for immediate publication in his newspaper with such news obtained by such combination, order such combination to supply him with such news for pub- lication in his newspaper at such rates and on such terms as the Minister deems reasonable. and if such combination fails to comply with such order the rights of such combination or the members thereof under this section shall, so long as such failure continues, cease to be ex- clusive as against the proprietor of such news- paper. For the purpose of this sub-section a rate in respect of any news shall not be deemed to be reasonable if it substantially exceeds the proportion of the cost of obtaining such news to any newspaper proprietor who is a member of such combination.

(7) The Minister may from time to time re- scind or vary any order made under sub-section (6) of this section as the justice of the case requires.

This amendment differs in several essential particulars from the amendment I moved on behalf of Senator McGregor. It was pointed out that the latter amendment con- tained some loopholes which would enable

persons to inflict hardship and injury upon the newspaper proprietors referred to. It was alleged that if an individual were not allowed to enter the combination, or obtain the news therefrom, it would open the door not only to that person, but to all other persons, so that practically a man of straw could be put up by others, and, by opening the door to them, destroy the copyright in the news. The amendment has been almost entirely redrafted in order to meet the objections from the stand-point of drafting, but it may not meet the objections which were urged against the adoption of the principle. It places full control in the hands of the Minister. He is made the judge of what is a reasonable rate, and, for the purpose of determining that point, he is empowered to allow it to exceed the proportion of the cost of obtaining the news, but it must not substantially exceed that proportion. He has to be satisfied that there is a combination, and to issue the order to the combination to admit an applicant at such rates and on such terms as he may deem reasonable. He will be in a position to lay down the condition either that cash shall be paid or that a substantial guarantee shall be given. On a previous occasion it was urged that there was no necessity for making this provision, because the combination had not operated in the way which I then described. I have been accused of ignorantly misrepresenting the position. On that occasion I had no material to back up what I said. I verified my statements before I spoke; but it must be obvious to every one that it is difficult to produce the necessary proof when it is remembered that the persons who are in possession of all the facts are in the power of the combination. They might have their business destroyed by this combination if I were to use their names, as supplying me with facts. Therefore, the only facts that I shall give are those supplied to me by persons who are now out of the reach of the combine, and cannot be victimized by it. I have here a letter, dated Melbourne, 2nd October, 1905. It is as follows:—

You will have observed in last Saturday's *Argus* an attempt to justify the method of the Australian press cable syndicate towards journals outside that combination. The *Argus* states that "some newspapers obtain the use of the cable service at a purely nominal rate," and that "to them the service is an exceedingly cheap one." These statements obviously need amplification. In the absence of full details they certainly do not warrant a relaxation of the effort to

attach reasonable safe-guards to any copyright privileges granted by Statute to the syndicate's cables. But my chief purpose in writing is to give you a leaf out of my own personal experience of this syndicate's ways. I write after the lapse of over seven years, without access to books, accounts, or papers; yet, subject to what the absence of documentary data implies, I vouch for the substantial accuracy of this narrative, which you are free to use as you may deem fit. From 1895 to 1898 I carried on a newspaper at Menzies, Western Australia. Menzies in the former year was on the frontier of civilization, and the paper was issued only once a week. The accession of population subsequently justified me in converting the weekly into a daily journal. From the commencement an arrangement in respect of the supply of news existed between me and the proprietor of a daily journal at Perth. This arrangement was of a reciprocal character. My duty was to collect at Menzies—and by means of my correspondence throughout the gold-field—intelligence of all local occurrences worth recording. These items were transmitted by wire to the Perth paper, which repeated to the eastern press such portion of the news furnished by me as possessed any intercolonial interest. The Perth paper, on the other hand, furnished me with a summarized report of cable and intercolonial news. You will understand readily that a newspaper published in a remote country town, and serving a strictly limited population, could not afford space for the fuller news service supplied to the metropolitan press. Moreover, much of the news had little or no interest for the community in which the paper circulated. For these reasons, and also because even the inland telegraphic charges on a full service were beyond my means, I arranged for a condensed report, prepared by one intimately acquainted with my requirements. The value of the work performed by each party to the arrangement was supposed to be equal, so there was no monetary payment by either to the other. I entered into this arrangement and carried it on in complete innocence that it involved any infringement on the rights of the cable syndicate. I had given, and continued to give, an adequate return for the service which was being rendered to me. No warning or protest had ever reached me from the cable syndicate. Suddenly, however, about May, 1898, just when public interest in the Spanish-American War was at its height, and on the day when Mr. Gladstone's death was expected, I was informed, without the slightest premonitory hint, that my cable intelligence was to be stopped forthwith. By this time a rival newspaper had been established at Menzies, and it seemed that the cessation of foreign news must spell ruin, prompt and complete, to my enterprise. I pleaded for time to make arrangements with the cable syndicate. The reply of the other party was that he dare not, as the despatch of another day's messages to me would result in his own supply being cut off. The result was that for some days I received no cable news whatever. Fortunately, the seriousness of my position was lessened by the fact that the rival paper found itself in the same plight. Ultimately, under the duress of circumstances from which there was no escape, I concluded a three

years' contract with the syndicate by which they were to receive a royalty at the rate of £150 per annum. This contract bound me to use their cables exclusively, so that I could have been penalized for the publication of a cable message obtained from any other source. A similar exaction was extorted from the rival journal.

That is the point upon which I was contradicted when I spoke previously.

This was a crushing charge on small provincial journals having a sale of not more than 700 copies daily; but the syndicate's agent was adamant. No Shylock ever held more inexorably to his bond. But something even more intolerable than the royalty impost was to follow. My contract was, it appeared, for the full cable service; and the full service, not any summary of it, the syndicate insisted I must take. This involved the payment of the inland telegraphic rate of 1s. 6d. per 100 words on reams of messages which were absolutely useless, and for which the paper had no space. I asked to be allowed to follow the former practice of having the news summarized by my Perth agent. The answer was "No; you must take the cables as we send them or not at all"—an offer of freedom of contract somewhat after the Thunderbolt manner, but without Thunderbolt's risks. Having ascertained that the executive officer of the syndicate was the managing partner of the *Argus*, I wired over to Messrs. Alex. Cowan and Sons, of Flinders-lane, of whom I was then a customer, to interview this gentleman on my behalf. They did so, and informed me later that they had seen a Mr. Mackinnon and a Mr. Spowers, of the *Argus*, but that no modification whatever of the arrangement would be permitted. Soon afterwards Mr. David Syme, of the *Age*, another member of the cable syndicate, paid a visit to Menzies, and I placed the facts before him. He agreed that it was a hard case; promised to look into it on his return to Melbourne; but I never obtained any redress through him. The sequel is soon told. After struggling for some time under the heavy royalty and unnecessary telegraphic charges, ultimate ruin became unmistakable. The company interested in the rival paper evidently arrived at the same conclusion regarding their venture, and made overtures for the amalgamation of the two concerns. They probably found, as I had done, that it was impossible to carry on when some 50 per cent. of their total outlay was absorbed by royalty and telegrams.

Senator MILLEN.—Could they run a paper on £300 a year?

Senator PEARCE.—The £150 was the amount of the royalty only. Telegrams had to be paid for in addition.

Senator MILLEN.—Even then, a newspaper could not be run for that money, unless it was a very poor one.

Senator PEARCE.—The letter proceeds—

So far as I was concerned, the intervention of the cable syndicate compelled me to relinquish my business for about one-third of its value a year before. I was also forced to dis-

mantle plant and machinery which had cost me over £1,000; to keep it in idleness for some two years; and to throw out of employment every person who had been engaged in the production and distribution of the paper.

That letter is signed by Mr. Hugh Mahon, who is now a member of the House of Representatives. Now, that is by no means an isolated instance. I have had numbers of other instances given to me by persons who are still struggling, but who dare not come out into the open, and make statements, because if they did, they would be punished by the combine for so doing. It is said, "Why do not these people do as the combine is doing"? Fancy the owner of a newspaper, such as that to which I have been referring, attempting to get cables of his own from Europe! I have made the statement that there was an arrangement with cabling agencies, which other newspapers could not get. That has been contradicted; but again I have been credibly informed that it is absolutely true, and I believe that some honorable senators are in a position to prove it.

Senator MILLEN.—I wish the honorable senator would explain what he means by his statement about cable agencies.

Senator PEARCE.—I am informed that the combine has an arrangement with Reuter's and other cable agencies, by means of which other newspapers cannot get news from Europe; because one of the conditions of the contract is that the agencies will not supply news to other newspapers. The combine has an exclusive contract.

Senator MILLEN.—Does the honorable senator mean to say that it is not possible for me to get news cabled through Reuter?

Senator WALKER.—Does Senator Pearce mean to say that Reuter will not supply cables to country newspapers?

Senator PEARCE.—I say that these agencies will not supply other newspapers with the news that they are sending to this combine. The combine has a contract which is exclusive. What I wish to point out is that men in the position of the newspaper proprietors whom I have mentioned, are absolutely precluded from getting into the same position that the present combination is in. For one thing, the majority of the powerful daily journals of Australia are already parties to the combine. Manifestly, therefore, it is a powerful combination from a monetary point of view. Also, the fact that they are the principal dailies means this—that a combine which could

successfully compete with it would necessarily have to be equally influential. How would it be possible to have that under present circumstances in Australia?

Senator MILLEN.—The honorable senator means that it would be necessary to have a larger one?

Senator PEARCE.—How would it be possible to have a larger combine than the one now existing? It would require a thousand newspaper proprietors to form a combination such as the one to which I am now referring—that is to form a combine equal to the present one in regard to capital, and the circulation of newspapers in it. But I wish to relate another circumstance; and I may say that I have not derived this information from the newspaper proprietors concerned. Therefore, I do not make this statement on their authority. It may be incorrect, but I give it for what it is worth. Some little time ago in Victoria, the two metropolitan journals brought influence to bear upon the Government with a view to have early morning trains sent out to the country districts for the purpose of enabling them to distribute their journals in those localities. There were already established in those districts provincial daily journals of fair circulation, and also of a fair character. When that privilege was first granted, and the early morning trains commenced to run, these provincial journals at once opened a campaign of attack on the Railway Department. It was alleged that the trains were run at an unpayable rate, and that the sending of the metropolitan newspapers into the country districts by that method did not give an adequate return to the railways. They made things pretty hot for the Railways Commissioners for a time. But suddenly, without any apparent reason, the attack was dropped in all the country newspapers simultaneously. From a certain date, it is impossible to find a single article in one of them making any reference to the subject. No more information had been given by the Railway Department, and, so far as the public are aware, nothing had transpired to alter the previous attitude of the country newspapers. But there are certain people who say that they know what transpired. They allege that it was this—that the country newspapers were quietly informed that if they continued this campaign their telegraphic service would be stopped; and they were so absolutely in the power of this combine that the country

newspaper proprietors—who may be assumed to know their own business best—had to back down on the question. One has only to contemplate the power of this combine to see that it could make a most effectual threat, and that a choice had to be made between a loss of circulation or a loss of the cable service by the country journals. So that they had to surrender. These are only a few instances of the way in which this combine has used its powers. The amendment I have proposed will, I think, compel this combination to treat other journals with a little more fairness and justice. It cannot be regarded as a fair contract, when it is between an association so powerful that it can crush the rival business of a man who is absolutely at their mercy. The amendment provides that the combination shall satisfy the Minister that the man, who desires the news, is asked to pay a fair and reasonable rate, and the applicant, on his part, must show that he is prepared to give such terms as will insure the payment of the rate. If the combination be prepared to distribute news on these terms, they have the protection of copyright, but not otherwise; and I do not think they should ask for more. All they have a right to ask for is a fair return for the money they have expended, and are expending.

Senator DOBSON.—What is the meaning of the words “subject to regulations?” The clause seems perfect in itself.

Senator PEARCE.—There are a number of matters requiring regulations, which would, of course, be subject to the approval of Parliament. There must be certain machinery to enable the Minister to arbitrate; for instance, it will have to be shown to whom application has to be made, and in what form, and by whom the application shall be referred to the Minister.

Senator KEATING (Tasmania—Honorary Minister).—When this clause was previously before the Committee, I opposed an amendment of this character, pointing out that the proposal then submitted would not carry out the intentions of those responsible for it. I did not confine my argument entirely to the draftsmanship, but opposed the principle of the amendment, which seemed to depart altogether from the principle of the Bill. I do not take so much exception to the drafting of this amendment as I did to the drafting of the previous one, but we are now asked to assert a principle

to which, as we have shown by our votes, we are opposed. The amendment provides that the Minister, who, for the time being, is charged with the administration of the Copyright Act, shall be invested with certain discretionary powers. He has to satisfy himself—and I suppose the method of satisfying himself will be prescribed by regulation—that there is in existence a combination, which has refused to a certain person the privilege of participating in the benefits of news gathered by the combination, and that the refusal is unreasonable—that the offer made by the applicant is one that would be considered reasonable. When the Minister has satisfied himself as to all these circumstances, the amendment empowers him to order the combination to allow the applicant to share the benefits of the organization which has been created for the express purpose of acquiring news. The latter part of the first paragraph provides that the charge made shall not substantially exceed the proportion of the cost which is borne by any member of the combination. But a combination of the kind may have been formed twelve or fifteen years before the application is made, and, for the first five or six years of that period, there may have been only six or seven members, who shouldered the responsibility, and, perhaps, incurred risk and actual loss. It may happen that, later, further members have joined, and by the added circulation of their respective newspapers have made the combination pay. Under these circumstances, with a paying enterprise and larger membership, it may prove possible to fix a rate very much less than that originally paid by the founders. The amendment proposes that a man who may have calmly stood by, and, allowing others to take the risks, waited until the enterprise was successful and the rate was low, shall be able to claim to be allowed to participate on exactly the same terms. I ask honorable senators whether that is a reasonable and fair proposal? I do not for one moment attempt to controvert the statements made by Senator Pearce, because I myself know that many people have been very grievously affected by the operations of the combination, which is in existence for the purpose of economically obtaining news from Europe. At the same time, I do not think that the remedy proposed is the proper one. The amendment goes beyond the necessities of the case, and, as I

Senator Keating.

have already said, leaves it open to a man to wait until the enterprise is an assured success, and then to come in and claim to share the benefits at a reduced cost.

Senator MILLEN.—Would such an applicant be allowed to leave the combination when he liked?

Senator KEATING.—That is another important point.

Senator STANFORTH SMITH.—A man might enter just when a war was on.

Senator KEATING.—A man might join for a month or six months. What provision is there in the amendment that an applicant shall remain a member for a definite period, or shoulder responsibility for any loss?

Senator PEARCE.—Would that not be one of the terms of his membership?

Senator KEATING.—Yes, of course; that might be made a condition by the Minister. But, in any case, I draw the attention of honorable senators to that aspect. It is hardly conceivable that any person would desire to avail himself of the opportunity to get into the combination unless he thereby could obtain a good supply of news at a low rate, and could escape the financial risk necessarily associated with the establishment of another combination. Senator Pearce has said that the combination has been guilty of what is substantially a form of tyranny in regard to other newspaper proprietors. That may or may not be the case; but it seems to me that this Bill is not the measure in which to deal with a matter of the kind.

Senator GUTHRIE.—Why protect the members of the combination if they have been guilty of tyranny?

Senator KEATING.—As I said previously, we are affirming a principle which has been given effect to in some of the cases I have quoted as having been already decided in the Supreme Court of Victoria in the seventies. We should, and do, give protection to all newspaper proprietors, whether they are members of a combination or individuals, who acquire independent news from outside the limits of Australia. Such news is given twenty-four hours' copyright, and the privilege is not confined to members of a combination. The Post and Telegraph Rates Act provides for reduced press rates for messages going from State to State, and I believe that press cable messages which are sent abroad pay a much lower rate than do pri-

vate messages. Speaking in relation to this clause, and expressing my personal opinion, I should think a much more effective way to deal with a combination of the kind would be to have two rates prescribed—one a very small rate for those persons who acquire news for distribution on fair conditions to any one who desires to publish it, and the other, a different rate for people who were getting news for publication, either by themselves or in a limited number of journals. I do not think we should attempt in this Bill to give a Minister such a power as this amendment would give him. I am not one who feels that it is desirable always to invest a Minister with a large amount of discretion or with great power.

Senator MILLEN.—It would not be an unnatural feeling on the honorable and learned senator's part now.

Senator KEATING.—I certainly should not like to be invested with the powers which this amendment would give the Minister. It would not merely invest him with a dangerous power, but it would place him in a very peculiar position. There are a couple of newspapers in nearly every city and town of any size in the Commonwealth, but in the majority of instances they are not in the same political camp. In the case of any town in which there were not two newspapers, and some person desired to establish one in opposition to the one then existing, the Minister, under this amendment, would be placed in a difficult and very delicate situation. No matter how he might exercise the power which this amendment would confer on him, his action would in all probability be criticised from a very undesirable stand-point.

Senator GRAY. — His position under it would be worse than that of a Judge of an Arbitration Court.

Senator KEATING.—It would be very much worse. No matter how he exercised the power, he would be liable to adverse criticism from one side or the other, and it would to a large extent be coloured by party bias. No matter how improved the present amendment is in the matter of drafting, I still ask the Committee to reject the principle involved, and to leave it to Senator Pearce to take another and perhaps a better course to give effect to what he desires, to prevent these people having so many advantages as they now have, if they deal with

others in the same line of business as themselves in the high and haughty fashion in which they have dealt with certain persons in the cases quoted by the honorable senator.

Senator DOBSON (Tasmania).—I am in favour of giving these newspapers protection. We owe them a great debt of gratitude for coming together in the way they have done to supply us with news from all parts of the world. In pursuance of my view in this respect, I moved that the protection afforded them should be extended from twenty-four hours to thirty-six hours, but my amendment was not carried. Senator Pearce has brought under our notice certain facts which I think deserve consideration. I am very glad that the Minister has suggested an alternative way of dealing with those facts. It appears to me that Senator Pearce has made out a case in connexion with which we should try to do justice to both sides. Ordinarily, we have no right to interfere with freedom of contract, or to compel certain men to let others into a good partnership, unless we confer some advantage on the original partners. In this instance we are conferring upon the original partnership a certain copyright. We give them absolute protection for twenty-four hours, and we have, in the circumstances, a right to lay down terms which shall be fair for the admission of others, not simply for their benefit, but for the benefit of all our citizens, and especially of those in outlying parts of the Commonwealth. I confess that I do not like the stand-and-deliver terms in which the amendment is drawn, but I think that some amendment is necessary if we are to do justice. I did not quite catch the meaning of Senator Keating's suggestion with regard to the adoption of different rates. Under the sub-clauses as drawn, the Minister is to be the sole arbitrator as to the rate to be paid and as to terms of admission. It struck me as very peculiar that the proposed new sub-clause 6 should begin by saying "Subject to the regulations." I do not think that if one were to search all the Acts in Christendom he would find a single case in which the Minister is made sole arbitrator and regulations are laid down. If the Minister is satisfied that the proprietor of a proposed new journal is refused admission to the combine on fair terms, as sole arbitrator he will need no regulations to enable him to act, because he will be a

law unto himself. From the debate which took place a few days since, I judge that the Committee is in favour of seeing a fair thing done in this matter. A suggestion that occurred to me is that, whilst we should interfere as little as possible with freedom of contract, we ought to insert a clause giving the Governor-General in Council power by proclamation to withdraw the protection given to the combine if he sees fit; that is, if it is found that the combine have taken action which will lead to injustice being done, or will prevent a new journal from being started.

Senator MILLEN.—Is that not anti-trust legislation by Executive Council rather than by Act of Parliament?

Senator DOBSON.—It is anti-trust legislation, but it would be authorized by this Parliament. I have suggested what I think is a better way in which to deal with the difficulty than the passing of a clause giving power to the Minister to lay down terms. We should give newspaper proprietors and the combine freedom to make such contracts as they please. If it is found that they have taken advantage of the protection given them to inflict injustice we should interfere with them, but not before.

Senator STANFORTH SMITH (Western Australia).—The amendment proposed by Senator Pearce is his previous amendment in a new garb. The principle underlying it is exactly the same. The honorable senator has put the case as well as it could be put, and there are few members of the Committee who can state a case better. In the examples he has given, and especially in the instance quoted from Western Australia, there can be no doubt that cases of hardship have been disclosed. But I still think that we have no right to force a syndicate or a business partnership to admit other partners. If the newspaper proprietors who are now combined were to separate, and for the future make arrangements to get out their own cables, would Senator Pearce contend that they should be forced to disclose their private information?

Senator PEARCE.—The amendment has reference only to combinations.

Senator STANFORTH SMITH.—I am pointing out that in that case the position would be exactly the same, so far as newspaper proprietors who are not in the combine are concerned.

Senator PEARCE.—No; there would be equal competition then, and the proprietor of each newspaper would have to pay the

same rate for his cables, whereas the proprietors of newspapers in the combine now get their cables for nothing.

Senator STANFORTH SMITH.—The honorable senator does not see my point, which is that if the proprietors of the newspapers in the combine were to get their cables out separately the position would be exactly the same, so far as the proprietors of newspapers who are not in the combine are concerned. I do not believe that Senator Pearce would contend that in such a case the proprietors of newspapers getting cables separately should be forced to disclose their information to the proprietors of other newspapers. The association of proprietors of certain newspapers in this case has been called a "combine." It is generally considered in this Parliament that if there is a combination which secures a monopoly, and is burdensome to the people, it should be legislated against. Let us see if this so-called combine comes under that head. If the proprietors of the newspapers in the combine made an arrangement with the Eastern Extension Company and the Pacific Cable Company, and said, "We will not have any cables unless you give them to us, and to no one else," and if they further said that the newspapers supplied with those cables would be sold at 6d. instead of at a penny, there would certainly be established a monopolistic combination, against which we should have the right to legislate. But we know that the proprietors of the newspapers in the combine have not monopolized the source of this particular commodity.

Senator GUTHRIE.—Does the honorable senator assert that?

Senator STANFORTH SMITH.—I do. Any one can get out cables at the same rate as the proprietors of newspapers in the combine. No higher charge is made for their newspapers, and there is, therefore, no monopolistic combination injurious to the people.

Senator DAWSON.—Is it not a fact that in Victoria, without the consent of the *Age*, *Argus*, and *Herald*, one cannot get any Reuter cablegrams?

Senator PLAYFORD.—No; it is not a fact. Any one can get as many cables from London as he pleases at exactly the same rate.

Senator STANFORTH SMITH.—Suppose a private firm established a press-cutting agency, and agreed to supply members of the Government party with information, should we have the right to

step in and say that the ordinary protection given to such a firm should not be continued unless they supplied the Opposition as well. Suppose that a firm like Paterson, Laing, and Bruce imported certain commodities, and did not allow other firms to get a supply of the commodities at cost price, and distribute them, would we withdraw their registered trade mark? No. Then why should we take away from the newspaper proprietors their literary trade mark or copyright? I think that the cases are absolutely parallel. As a matter of principle, have we the right to say to this combination, "You shall allow other partners to come in on exactly the same terms, although you have had to incur the expense of instituting the service, and run the risk of loss at its initiation"? I do not think we have. We ought not to say that, because certain persons pay for news to be cabled here, other persons must be allowed to have that commodity. It would be in the interests of the people if the cables to Australia could be distributed to every newspaper in the Commonwealth, so that the residents in the back-blocks could be placed in possession of news of national importance. I recognise that the supporters of this amendment have a splendid object in view, but I venture to think that they are going to work in the wrong way. I have on the notice-paper a motion for the adoption of a system by which every newspaper in Australia could get any news of national importance. As all the wealthy newspapers have combined to run a cable service, the poorer newspapers cannot afford to incur that expense, and therefore an injury is done to those persons who are beyond the reach of the large metropolitan newspapers. I propose that certain newspaper information of public importance should be sent over the Pacific Cable at the expense of the Government, and distributed to all the newspapers in Australia at their expense. The cables would reach Southport, in Queensland, every day from England, and would be telegraphed thence to all parts of Australia.

The CHAIRMAN.—Order! The honorable senator is anticipating the discussion of a motion which stands in his name on the notice-paper for the 26th of October.

Senator STANFORTH SMITH. — There is another method by which valuable information in regard to important events in various parts of the world could be conveyed to the people, without violating what I consider is a great principle by

forcing a certain firm to admit partners against their will.

Senator GRAY.—Will the Government recoup the newspapers all the expense to which they have been put in years gone by?

Senator STANFORTH SMITH.—Certainly not. The newspapers could still get out information in regard to race meetings, spicy divorce proceedings, interesting events in high life, as well as items of national importance. The present employes of the Pacific Cable Company are not working full time. On behalf of the Government, and practically at no expense, the High Commissioner could supervise the transmission of information of real importance to Australia. I refer to information concerning the markets of the world, the various phases of national life in Europe, and matters of great social importance. The adoption of this plan would not interfere in the slightest degree with the right of the newspapers to get out any information which they desired to furnish to their readers. What we want is information of national importance, which could be sent to Southport, and thence distributed at small cost to the newspapers throughout the Commonwealth.

The CHAIRMAN. — The honorable senator is again breaking the rule against anticipating discussion.

Senator STANFORTH SMITH.—I quite sympathize with the object of the amendment. I think that Senator Pearce and his supporters are trying to relieve the existing hardship by this amendment, when it could be redressed in a much better way, at no expense to the Government, and without violating a great commercial principle.

Senator TRENWITH (Victoria). — At first, I was struck with the force of Senator Keating's objection to the amendment; but on comparing the condition that he supposed possible with conditions which have prevailed in other directions, and with which Parliament has dealt, the force of it was entirely removed. He pointed out with great effect that a newspaper or other combination may have been established at very great expense and risk to the initiators. He pointed out that such a combination may have acquired an advantage that would be equally beneficial to a large number of other persons who did not care to take the same risk, and that it would be unjust at a subsequent stage, after success had crowned the efforts of

the initiators, to allow those other persons to come in on the same conditions. That sounds very plausible, and as a general principle I think that it might be fairly admitted. But what we, as legislators, have to consider is the common-weal. If it happened that a combination of that character acquired a position which enabled it to act in a manner prejudicial to the common-weal, then Parliament would be called upon to legislate against it. The facts in connexion with the newspaper combine for cable news are, that it has acquired the power to obtain information at a greatly reduced cost. I recognise that the public are indebted to the newspapers to that extent. But it is rather a disadvantage than an advantage to the community that there should be a certain number of newspapers in that position, and no more. If it has happened that such a large number of newspapers have entered into a combine as to have power enough to secure news for general distribution, at a price at which no single individual could hope to compete with them, it is prejudicial to the common-weal, and in restraint of the extension of newspaper information to the people. Suppose that we were conferring no advantage, we should still have the right, in the interests of the people, to legislate against such a combine. But, as a matter of fact, we should be conferring an advantage when we gave to the newspapers a protection which they do not possess now.

Senator MILLEN.—In some States the newspapers have this protection, but in others they have not.

Senator TRENWITH.—The Bill says that the newspapers shall have this protection, and there is nothing unreasonable in making a condition in connexion with that advantage. When I rose I referred to the fact that we have dealt on somewhat similar lines with other combinations. When the Conciliation and Arbitration Bill was being discussed here, it was pointed out that the rules of certain trade unions contained conditions which rendered it practically impossible for any person to get into them; they had prohibitive rules. If there were such trade unions, their existence was prejudicial to the common-weal. But these societies were initiated at considerable risk, maintained and extended at considerable expenditure of money and energy, and at the risk of ostracism and considerable loss. The Wharf Labourers' Unions in

New South Wales and Victoria was cited. I believe that these trade unions had regulations which, if they did not bar, made admission so difficult that very few persons could join them. Parliament said—and I think very properly said—"If we are going to give these societies a protection which they do not possess now; if we are going to relieve them of the necessity to fight, incur expenditure, and endure hardship, we must demand that any person desiring to enter their ranks may do so on terms that are reasonable and practicable." This is exactly a parallel case.

Senator WALKER.—This is not a monopoly.

Senator TRENWITH.—The societies to which I referred could not be a monopoly, seeing that they were composed of a mere fraction of the whole community. It was quite competent for a number of people to form a distinct union. It seems to me that these cases are as nearly as possible parallel. Trades unions were started originally at very great risk. When numbers of persons did join, others stood back. The trade unions were carried on and extended with great advantage, not only to their own members, but to non-members at the same time; and though some persons who might have joined at the inception stood back, we said, by Act of Parliament, that they must be permitted to come in upon reasonable conditions.

Senator GRAY.—If they did not join they were still able to get work.

Senator TRENWITH.—I am not going to be led into a discussion on that point. The point is that we gave trade unions an advantage which they previously had not. We had a right to make the condition that they should not constitute close corporations—that they should not keep all the advantages for those within their own ranks—but should open their doors to eligible persons who desired to join. That is all we are asking with reference to this newspaper trade union or combine. And there is a greater reason why we should do it in this case than in the case to which I have referred in connexion with the Arbitration Bill; because the difficulty in the case of newspaper cable services is very much greater. Those are the reasons which have induced me to decide to vote for this amendment. As honorable senators know, on a previous occasion I voted against an amendment seeking to achieve the same object, because I was afraid, judging from its

terms, that an injury might be done that we did not desire to do. Senator Keating has said that if this amendment were carried the effect would be to place the Minister in an extremely unenviable position. I quite agree with that. But, after all, the reason why we have Ministers at all is to do things which are in the interests of the community. It is not a question of whether what they have to do is pleasant or unpleasant to them. What we have to consider is what is the best way by which a certain end can be reached. In this instance it appears to me that it would not be so harassing as Senator Keating thought for the Minister to discharge the functions laid upon him; because, after all, it would not be a matter between one newspaper and another in one constituency, but between one newspaper and all the other newspapers in the combine. As there is in the clause a provision giving power for the newspapers themselves to admit additional subscribers on conditions mutually satisfactory, it would only be when there appeared to be hardship—or not merely hardship, but a condition prejudicial to the commonweal—that the Minister would be called upon to act, and in such a case, however disagreeable it might be, we have a right to call upon the Minister to do something for the general well-being.

Senator WALKER (New South Wales).—I am sure we were all glad to hear Senator Trenwith, who has expressed his views so clearly; but it appears to me, with all due deference to him, that he has shown no reason whatever why a company or syndicate could not be formed consisting of all the newspapers that do not belong to the present so-called combine. The present case is simply one of the "have-nots" wanting to take advantage of the enterprise of the "haves," whose advantages have been gained after years of labour, and at great expense. It is useless to say that there is any monopoly in cabled news. There is no reason whatever why other combines should not be formed. I believe in the right of private enterprise, and this proposal is an interference with it. As such I strongly object to it. With some newspaper proprietors it appears to be a case of "heads I win, and tails you lose." They want to get all the advantage arising from a telegraphic service secured by the enterprise of the combine, but without running any risk. There is a newspaper published in Melbourne which Senator Trenwith loves

—the *Age*. That paper professes that it does not believe in monopolies.

Senator TRENWITH.—I do not run the *Age*, as the honorable senator must know.

Senator WALKER.—The *Age* wants the sugar refining industry to be nationalized. Surely people who are so conscientious as the conductors of the *Age* profess to be would not belong to a monopoly!

Senator PEARCE.—Surely the *Argus* would not be at the head of a monopoly!

Senator WALKER.—I refuse to believe that Reuter would decline to supply news to newspapers that were prepared to pay for it. Besides that, there is no objection to other people starting in the same line of business.

Senator HENDERSON.—The honorable senator is always for the capitalist and against labour.

Senator WALKER.—Is it a sin to be a capitalist? Every working man tries to be a capitalist. Honorable senators opposite would all be capitalists if they could. I am quite persuaded that it is possible for newspapers that are not satisfied with the work of the combine to unite together to obtain cable news of their own. As the Scotch say, "Mony mickles mak a muckle." Let them form a syndicate of their own. Possibly the introduction of competition would enable the country newspapers to get their news cheaper than they can do at present. I hope that the Committee will reject the amendment by a strong majority.

Senator STORY (South Australia).—I am pleased that Senator Trenwith has spoken, because in his energetic and forceful speech he has put the case for this amendment much more ably than I could have done. But I wish to lay before the Committee some correspondence bearing out the statement which I made when this matter was last under discussion. The facts are as follow:—Early in 1904 it was proposed to start a new daily newspaper in Adelaide. The manager of the company, Mr. T. T. Opie, desired to ascertain on what terms he could obtain cabled news from the existing combine. Accordingly he wrote to Messrs. Wilson and Mackinnon, Melbourne, asking them for terms for the association's cables. To that letter he received the following reply:—

The Argus and Australasian.

Melbourne, 2nd February, 1904.

Dear Sir.—In reply to your letter of the 1st instant, asking on what terms you could be supplied with the Cable Association's telegrams, we

beg to say that so far as Adelaide is concerned the matter rests entirely with the proprietors of the *Register* and the *Advertiser* as to whether they would consent to another journal there joining in the service, and we therefore refer you in the first instance to the conductors of those papers.—Yours faithfully, WILSON & MACKINNON.

Mr. Opie then wrote to the proprietors of the *Register* and the *Advertiser* in Adelaide. He received the following replies. The first letter is from the *Register*:—

The *Register* Office,
Adelaide, February 3, 1904.

T. T. Opie, Esq., Manager Co-operative P. & P. Co., of S.A., Ltd., Bray-street, City.

Dear Sir.—In reply to yours of even date, we beg to say that at such short notice we are not in a position to give an answer to your request in regard to the cable service to-day.

Yours faithfully,

W. K. THOMAS & Co.

The following letter was received from the *Advertiser*:—

Advertiser, Chronicle, and Express Offices,
Adelaide, 3rd February, 1904.

T. T. Opie, Esq., *The Herald*, Bray-street,

Dear Sir.—We have your letter of to-day's date. Before we can furnish a reply we shall have to consult our partners in the other States.

Yours faithfully,

J. L. BONYTHON & Co.,
Per ROBT. COOPER.

Senator PLAYFORD.—There seems to be a little bit of co-operation there!

Senator HENDERSON.—They are as innocent as school boys!

Senator PEARCE.—Codlin refers you to Short and Short to Codlin.

Senator STORY. — After waiting a week, Mr. Opie wrote again to the proprietors of the Adelaide newspapers, drawing their attention to the fact that he had written a week previously. He then received the following replies. The first letter is from the *Register*:—

The *Register* Office,
Adelaide, February 10, 1904.

Mr. T. T. Opie, Manager *The Herald*, Adelaide.

Dear Sir.—In reply to your further letter of February 9 regarding the Cable Service, we wish to state that we are still in correspondence with our friends in the other States, and cannot therefore give you a definite reply to-day as requested.

We hope, however, to communicate the decision of those concerned next week.

Yours faithfully,

W. K. THOMAS & Co.

The next letter was from the *Advertiser*:—

Advertiser, Chronicle, and Express Offices,
Adelaide, 10th February, 1904.

T. T. Opie, Esq., *The Herald*, Adelaide.

Dear Sir.—Replying to yours of 9th, we beg to inform you that correspondence between ourselves

and our partners in the other States is still passing, but we hope to be able to give you a final reply in the course of a few days.

Yours faithfully,

J. L. BONYTHON & Co.,
Per ROBT. COOPER.

A week later Mr. Opie received the following joint note from the *Register* and the *Advertiser*:—

Adelaide, 17th February, 1904.

Dear Sir.—In reply to yours of the 3rd and 9th inst., enquiring regarding the proposed sharing of our cable service, we wish to explain that the joint Inter-State agreement regulating that service contains a clause which says "that no message shall be supplied to the proprietary of any newspaper published either in Sydney, Melbourne, Adelaide, or Brisbane, other than in respect of the newspapers mentioned in this agreement without the unanimous consent of the parties hereto, except to the proprietary of any evening newspaper or newspapers which may hereafter be published in Melbourne." In conformity with this obligation we have communicated with our partners in the other States, and we find that it is impossible to obtain the "unanimous consent" provided for in the clause just quoted.—Faithfully yours,

J. L. BONYTHON & Co.
W. K. THOMAS & Co.

In these letters it is freely admitted that there is a combination, the news obtained by which cannot be distributed without the unanimous consent of the members. Senator Keating and Senator Smith, in their tender regard for the interests of the large newspapers which are in the combine, entirely overlook the interests of other independent newspapers, and also the interests of the general public. It is a fair proposition that if the interests of a few newspaper proprietors, no matter how wealthy, conflict with the interests of the general public, we should, at any rate, lean towards the latter.

Senator PLAYFORD.—Where does the general public come in? Newspapers are now cheaper than ever.

Senator STORY.—In the course of his remarks, Senator Smith expressed the opinion that if the price of newspapers were raised to sixpence, there would be injury to the public; and though the public are not disadvantaged in that way, they are in another. Where there are only two or three large newspapers in a State, it is easy for them to combine, as has already been done, and fix the rate which the public shall pay for all advertisements. There have been complaints on this score for a considerable time, and the public of South Australia gladly welcome the idea of the establishment of another newspaper, but I

have already shown one of the great difficulties which stood in the way of that project. I hope the Committee will take the view that the interests of the general public are at least as important as are the interests of wealthy newspaper proprietors.

Senator DE LARGIE (Western Australia).—When the question was last before us I discussed it at some length from the trade union point of view of preference to unionists and preference to newspapers, and I do not intend to occupy time in dealing with the matter from that aspect on the present occasion. In the light of the correspondence which has been read by Senator Story, there can be no further doubt as to what is our duty to the public.

Senator GRAY.—Any newspaper proprietor can get the news, if he pays for it.

Senator DE LARGIE.—Quite true, if that newspaper proprietor is prepared to pay as much as half-a-dozen members of the combine pay amongst them for the same news. It is very easy to sit in a well-cushioned chair and give generous and cheap advice to struggling newspaper proprietors in the country, to pay for this news if they want it; but it reminds one forcibly of an illustration in Henry George's *Progress and Poverty*, where a man on board a steamer in mid-Atlantic is told that he is quite at liberty to walk ashore if he chooses. Those struggling newspapers, under present circumstances, are unable to compete in any way with the well organized newspapers which form this combination. Fair competition is impossible under the circumstances, and, instead of extending and strengthening the monopoly, it is our duty to equalize conditions as far as lies in our power. Hitherto, in Federal legislation, much consideration has been given to the press, and the big and strong newspapers are better able to take advantage of the privileges thus offered than are the smaller newspapers in the country. The rates for press telegrams are very low, and surely, in return, there ought to be some consideration shown for the public weal. The newspapers are permitted to send press messages of 100 words at the same rate as a private citizen pays for sixteen words; and, therefore, we have a right to lay down the terms on which others shall be admitted to the combination, which we know to exist, and which it is almost impossible to break up. If we legislate in such a way as to strengthen this monopoly, we shall merit the condemnation of the people of Aus-

tralia. We ought to extend to the journalistic "goose" the same treatment that was given to the very lean trades union "gander" when the Arbitration Bill was before the Senate; we ought to say to this combination that unless the members are prepared to give to others the same right which they themselves enjoy, they shall have no kind of "preference" under the Copyright Bill. There is very little originality about the news which comes to Australia by cable; and it is not the sort of matter that is generally regarded as having a claim to copyright. The news is culled from the newspapers of the old country, and is of a very second-hand quality, with no great merit of its own.

Senator TRENWITH.—Much of the news is very useful, and it is an advantage to us to get it.

Senator DE LARGIE.—I grant that the news is almost essential in present day affairs, but that does not enhance the quality from the stand-point from which I am viewing it. It is not the work of some independent brain, which produces thought worthy of being transmitted over the wire. It is mere news.

Senator GRAY.—It is what the people want.

Senator DE LARGIE.—That is so, and no newspaper can exist unless it publishes news, which, however, does not receive its value because of any merit it possesses in a copyright sense. We desire some equality in these affairs, and I intend to support the new clause. I dare say that Senator Smith's proposal, when it is submitted, will be found to contain its good points, but every motion should be dealt with on its merits.

Senator O'KEEFE.—We are able to give practical effect to the proposal before us, whereas we might not be able to do that with the proposal of Senator Smith.

Senator DE LARGIE.—Senator Smith's proposal is not before us now; and if Senator Smith desires to have his motion considered on its merits, I hope he will extend the same treatment to the amendment of Senator Pearce.

Senator MACFARLANE (Tasmania).—The mover of the motion, Senator Pearce, first of all made some *ex parte* statements about the hardships inflicted some years ago, and went on to complain that Reuter will not give to other people news already sold. I contend that our newspapers are to be commended, and Australia has been

congratulated on the journalistic enterprise which gives such satisfactory results. When these newspaper proprietors purchase a certain amount of news from Reuter—

Senator GUTHRIE.—They purchase every word, and Reuter is not allowed to sell to any one else.

Senator MACFARLANE.—Why should we invoke the law, as proposed, and thus interfere with private enterprise and private property?

Senator GUTHRIE.—Private property! Cheap Government rates!

Senator MACFARLANE.—The news must cost a great deal of money, despite the cheap rates. The smaller newspapers ought in some way to be helped to get news, because it is a public benefit in outlying districts that there should be published reports of more than merely local affairs. But we are not on the right track when we endeavour to make Reuter's Agency dispose of news which has already been sold to others.

Senator MILLEN (New South Wales).—I admit at once that the amendment now submitted is to my mind robbed of much that was pernicious in the one previously submitted on behalf of Senator McGregor—that it is free from some of the more glaring objections which marred the earlier proposal. But I think I can show that, apart from the principle involved, there are difficulties in the method by which it is proposed to carry out the principle. First, if it is desirable that this matter should practically be left to arbitration, no worse man could be selected for arbitrator than the Minister. It happens that one of the members of the present Government—I am merely stating a fact, without wishing to suggest anything improper—is taking a very active part on the directorate of one of the big metropolitan newspapers, and it might happen that this Bill would be administered by the very Department which he controls. That would be placing the Minister in a most invidious position, which he ought not to be called upon to fill, and which, even if he were something more than human, would leave him open to suspicion on one side or the other. I do not wish to refer to the objection suggested by Senator Keating—the local influences which might surround the Minister and might unconsciously warp his judgment. If it is desired to leave the matter to arbitration, as between the applicant for admission to the combine and the members of the combine, it would, I think,

be better at once to take advantage of the machinery of our law Courts. It would not require a very comprehensive alteration of the amendment to provide that, instead of the Minister, the Judge of the High Court, deputed to deal with arbitration matters, should be the tribunal to whom disputes of this kind should be referred. I invite Senator Pearce to consider that suggestion. I have to deal now with another objection to the drafting of the amendment. It provides that the Minister may order the combination to supply the applicant with news. The ordinary acceptance of the term "supply" is to hand over. I presume that the term here means that the applicant shall have access to the news. It is a very different thing to say that I shall have access to news when it arrives by cable, and that I shall be supplied with it.

Senator KEATING. — The combination might supply it in a printed form the next day.

Senator MILLEN.—Exactly. I might be carrying on a newspaper at Menzies, and does Senator Pearce mean by his amendment that the combination would have to supply me with news there? What is intended, I suppose, is that the applicant for admission to the combination is to have access to the news at the point at which it reaches Australia.

Senator PEARCE. — At the same place as that from which the proprietors of the newspapers already in the combine get it.

Senator MILLEN. — I question very much whether in the agreement which exists between them the term "supply" is used as it is in this amendment. I am opposed to the principle of the amendment, but if the Committee is determined to accept it, in common with other honorable senators, I should like to see it expressed in the best possible form. I have to point out now a far more serious defect in the drafting of the amendment. Its operation is not limited to news received by cable. It would apply to news of events happening beyond Australia, irrespective of the way in which they reach this country, and in this respect it goes quite beyond the combination to which such frequent reference has been made. The proprietors of two newspapers may decide to engage the services of a man recognised as eminent in his profession as a war correspondent. He may travel to a scene of active hostilities, and when his news arrives here, whether by

cable or by letter, the proprietor of any other newspaper can claim to join with the proprietors who have engaged this special correspondent, and share, not merely in cable news supplied to their newspapers, but in the special information supplied by the man specially qualified to provide it.

Senator FINDLEY.—Do not the great daily newspapers steal the brains of the universe every day?

Senator MILLEN.—Is Senator Findley an advocate of the extension of the art of stealing?

Senator PEARCE.—The outsider would have only to wait twenty-four hours until the copyright would expire, and he could then get the information he wanted for nothing.

Senator MILLEN.—In the meantime, the two newspaper proprietors, to whom I have referred, would have had twenty-four hours' protection for their special news. Senator Pearce must recognise a very great difference between ordinary cable news and communications of the kind to which I have referred.

Senator FINDLEY.—Does the honorable senator know of any case in which the matter supplied to a newspaper by a special war correspondent has been copyrighted?

Senator MILLEN.—I feel sure that Senator Findley can call to mind instances in which newspapers acting in combination sent correspondents to South Africa during the war, and elsewhere to supply information of other big national events.

Senator FINDLEY.—They did not copyright it.

Senator KEATING.—It was copyrighted, by publication, for more than twenty-four hours.

Senator MILLEN.—Does Senator Findley contend that communications supplied by special correspondents should be participated in by the proprietors of outside newspapers, who might claim the right to make use of them? I appeal to every honorable senator who supports the amendment to say whether that is its intention, or whether the intention is not that its operation should be limited entirely to the ordinary cabled news? If it is intended that it should be so limited, the amendment requires drastic alteration. In the event of an outsider being admitted to the combination, what steps are to be taken to determine the period during which he shall remain in it? I cannot conceive it possible that what is in-

tended is that the Minister should fix a period of two or three years, as might seem reasonable to him, as the period during which the applicant is to continue to be regarded as a member of the combination. Suppose that in the course of time, two, three, or four of those admitted to the combination drop out. It seems to me only fair that once an outsider is admitted to the combination he should be obliged to remain in it as long as it continues to exist, or until, as in the case of an ordinary company or partnership, it is wound up. The amendment does not provide for that.

Senator PEARCE.—Possibly the Minister would make that one of the terms of admission.

Senator MILLEN.—The honorable senator is asking the Committee to legislate in this matter, and he should certainly provide for cases which are not imaginary, but which are almost certain to occur. Instead of that, he proposes to shuffle out of all responsibility, and leave everything to the Minister.

Senator PEARCE.—I do not propose to leave everything to the Minister, but I should leave that to him.

Senator MILLEN.—That is a matter which I am not prepared to leave to the Minister. I have known Senator Pearce to be as strenuous as any member of the Committee in his objection to trust the Minister.

Senator PEARCE.—What term would the honorable senator suggest—life?

Senator MILLEN.—I say that once an applicant is admitted to the combination—

Senator TRENWITH.—He should become subject to all the conditions attaching to members of the combination.

Senator MILLEN.—Exactly. He should not be at liberty to go when he pleases, or when the Minister pleases to let him. He should accept his share of responsibility for carrying on the combination. Otherwise we might have the Minister fixing three years as the term during which an applicant should remain in the combination after admission, and then if it seemed likely that some other combination would be arranged from which he could get better terms, he would drop out and leave the original members of the combination to shoulder the obligations of the concern. That would not be fair.

Senator GIVENS. — The original men might drop, and leave the men admitted later to shoulder its obligations.

Senator MILLEN.—I admit that; but that would not be fair either. Once an applicant is admitted to the combination, he should continue to share the responsibility of partnership, as he would in any other business partnership, or until the concern is wound up. Is an applicant, on admission to the combination, to pay, in proportion to the number of members in the combination, or in proportion to the value of the cable news as supplied to his particular newspaper?

Senator PEARCE.—The Minister is to be the judge of what is a reasonable rate.

Senator MILLEN.—Then I presume that, in order to decide what is a reasonable rate, he must take into consideration what is the size of the newspaper owned by the applicant, its circulation, and the value which particular cables will have if inserted in that newspaper. In the case of a suburban newspaper publishing news simultaneously with the great metropolitan dailies, I suppose that he would decide that it was of merely nominal value to the suburban newspaper.

Senator FINDLEY.—It is not at all likely that suburban newspapers will publish cable news simultaneously with the metropolitan dailies.

Senator MILLEN.—Very well; I will take the case of a newspaper published at Menzies, with a circulation which has been stated at 700, and which, from my experience of country newspapers, would probably mean 500. The Minister is to determine the value of cable news to a paper with a circulation of 500, and he may also have to determine their value to a newspaper, with a circulation of 1,000, and their value to newspapers published at different prices. That is one view with which I deal, because Senator Pearce has given that as his definition.

Senator PEARCE.—I do not accept the honorable senator's conditions as to the size of the paper, its circulation, and so on.

Senator MILLEN.—Surely when an honorable senator is asked to vote for an amendment, he is entitled to know what it is intended to effect? I ask Senator Pearce on what basis the Minister is to determine the proportionate amount which an applicant for admission to the combination must pay?

Senator FINDLEY.—We might easily get at it by first ascertaining the cost to the great dailies, and it is stated that they get the cable news for almost nothing, because they form the combination.

Senator MILLEN.—Then, I suppose the honorable senator would allow the applicant to come in on payment of his share of nothing? There is another way in which the matter may be dealt with. Presuming that there are ten members in the combination, and the news costs £1,000 to obtain, is the eleventh man, when he comes in, to be called on to pay one-eleventh of the total cost?

Senator GUTHRIE.—The amendment refers to the cost of obtaining the news.

Senator MILLEN.—But Senator Pearce does not, and it is because there is this contradiction between Senator Pearce and his amendment that I am dealing with the point. One portion of the amendment appears to indicate that if a man wishes to become a member of the combination, he must pay such a share of the total cost as his individual membership bears to the total membership. But another portion of the amendment leaves it entirely to the Minister to apportion the sum which the applicant for admission must pay. Which alternative does the Committee propose to accept? Surely we ought not to insert a provision which is vague as well as complicated on the all-important point to which I have referred. Only that I know better I might have gathered from the discussion that honorable senators really do not know the meaning of the word "monopoly." It has been used by them so frequently that I almost suspect that they, in their eagerness to champion the cause of the smaller newspapers, have allowed themselves to apply to the word quite an exaggerated meaning. On several occasions, the question has been asked by interjection, "What is a monopoly?" but no one was particularly keen to furnish a definition. I assume the term to mean the holding or obtaining by a person or combination of persons of an advantage or opportunity which is denied or closed to other persons. If that is so, what opportunity is denied by the newspaper combination to any one else? What avenue have they closed against any one else? Senator Story and others have quoted letters to the effect that the combination declined to allow other persons to associate with them, but that does not constitute it a monopoly.

Senator TRENWITH.—It does practically in this case.

Senator MILLEN.—Can the honorable senator tell me what is to prevent the 500 newspapers in New South Wales from combining together, and by each subscribing 5s. or 10s. a week, getting their own independent cable service?

Senator TRENWITH.—I could, but it would take too long.

Senator MILLEN.—I admire the adroitness of the champion of a hundred platforms. There is an utter absence of a monopoly, because the combination cannot for a moment debar any one from cabling out certain pieces of news. If the country newspapers will enter into an arrangement to appoint an agent in London for the collection and dispatch of news, and an agent in Sydney and Melbourne—the firm of Gordon and Gotch is the great supplier of news from the capitals to the country press—the road is just as open to them as it was to the big metropolitan newspapers when they started their enterprise. If, however, it is thought that there is a trust springing up here, I agree with Senator Keating that anti-trust legislation ought not to find a place in a Copyright Bill. Senator Pearce has given us to-night some facts which have arrested the attention of honorable senators, certainly of myself, but I hardly feel called upon to jump to a conclusion or to legislate on the strength of evidence, when practically no opportunity has been afforded to the other side to give any explanation which it may be possible to furnish. His statements are conclusive enough on one point, but they do not seem to establish a case for legislation. I do not care to suggest very many reasons which occur to me for statements which have been made here to-night, because necessarily they could be only surmises.

Senator PEARCE.—Does the honorable senator say that the letter from Mr. Mahon is a surmise?

Senator MILLEN.—No; but there are many things which I could suggest in regard to that letter, and which I should have done if the name of the writer had not been disclosed.

Senator PEARCE.—Does the honorable senator suggest that the letters quoted by Senator Story are surmises?

Senator MILLEN.—I admit the existence of a combination, and I ask why should it not exist?

Senator PEARCE.—Why should it have the privilege of copyright for twenty-four hours?

Senator MILLEN.—It is not given to the members of this combination alone, but to every newspaper in the Commonwealth.

Senator PEARCE.—It was stolen in the case of the combination, because an effective combination of the other newspapers cannot be got.

Senator MILLEN.—The moment this Bill is passed the country newspapers will have to cease publishing cables, or come to terms with the existing combination, or form a combination of their own.

Senator GUTHRIE.—The honorable senator knows perfectly well that the big newspapers could not carry on if it were not for the fact that Reuter collects news all over the world for them.

Senator MILLEN.—The honorable senator talks without knowledge. What does he suppose it would cost to institute a service to supply the country newspapers with the ordinary cable news which they want? I can only hazard a guess. There must be nearer 1,000 than 500 papers of all kinds in the country districts of the Commonwealth.

Senator GUTHRIE.—Weekly papers do not want cables.

Senator MILLEN.—My honorable friend is again talking without knowledge. For some years ago I published a weekly newspaper, and I beat down the opposition of twenty years' standing, simply by publishing cable news. The country newspapers of New South Wales hold an annual conference in Sydney. When this Bill is passed they will not entertain the idea of dispensing with cable news. In self defence the country newspapers must obtain their cables from the existing combination or from another source, and there is nothing to prevent them from instituting an independent service. I venture to say that the moment the existing combination recognises that, unless they come to terms with the country newspapers, another combination will be started they will open the door of negotiation readily enough. They are not likely to throw away half-a-sovereign because they cannot get a sovereign; in other words, they will take half-a-loaf rather than have no bread. Senator Trenwith sought to draw an analogy between this legislation and the Conciliation and Arbitration Act. By the latter measure a monopoly was sought to be created, because

registration was only allowed to one union in the case of each trade. When we said to a body of men, "We will allow only one union of your trade to register, but you must admit every member of your trade on reasonable and fair terms," that was logical. But there is no proposal made in this clause to give copyright to only one combination of newspapers.

Senator PEARCE.—The practical effect is the same.

Senator MILLEN. — Until Senator Pearce can show me that there is an insurmountable difficulty in the way of a combination of other newspapers, I must decline to believe that there is a monopoly, or that the practical effect of the existing combination is a monopoly. That its existence may have deterred one or two men from starting a newspaper, I can quite believe; but so have other things quite apart from cable news. In Sydney not long ago a proposal was made to start another daily newspaper, and one measure taken by the existing newspapers to extend a very chill welcome to the promised competitor was to prevent their agents from distributing it. This amendment does not meet that case at all. Senator Pearce will see that there are other ways in which a combination can act.

Senator PEARCE.—I am not concerned in that question at the present time. One thing at a time is quite enough.

Senator MILLEN.—It is a little too much for my honorable friend. It was also claimed, on behalf of the trade unions, that there should be preference to trade unionists. The first form of preference was registration of only one union, and the second was preference to trade unionists. Both these provisions created a monopoly, and therefore it was only right to say that every man in a trade should be entitled to the fruits of the monopoly. But there is no monopoly created by this clause. It does not give copyright in cable news to certain newspapers or combinations. All the amendment says is that because half-a-dozen newspapers have, by their enterprise, developed a business other persons can come along and share it with them. If a proposal were made here to apply that principle to the industries or enterprises in which honorable senators happen to be engaged, I venture to say that they would take a very different view. I earnestly ask Senator Pearce to consider whether it is not better to leave the exer-

cise of the power he proposes to convey to a Justice of the High Court, rather than to a Minister who may be subject to outside influences, who ordinarily does not possess a trained legal mind, and whose decision, whether it was fair or otherwise, would always be marked or open to suspicion. In the first instance I move—

That the words "the Minister" be left out of the amendment, with a view to insert in lieu thereof the words "a Judge of the High Court."

Senator GRAY (New South Wales).—I repudiate the idea that, because some of us may be opposed to the amendment, we lack sympathy with the large number of newspapers which are carried on in country towns under somewhat hard conditions. I feel sure we all recognise that they are exceedingly valuable to people who otherwise would be without the news that assists to make social conditions in the country districts congenial. I admit that if these newspapers could get cheap cable news it would be a great advantage to them. But the principle involved in this proposal goes even further than its application to newspapers. It applies to all kinds of legitimate business. Newspapers are not conducted for philanthropic purposes; not even for the well-being of the Commonwealth of Australia. They are purely business concerns, planted on business lines, and having in view the same objects as have other kinds of business, namely, the making of money. I take it that there is nothing illegal or harmful in the making of money. I know of no business in which the initial difficulties are surrounded with so much risk, and in which there is so much speculation, as in regard to newspapers. I am acquainted with several newspaper people in the old country. I can call to mind the case of one, whose proprietors spent over £130,000 before they earned a single penny. I believe that more money has been lost in newspapers than in any other form of business enterprise.

Senator FINDLEY.—And more money has been made out of newspapers than out of any other business.

Senator GRAY.—I quite agree that large revenues are earned by successful newspapers, but many of them have had to go through a very severe ordeal before attaining to a successful position. I cannot for the life of me see why we should ask a business concern to give away part of its goodwill simply because it is a newspaper. any more than we should ask a manufac-

turer or a shopkeeper to give away part of his goodwill. In Melbourne there is a growing firm, which has sixty retail grocers' shops, the proprietors being thus enabled to buy their goods at prices at which even wholesale firms cannot compete, owing to the large number of shops they have, and their advantage over other shopkeepers in being able to purchase in large quantities at *ber-rock* prices. The supporters of this amendment might as well tell me that, because those shops are under one management, and the expenditure is thereby curtailed, a shopkeeper who has only one shop is entitled to partake of the advantages that the owners of the sixty shops enjoy by reason of their application, industry, and business skill, as say that because certain newspapers have successfully arranged for cable purposes they should be compelled to share their advantages with smaller newspapers. There is a firm in Sydney which is one of the largest in the world. It has attained to that proud position in consequence of the energy and ability displayed from father to son. Honorable senators might as well tell me that the advantages possessed by that firm in buying goods should be shared by smaller concerns, as tell me that the proprietors of the principal newspapers should be compelled to share their advantages with others. Senator Millen has stated that the association of newspapers for cable purposes is in no sense a monopoly. I would not even call it a combine. It is simply an association of newspapers, whose proprietors have arranged amongst themselves that the news which they require shall be concisely cabled at the common expense. Why should these journals be called upon to give to others the advantages which they have gained after many years of tribulation and great loss of money? Suppose there is a newspaper with a circulation of 700 copies in a country town. Would such a journal require the news paid for by a combination of journals having a circulation of from 50,000 to 100,000 copies per day? It would not. The country newspapers, as Senator Pearce has admitted, do not want the whole of the cable news received; they only want a concise summary of it suitable for their special purposes. Who is going to apportion the equitable conditions under which these large newspapers are to hand over to the small journals the particular news which they require, and who is going to decide at what price it shall be fur-

nished? The whole proposition is absurd. But I take the higher ground, that if a number of business men choose to arrange their business on certain conditions, which conduce to economic working and greater convenience, they are absolutely entitled to do so, and Parliament has no right to ask them to give to others the benefit of the advantages which their own brains and energies have created. There are at least a thousand newspapers in the Commonwealth of Australia. They could, if they liked, combine together to get cable news from England. They might make better terms than they are able to make with the present so-called combine. If they were "cute" enough to do so, would it be reasonable, after ten or fifteen years, for Parliament to insist that other newspaper proprietors who had taken no such risks should be allowed to participate in the arrangements thus made upon the same terms and conditions?

Senator GUTHRIE. — The amendment does not say so.

Senator GRAY. — It says that any newspaper shall have a right to get the cable news upon the same terms and conditions as the present partners to the arrangement. It is ridiculous to intrust a Minister with such a power over the press of Australia, as is here proposed. Any Minister would hesitate before taking such a responsibility upon his shoulders unless he were a man of such a character that he thought it would be to his own advantage, or that of his friends, or of his Government, to exercise it. Personally, I object to the proposal on the broad principle that if we have a right to impose such conditions upon newspapers, we have an equal right to impose them upon other forms of business enterprise. I shall, therefore, oppose the amendment in every shape and form.

Question—That the words "the Minister," proposed to be left out, be left out—put. The Committee divided.

Ayes	...	...	...	7
Noes	...	...	...	17
				—
Majority	...	...	...	10

AYES.

Baker, Sir R. C.	Macfarlane, J.
Dobson, H.	Walker, J. T.
Drake, J. G.	Teller:
Gray, J. P.	Millen, E. D.

NOES.

Croft, J. W.
Dawson, A.
de Largie, H.
Findley, E.
Givens, T.
Henderson, G.
Higgs, W. G.
Keating, J. H.
Matheson, A. P.

Pearce, G. F.
Playford, T.
Smith, M. S. C.
Stewart, J. C.
Story, W. H.
Trenwith, W. A.
Turley, H.
Teller:
Guthrie, R. S.

PAIR.

Clemons, J. S.

O'Keefe, D. J.

Question so resolved in the negative.

Amendment of the amendment negatived.

Senator DOBSON (Tasmania).—I think that the Committee have made an error of judgment in not accepting the amendment of the proposed amendment. I am in favour of a provision such as the new sub-clauses indicate; but there is a right way and a wrong way of carrying that intention out. If we are to have simple and absolute arbitration, it is not fair to make any Minister the arbitrator.

Senator KEATING.—We have no power to charge a Judge with administrative work.

Senator MILLEN.—But if my amendment had been carried, surely the sub-clauses could have been consequentially amended?

Senator DOBSON.—With all due deference to Senator Keating, I submit that it is judicial work that is contemplated. I am going to vote for the proposed sub-clauses without the amendment, but with reluctance, and in the hope that the provision will be amended in another place. There is no doubt that if the amendment had been carried, it would have been found necessary to recast the sub-clauses.

Senator MILLEN (New South Wales).—I again ask, whether it is intended to apply this provision to all news, or to only cable news? It is all very well, for the purpose of securing a triumph for a principle to which honorable senators may be wedded, to push this amendment through, but surely it ought to be made satisfactory.

Senator TRENWITH.—Has the honorable senator an amendment acceptable to the Committee?

Senator MILLEN.—Judging by past events, I fear that no amendment of mine on this amendment would be accepted. It is clear, from the speeches of all who have supported the proposed sub-clauses, that the desire is to limit their application to this combination and cable news. It has been contended that there is a combination, the object of which is to secure some advantage

in regard to cable news—an advantage participation in which is denied to other newspaper proprietors—and it is proposed to give those other proprietors, subject to the Minister's approval, the right to enter the combination. I am sure that it was never intended that other newspaper proprietors should have the right to join with the members of the combination in the despatch, for instance, of a correspondent to a war, or of a correspondent with a Polar expedition. That, however, is what the clause provides at the present time. I move—

That after the word "obtaining," line 4, the word "telegraphic" be inserted.

Senator DOBSON (Tasmania).—Does Senator Keating think that the words "newspaper proprietor" are sufficient? A man may try to contract for cable news before he starts publishing a newspaper. We should either define "newspaper proprietor," or insert the words "newspaper proprietor or person proposing to publish a newspaper, or press agency."

Amendment agreed to.

Question—That the amendment as amended be agreed to—put. The Committee divided.

Aves	...	...	15
Noes	...	...	9
Majority			6

AVES.

Croft, J. W.
Dawson, A.
de Largie, H.
Dobson, H.
Findley, E.
Givens, T.
Guthrie, R. S.
Henderson, G.

Higgs, W. G.
Matheson, A. P.
Pearce, G. F.
Story, W. H.
Trenwith, W. A.
Turley, H.
Teller:
Stewart, J. C.

NOES.

Baker, Sir R. C.
Drake, J. G.
Gray, J. P.
Keating, J. H.
Macfarlane, J.

Playford, T.
Smith, M. S. C.
Walker, J. T.
Teller:
Millen, E. D.

PAIR.

O'Keefe, D. J.

Clemons, J. S.

Question so resolved in the affirmative.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 60—

The owner of any copyright or performing right in any literary, musical, or dramatic work or artistic work entitled to protection in Australia by virtue of any Act of the Parliament of the

United Kingdom or entitled to protection in any State by virtue of any State Copyright Act shall on obtaining a certificate of the registration of his copyright or performing right under this Part of this Act have the same protection in the Commonwealth against the infringement of his copyright or performing right as the owner of any copyright or performing right under this Act.

Amendment (by Senator KEATING) agreed to—

That after the word "Act," line 6, the words "in force at the commencement of this Act" be inserted.

Clause, as amended, agreed to.

Postponed clause 13—

(2) Copyright shall subsist in every book, whether the author is a British subject or not, which has, after the commencement of this Act, been first published in Australia, before or simultaneously with its first publication elsewhere.

Senator GIVENS (Queensland). — I move—

That after the word "has," line 3, the following words be inserted:—"been printed from type set up in Australia, or plates made therefrom, or from plates or negatives made in Australia, in cases where type is not necessarily used, and has"

I have submitted my amendment to the Parliamentary Draftsman, and he has given effect to my idea in the form which I have just read. Its effect will be very easily understood. What I desire is that the same protection shall be afforded in Australia to local printers and publishers that is afforded by American legislation to printers and publishers in the United States. As a protectionist, I believe that it is exceedingly desirable that we should have a printing and publishing business in full swing in Australia, in order that Australian authors shall not be compelled to go outside of the Commonwealth to find a publisher for their works. The Commonwealth has adopted a protectionist policy, and I think that it should be followed in connexion with the business of printing and publishing. It is the most common thing in the world to find a piece of music, composed in Australia by Australian musicians, being offered for sale in almost every music shop in the Commonwealth, and if it is examined it will be found to bear the imprint "Printed in Germany," or in Bavaria, or anywhere else other than Australia. That is a state of things which this amendment is designed to put a stop to. At this hour it is not necessary that I should labour the point very much. The reasons which should recommend the

amendment must be obvious. With regard to books, music, and everything else to which this Bill purports to give the protection of copyright, it is desirable and necessary, in the interests of Australia, that the printing should be done here.

Senator DOBSON.—Then the honorable senator does not discriminate between England and the United States?

Senator GIVENS.—I do not, any more than in our Customs Act we discriminate between them.

Senator MILLEN.—Then why refer to American action.

Senator GIVENS.—I referred to that because one of the most important publishing firms in Australia has petitioned the Senate, in connexion with that phase of this question.

Senator DOBSON.—And because of that petition the honorable senator would penalize the mother country?

Senator GIVENS.—No, I was prepared to move this amendment before the petition was presented to the Senate, and I refer to it only in order to strengthen my argument. If it is necessary that we should protect Australian publishers against American publishers, it is equally necessary that we should protect them against the publishers of Great Britain, and especially of Germany, Bavaria, and other countries where printing is done at extremely low rates, and the employes of printing firms are sweated, and receive a miserable wage, which is barely sufficient to keep body and soul together. The amendment is designed, also, from a national point of view, to make Australia independent in the matter of publication, so that Australian authors may have Australian publishing houses of standing to go to to secure the publication of their works.

Senator MILLEN.—Publishing here would not give them copyright elsewhere.

Senator GIVENS.—Of course it would not, but let me point out that all we ask is that simultaneous publication shall imply simultaneous printing in Australia also. At present, in order to secure copyright here, there must be simultaneous publication, and that merely means that the work shall be published in Australia within fourteen days of the time at which it is published and offered for sale elsewhere. The amendment is designed to improve upon that by providing that simultaneous publication in Australia shall mean that the work shall be printed from

type set up in Australia or from plates made from that type, or where type is not necessary from plates and negatives manufactured in Australia. I am satisfied that every protectionist member of the Committee will be prepared to vote for the amendment, but I appeal to a higher motive, and I ask honorable senators from a national point of view to agree to make Australia independent of the publishing houses of the outside world. The amendment will assist to establish in Australia publishing houses of standing and repute, who will provide a market for the works of Australian authors and publishers, and will find for them a large circulation.

Senator KEATING (Tasmania—Honorary Minister).—As Senator Givens has said in moving his amendment, he has, since he previously proposed to introduce something of the same kind in the interpretation clause, given effect to his proposal in the form now before the Committee. I offer no opposition to the insertion of these words in clause 13.

Senator MILLEN (New South Wales).—I would ask whether the amendment will not come into conflict in some way with the Imperial Act?

Senator KEATING.—No.

Senator MILLEN.—I understood the Minister at an earlier stage of the discussion on the Bill to affirm that it would. By the acceptance of this amendment no copyright will be given except in books printed in Australia.

Senator KEATING.—No. We deal with international and Imperial copyrights subsequently, and in particular divisions of the Bill assigned to them.

Senator MILLEN.—If I understand the position, copyright is not to subsist in any book unless it is printed in Australia.

Senator KEATING.—That is right; but the Bill in part 6 deals entirely and completely with international and State copyright.

Senator MILLEN.—I can take no exception to the way in which the amendment is submitted, and it is not the fault of the mover that it is brought forward at this hour; but I wish to make it abundantly clear that by this amendment it is sought to make this Bill a measure practically to carry out a policy of protection as applied to certain trades. It is proposed to deny copyright to any work unless it is printed and published in Australia.

Senator GIVENS.—Without this amendment, copyright would be granted only on simultaneous publication in Australia.

Senator MILLEN.—Seeing that the Minister submitted the Bill drawn on entirely different principles, it has come as a surprise to me that at the last moment, and with hardly a word of explanation, he should accept an amendment which completely alters the whole design and scope of the measure.

Senator KEATING.—Not at all. I have pointed out that there are two classes of copyright—those which subsist under the Bill, and in respect of which we can make any conditions we please; and Imperial and international copyright, which we are bound to recognise, and for which we have made provision in the Bill.

Senator MILLEN.—What the Minister really says is that we can make any law we please; but the question is whether the law we are now asked to make is a wise one. When a Minister introduces a Bill to give copyright irrespective of where a work is printed, so long as it is published here, and then, with scarcely any reason given, suddenly accepts an amendment of this kind, it is not a little surprise, because, as I have said, the amendment absolutely destroys the original design and scope of the Bill. Late as the hour is, I must impress on the Committee the effect of the amendment. Senator Givens has frankly stated that he has moved it as a protectionist. I can have no objection whatever to a believer in protection advocating the faith that is in him. I do as a free-trader, but I contend that the proper way to determine what measure of protection is to be given to various industries is not by an amendment in a Copyright Bill. We ought not to have protection introduced in small instalments, and by insidious methods. Not only in the case of this Bill, but in other ways, we are gradually adopting a higher and higher measure of protection, without any reference to the wish of the electors. Partly by administration, and partly by amendments of this character, we are going still further in a direction which, whether it is right or wrong, is one upon which the electors should be consulted before they are committed thereto. When I come to consider the fiscal aspect of the question, it is not a matter of great surprise to me that Senator Keating accepted this amendment so readily—probably for the reason which

Senator Playford has given that it was all right. To a lover of peace, and a protectionist, like Senator Playford, it may be "all right," but to me it is all wrong.

Senator PLAYFORD.—It is a protective Bill from beginning to end.

Senator MILLEN.—In a sense, every Bill is protective, but I refer to the policy of protecting those who carry on business within our borders. We ought, at least, to consult the electors, and ascertain to what extent they wish us to go in that direction. The lateness of the hour prevents me from speaking at greater length on the subject. In conclusion, I protest against the principle embodied in the amendment, the easy acceptance of it by the Government, and this growing practice of imposing upon the Commonwealth a higher and higher measure of protection without a mandate from the electors.

Senator PEARCE (Western Australia).—I intend to vote against the amendment. So far as copyright is concerned, there is no country, save the United States, which adopts this protective policy. Not even protective countries like Germany and France adopt the principle in connexion with copyright. If the amendment be carried, practically it will place Australia in the same position as the United States in this connexion. I would ask the protectionists in the Chamber to seriously consider whether they are wise in placing Australia in a position to invite retaliation from other countries. If the amendment were so worded as to provide that a United States author could not get copyright in the Commonwealth unless he printed and published his book therein, it would rob my objection of a considerable amount of its force. But it is aimed at countries like Germany, France, and England, that do not impose any restriction upon Australian authors. For that reason I cannot support it.

Senator DRAKE (Queensland).—I do not know whether I quite understand what would be the effect of the amendment. If an author who writes a book in Australia gets the book printed in England, and registers his copyright there, will it be good out here?

Senator KEATING.—Undoubtedly.

Senator DRAKE.—Then what is the use of the amendment?

Senator KEATING.—He can do that, whatever provision is inserted.

Senator DRAKE.—I take it that Senator Givens and the other supporters of the amendment are under the impression that it will cause printing to be done in Australia; but it will have no such effect. The reference to the United States is entirely out of place. British copyright has no effect in that country, and therefore authors can be compelled to have their books printed and published there. If the amendment has any effect it will be to drive printing away from Australia, because an author, if he is considering the question of cheapness, can get his book printed in Great Britain, or anywhere on the Continent, and when he registers his copyright in Great Britain it will be good in Australia. The amendment is absurd.

Senator KEATING (Tasmania—Honorary Minister).—I have pointed out that the Bill provides for different classes of copyright. It provides for those copyrights which are international and Imperial, and which we recognise according to our obligations. It also provides for Australian copyrights. When a petition was presented to the Senate some weeks ago, an honorable senator, at my suggestion, moved that it be printed. During the course of the proceedings on the Bill at various times I indicated that it would be necessary for me at a later stage to consider the whole question of what would be publication under the Bill. Before the suspension of the sitting Senator Givens indicated his intention to move an amendment of this character in the interpretation clause, and I said that if it were moved in what I considered was the more appropriate place—in clause 13—I should have no objection. He has moved the amendment in this clause, and I intend to fulfil the promise I made to him.

Question.—That the words proposed to be inserted be inserted—put. The Committee divided.

Ayes ...	...	...	14
Noes ...	...	...	8
Majority ...	...	...	6

AYES.

Croft, J. W.
Dawson, A.
de Largie, H.
Findley, E.
Guthrie, R. S.
Henderson, G.
Higgs, W. G.
Keating, J. H.

Playford, T.
Smith, M. S. C.
Stewart, J. C.
Story, W. H.
Turley, H.

Teller:
Givens, T.

NOMS.

Baker, Sir R. C.
Dobson, H.
Drake, J. G.
Macfarlane, J.
Matheson, A. P.

Millen, E. D.
Walker, J. T.

Teller:

Pearce, G. F.

PAIR.

O'Keefe, D. J. Clemons, J. S.

Question so resolved in the affirmative.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported, with amendments.

SECRET COMMISSIONS BILL.

Bill received from the House of Representatives, and (on motion by Senator KEATING) read a first time.

ADJOURNMENT.

ELECTORAL ROLLS.

Motion (by Senator KEATING) proposed—

That the Senate do now adjourn.

Senator STEWART (Queensland).—I wish to know whether copies of the electoral rolls of the States cannot be furnished for the use of honorable senators, and placed in the club-room?

Senator KEATING.—The rolls of all the States?

Senator STEWART.—I think so. At any rate, I should like to have the Queensland rolls made available.

Senator KEATING (Tasmania—Honorary Minister).—I will have the honorable senator's request brought before the officers in charge of the Electoral Department, who will, no doubt, see that he is con-
venient.

Question resolved in the affirmative.

Senate adjourned at 11.2 p.m.

House of Representatives.

Thursday, 12 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PUBLIC SERVICE
CLASSIFICATION: PAYMENT OF
SALARIES.

Mr. HIGGINS.—I wish to know from the Minister of Home Affairs when he expects to be able to make known to the

House the effect of the report of the Public Service Commissioner on the position of Victorian public servants coming under section 19 of the State Act of 1900.

Mr. GROOM.—The report of the Commissioner on the debate in Parliament on the classification has been received, and is now under the consideration of the Cabinet. We shall make it available to honorable members at the earliest moment possible.

Mr. POYNTON.—Following up some questions which I asked a few weeks ago, I wish to know from the Minister when the Government intend to pay the increments awarded under the original classification.

Mr. GROOM.—The honorable member having courteously given me notice of his intention to ask this question, I am prepared with the following information:—

A subdivisional increase has been paid to officers who, under the original classification scheme, were classified at a salary higher than that which they were receiving, on condition that the amount was included in the Estimates; but officers who have been classified at a salary involving more than one subdivisional increase, must await the approval of the classification and the appropriation of funds by Parliament before the arrears can be paid. Those officers who have been classified under appeal at a higher salary than was allotted in the original classification scheme must also await the approval of the scheme and the provision of funds, which are included in the Estimates 1905-6.

Mr. POYNTON.—Is it not a fact that the late Treasurer promised, at the time that we agreed to pay the increments on salaries under £160 per annum, that, when Parliament had sanctioned the classification, increments on salaries exceeding that amount would also be paid without reference to the passing of the Estimates?

Mr. GROOM.—From what I remember of the right honorable gentleman's statement, it was intended to apply only to amounts on the Estimates for the year in which it was made; but I shall ascertain exactly what was said on the subject.

IMMIGRATION RESTRICTION ACT.

Mr. GLYNN.—I wish to know from the Prime Minister if, before the session closes, he will bring in a Bill to amend the Immigration Restriction Act, so that labour may be permitted to come to Australia under contract?

Mr. DEAKIN.—It is proposed to introduce a Bill before the session closes to amend the section of the Immigration

Restriction Act which deals with contract labour.

Mr. CARPENTER.—Will that Bill remove the safeguards which have hitherto been found necessary to prevent men from being brought here under contract under conditions tending to lower the standard of wages in Australia?

Mr. DEAKIN.—The honorable member's question will be answered when the Bill is presented.

LETTER CARRIERS.

Mr. HUME COOK.—I am informed that some twenty or thirty men are directly employed by the Post Office Department in the city of Melbourne to carry letters at a wage of only 22s. a week. Is that the true state of affairs? If so, will the Postmaster-General have it altered? If he cannot answer my question now will he have inquiries made, with a view to answering it later on?

Mr. AUSTIN CHAPMAN.—I know nothing of the facts alleged, but I shall cause inquiries to be made. The Government do not wish to employ men at 22s. a week.

PRICE OF HARVESTERS.

Mr. BAMFORD. — Is the Minister of Trade and Customs aware whether there is any truth in the rumour that, since the action of the Customs Department in increasing the valuation of imported harvesters, the International Harvester Company has reduced the price of its machines?

Sir WILLIAM LYNE.—I cannot speak with authority, but I have been informed that the price of harvesters has been reduced from £84 to £70.

Mr. WILKS.—This seems like a "ready-up."

PEARL-SHELLING INDUSTRY.

Mr. BAMFORD.—Some time ago, I asked a question relating to the desertion of ten men from the pearling fleets at Thursday Island, and I stated that information on the subject could be obtained from the officers of the Customs Department there. Has the Prime Minister yet received such information?

Mr. DEAKIN.—Speaking from memory, the information received does not apply to the state of affairs referred to by the honorable member; but I expect to be fully informed later on.

PAPER.

Sir WILLIAM LYNE laid upon the table the following paper:—

Regulations under the Excise Act of 1901—Statutory Rules 1905, No. 65.

ORDERLY ROOMS.

Mr. TUDOR asked the Minister of Home Affairs, *upon notice*—

1. Whether the Geelong Orderly Room was used for a fancy dress ball on the 29th September last?

2. Whether under regulations his Department has not previously prohibited the use of orderly rooms for other than military purposes?

3. What Minister granted the use of this room, and when?

4. Why was this orderly room exceptionally treated?

5. Why was the use of the Drill Room in Grattan-street, Carlton, refused last month, for a bazaar for charitable purposes?

Mr. GROOM.—The answers to the honorable member's questions are as follow:—

1. Yes. For a children's fancy dress ball, given by the Mayor, who reported to the Minister of Defence that he found it impossible to find a hall sufficiently large for the purpose.

2. Yes.

3. The Minister of Defence, on 16th August last.

4. Answered by reply to No. 1.

5. Because it is contrary to the established practice of the Department of Home Affairs, from which practice there has been no departure in the case of such an application.

DEFENCE OF FREMANTLE.

Mr. KELLY asked the Minister representing the Minister of Defence, *upon notice*—

Whether he has yet received any report from his advisers on the question of what guns should be mounted at North Fremantle fort; and, if so, will he lay the same on the Table of the House?

Mr. EWING.—I am informed that the report has been received, and will be laid upon the table of the Senate this afternoon, when it will be available to honorable members.

COMMONWEALTH PRINTING.

Mr. CULPIN asked the Minister representing the Minister of Defence, *upon notice*—

Whether the printing for the Defence Force in Queensland is being sent on by the Queensland Government to the penal settlement at St. Helena, and is being done by the prisoners there?

Mr. EWING.—The Military Commandant, Queensland, reports that such printing is done by the State Government Printer, not by prisoners.

POSTAL ASSISTANTS AND OPERATORS.

Mr. WILKS asked the Postmaster-General, *upon notice*—

1. Is it a fact that officials in the General Division, Postal Department, New South Wales, who are now performing operators' and postal assistants' work, are not allowed to qualify for the Clerical Division under Regulation 197?
2. Is it a fact that similar officials in Victoria are permitted to qualify, while those holding corresponding positions in other States are debarred?
3. If so, will he take action immediately and place all these officials upon an equal basis?

Mr. AUSTIN CHAPMAN.—The Public Service Commissioner has furnished the following answers to the honorable member's questions:—

1. The necessity has not arisen in New South Wales for such an examination, as there are at present sufficient eligible and qualified candidates to fill any immediate vacancies.
2. There being no eligible candidates in Victoria to fill telegraphists' vacancies, it was necessary to hold an examination.
3. As soon as the necessity arises, the same examination will be held in the various States.

WIRELESS TELEGRAPHY.

Mr. KING O'MALLEY asked the Postmaster-General, *upon notice*—

1. Do the Government intend to acquire by purchase or lease the instruments necessary to carry on wireless telegraphy in the interests of the Commonwealth?
2. Do the Government propose to grant a licence to any person or persons to carry on wireless telegraphy within the Commonwealth?
3. Will the Government consult Parliament before granting any such licence to any person?
4. Have the Government considered whether the granting of licences to persons to carry on wireless telegraphy will prejudicially affect the Pacific Cable established by Great Britain, Canada, New Zealand, New South Wales, Victoria, and Queensland?

Mr. AUSTIN CHAPMAN.—All the matters referred to in the questions are now being considered. Definite replies cannot be given at present.

CANTEENS BILL.

Motion (by Mr. MAUGER) agreed to—

That leave be given to introduce a Bill for an Act relating to military canteens.

Bill presented, and read a first time.

PUBLIC SERVICE COMMISSIONER'S DEPARTMENT.

Motion (by Mr. HUTCHISON) agreed to—

That a return be laid upon the table of the House showing the total cost of the Public Service Commissioner's Department, including rents, furnishing, cost of classification of the service,

printing, and any other expenditure in connexion with the said Department from its inception up to 30th September, 1905.

HOME RULE FOR IRELAND.

Debate resumed from 28th September, (*vide* page 2973), on motion by Mr. HIGGINS—

That an humble Address be presented to His Majesty as follows:—

MAY IT PLEASE YOUR MAJESTY:

We, Your Majesty's dutiful and loyal subjects, the Members of the House of Representatives, in Parliament assembled, desire most earnestly in our name and on behalf of the people whom we represent, to express our unswerving loyalty and devotion to Your Majesty's person and Government.

We have observed with feelings of profound satisfaction the evidence afforded by recent legislation and recent debates in the Houses of Parliament of the United Kingdom, of a sincere desire now to deal justly with Ireland; and in particular we congratulate the people of the United Kingdom on the remarkable Act directed towards the settlement of the land question, and on the concession to the people of Ireland of a measure of Local Government for municipal purposes. But the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland.

Enjoying and appreciating as we do the blessings of Home Rule here, we would humbly express the hope that a just measure of Home Rule may be granted to the people of Ireland. They ask for it through their representatives—never has request more clear, consistent, and continuous been made by any nation. As subjects of Your Majesty we are interested in the peace and contentment of all parts of the Empire, and we desire to see this long-standing grievance at the very heart of the Empire removed. It is our desire for the solidarity and permanence of the Empire, as a Power making for peace and civilization, that must be our excuse for submitting to Your Majesty this respectful petition.

Upon which Mr. REID had moved, by way of amendment—

That all the words after the first word "That," be left out, with a view to insert in lieu thereof the following words:—

"whilst in full sympathy with every movement calculated to advance the best interests of Ireland, this House declines to petition His Majesty either in favour of or against a change in the parliamentary system which at present prevails in the United Kingdom—

(1) because this House does not consider such matters within its legitimate province;

(2) because they will shortly become issues in an appeal to the electors of Great Britain and Ireland in which this House has no right to interfere; and

(3) because this House confidently relies upon the fairness and wisdom of the British people for the removal of every just Irish grievance in the manner most likely to promote the welfare of the Irish people and the stability of the Empire."

Mr. WILKS (Dalley).—By way of personal explanation, I wish to say that I was absent through illness when this motion was last under discussion, or I should have taken earlier action to reply to the statements then made by the honorable member for Southern Melbourne, who, at the conclusion of his speech, used the following words, which impugn my veracity. I take this opportunity of placing the matter clearly before the House and the country. I am not so much concerned about honorable members as about those who take the trouble to read the reports of the debate upon this very important question. At page 2959 of *Hansard* the honorable member for Southern Melbourne is reported to have said—

The honorable member for Dalley recently made an assertion which I think calls for an immediate and emphatic contradiction. He stated that the Marquis of Linlithgow, formerly Governor-General of the Commonwealth, was an Orangeman, the evident intention being to support the organization by lending to it the weight and dignity of a highly-esteemed gentleman, and to a corresponding degree to prejudice the cause of Home Rule for Ireland. I challenged the honorable member for proof in support of his statement, but he was unable to furnish it. I think it is unfortunate that the name of the first Governor-General of the Commonwealth should have been dragged into a debate of this kind, in association with an organization whose aim is to set one section of the community at the throats of the other section, and which lives upon the prejudices of the past. I believe that the Marquis of Linlithgow has had an inquiry addressed to him as to whether he was ever associated with the Orange institution, and, although no reply has yet been received, a letter has been addressed to me by a gentleman who is so confident that the statement made by the honorable member for Dalley is without foundation that he is prepared to make a liberal donation to any charitable institution named by the honorable member for Dalley if it can be proved that his statement is correct.

The honorable member then proceeded to read a letter which contained the following statement—

Another statement made was that Lord Linlithgow was an Orangeman. I feel confident that statement was untrue, and if it can be proved that he has ever taken the Orangeman's oath, I am willing to give a liberal donation to a charitable institution, feeling confident that that honorable gentleman has too high a sense of honour to take so vile an oath.

Towards the conclusion of his speech, the honorable member said—

Referring once more to the statement of the honorable member for Dalley, that the Marquis of Linlithgow was connected with the Orange institution at one time, I wish to say that, even if our former Governor-General was induced to

join the organization, he could not have been aware of the hideous oath by which he would be required to bind himself to carry out the objects of the order. I feel perfectly sure that he will give an emphatic denial to the statement.

When I addressed the House on 31st August, in connexion with the motion now under discussion, I stated—

The honorable member for Southern Melbourne had the privilege of being acquainted with a distinguished Orangeman in this country—the Marquis of Linlithgow; but surely he did not find him anxious in any way to destroy the peace of the community? Although he was Governor-General of Australia, the present Marquis of Linlithgow—then Earl of Hopetoun—did not think that it was dishonorable to belong to the Orange Lodge, and that body to-day has among its members some of the leading men in England and Ireland.

I now reiterate that statement, which was thoroughly accurate. The honorable member for Southern Melbourne stated that he had challenged me to furnish proof of my statement, and that I had been unable to do so. That is absolutely incorrect. I was never asked to furnish any proof. I spoke after full consideration and with deliberation and perfect knowledge. I am prepared to accept the challenge offered by the honorable member on behalf of his friend, who is so confident that my statement is untrue, and I welcome this as the first instance on record in which it has been open to a member of Parliament to make a wager, and at the same time to be in order. If the honorable member or his friend will put up any amount from £20 to £100 I am prepared to furnish proof that the Marquis of Linlithgow was a member of the Orange Institution, and if honorable members are anxious to seize a golden opportunity, I would recommend them to accept a similar wager. The only condition I lay down is that I shall name the charity to which the donation is to be made. Further, I should like you, Mr. Speaker, to hold the stakes. I do not make that suggestion with any idea of ridiculing the honorable member for Southern Melbourne. As I have stated, I accept his challenge, and in the words of the Premier of Victoria, I would say to him, "Stuff up or shut up." The honorable member, in his concluding remarks on the occasion referred to, contradicted one of his opening statements. He stated that what I had alleged with regard to the Marquis of Linlithgow was untrue, but he subsequently said—

I wish to say that even if our former Governor-General was induced to join the organization, he

could not have been aware of the hideous oath by which he would be required to bind himself to carry out the object of the order. I feel perfectly sure that he will give an emphatic denial to the statement.

Those remarks indicate a doubt upon the subject. I wish to place it upon record that I never make a statement of a serious character in this House unless I am prepared to substantiate it. I introduced the name of the Marquis of Linlithgow deliberately and with foreknowledge. The Marquis of Linlithgow was not only a member of the Orange Institution, but at one time was Deputy Grand Master of the Grand Lodge of Scotland. Therefore, I was speaking of a matter of which I had full knowledge. I am very sorry that the action of the honorable member should have rendered it necessary for me to make this explanation. I regret that I was absent from the House at the time that my veracity was impugned, otherwise I should have forthwith explained the situation.

Mr. RONALD (Southern Melbourne).—I need scarcely comment upon the bad taste of the honorable member for Dalley in dragging you, Mr. Speaker, into this matter in such an irreverent and irregular way.

Mr. WILKS.—The honorable member is a fine judge of good taste when he accuses another honorable member of telling lies.

Mr. RONALD.—I did not accuse the honorable member of telling lies. The honorable member ought to know the difference between a deliberate lie and a misstatement. At the time I spoke I certainly thought that the honorable member had made a misstatement, and, further, I considered that he had shown exceedingly bad taste in dragging the name of Lord Hopetoun into a discussion of this kind.

Mr. WILKS.—The Marquis of Linlithgow is the same as any other man. We do not bow down to him and worship him.

Mr. RONALD.—I trust that until a communication has been received from the Marquis of Linlithgow honorable members will refrain from giving credence to the bald statement made by the honorable member for Dalley.

Mr. WILKS.—Will the honorable member put his money up?

Mr. SPEAKER.—Order! During the whole of the time that the honorable member for Dalley was making his explanation the honorable member for Southern Melbourne made no remark whatever. I

would therefore ask the honorable member for Dalley to refrain from making interjections.

Mr. RONALD.—I feel sure that neither this House nor the country will give any credence to the bald, unsupported statement of the honorable member that the Marquis of Linlithgow was an Orangeman. It is true that he may have been induced to become associated with the institution not knowing anything about its real character. If he did so, however, he very speedily severed his connexion with it, because soon after his arrival in Victoria, he took the opportunity to lay the foundation stone of a convent—an act which would have led to his expulsion from any Orange lodge in the world. If he had not thus cut himself adrift from the Orange Institution, the officials of that organization would have cut him adrift from them—unless they restrained their hands merely because he was Lord Hopetoun. I am exceedingly sorry that the name of the first Governor-General of the Commonwealth has been associated with so odious an organization.

Mr. KELLY (Wentworth).—I find it rather difficult to address myself to the motion before the House, after the alteration we have just heard. I am satisfied that the honorable member for Southern Melbourne is a person to whom honorable members must pay a certain amount of attention, inasmuch that his intimate knowledge of the Orange Institution makes it clear that at one time he must have been a member of the organization which he is now so bitterly denouncing.

Mr. RONALD.—The honorable member is making a statement absolutely without foundation.

Mr. KELLY.—I would be the last to misrepresent any fact, and if the statement I have made be incorrect, I shall take the first opportunity to tender a public apology to—the Orange Institution. I am very grateful for the opportunity to again address the House on this question; but in view of indications that honorable members are anxious to proceed to a vote, I shall curtail my remarks as far as possible. On a former occasion, I endeavoured to show that we had no mandate from the people of Australia to interfere in a question concerning another self-governing section of our Empire, and further, that we had no right to interfere. I shall now seek to demon-

strate that it is not expedient for the Commonwealth to obtrude itself into the matter. The question of Australian expediency must necessarily include the wider question of Imperial expediency. It is a truism with which honorable members are well acquainted, that the Empire depends for its integrity upon the good-will and mutual esteem existent between its component parts, and the liberty which has been always hitherto conceded by each to each to manage its own affairs. I have already shown that Ireland is a natural component part of the United Kingdom, being in juxtaposition to, and within easy range of, the Imperial Parliament: that at the present time she possesses from 40 per cent. to 50 per cent. more representation in that Parliament than she is entitled to from the stand-point of her population; and consequently that we must consider her as an integral part of one of the great self-governing parts of the Empire. It behoves us to be very careful before we consent to intrude on the management of any such part of it. That the United Kingdom does not ask for our interference is clear. Up to the present time the Imperial Parliament, which constantly hears the Home Rule arguments of the nationalist members of Ireland, has not shown any disposition to grant Home Rule to that country. As a matter of fact, we know that in late years there has been a revulsion of feeling, even in England itself, upon this question. At the present moment the prevailing sentiment throughout England, Scotland, and the North of Ireland, is absolutely in opposition to the proposal to grant a separate Parliament to the Irish people. How should we in Australia brook Imperial interference with our own laws? The honorable and learned member who has submitted this motion would be the first to resent any such interference. If, for instance, one State wished to secede from the Commonwealth, what would the people of the other States say if the Imperial Parliament attempted to exert an influence which was detrimental to the integrity of the Union? So far as we are concerned, there are other causes of possible friction between the mother country and ourselves if we start this ball of mutual interference a-rolling. For example, there is our Immigration Restriction Act.

Mr. WATSON.—That measure affords an instance in which the Home Government did effectively interfere in our affairs.

Mr. KELLY.—Was the honorable member satisfied with that interference?

Mr. WATSON.—No.

Mr. KELLY.—Yet the honorable member is now proposing that we should follow the very course which he himself resented.

Mr. WATSON.—I said that I did not think the course adopted was justified. There is a wide distinction between following the course which was suggested and objecting intrinsically to the suggestion.

Mr. KELLY.—In that case, Australia, as a section of the Empire, was interfering with the right of British subjects to enter British Dominions. The Imperial Parliament had every right to represent the case of other subjects of the King in that connexion. But is any Australian debarred from landing in Ireland? What right, then, have we to interfere in the Constitution and government of Ireland? The leader of the Labour Party himself admits that he keenly resented the Imperial representations—

Mr. WATSON.—I did not say anything of the sort. Apparently, the honorable member is a champion of misrepresentation.

Mr. KELLY.—I do not wish to do the honorable member any injustice, but a few minutes ago he told us—

Mr. WATSON.—That I disagreed with the course suggested, not that I disagreed with the suggestion.

Mr. KELLY.—I misunderstood the honorable member. He does not resent any representations being made to the people of Australia by the Imperial Government in regard to Commonwealth legislation, even if those representations concern ourselves only, and do not affect other subjects of the King.

Mr. JOSEPH COOK.—Is that what he says?

Mr. KELLY.—That is what he has given us to understand.

Mr. JOSEPH COOK.—It is rather a strange doctrine to lay down.

Mr. KELLY.—We have already been told during this debate that the people of Canada have made similar representations to the Imperial authorities.

Mr. MAHON.—Upon several occasions.

Mr. KELLY.—I intend to quote the reply to the representations which were made in 1882. I do not know whether it is necessary for me to read the motion which was carried upon the occasion to which I refer—

Mr. RONALD.—No, it is ancient history.

Mr. KELLY.—If it be ancient history to the honorable member, who has so intimate a knowledge of Orange lodges, I will not trespass upon the time of the House by reading it; but will content myself with saying that it was similar in spirit to that which is now under consideration. In reply to those representations the following communication was received by the Canadian Government—

Mr. CARPENTER.—What is the date of the reply?

Mr. KELLY.—It is dated 12th June, 1882.

Mr. CARPENTER.—There has been a very different reply since then.

Mr. KELLY.—If so, I have not had the privilege of seeing it. Upon the 12th June, 1882, the following reply was addressed by the right honorable the Earl of Kimberley to the Marquis of Lorne, who was then Governor-General of Canada:—

My Lord—

I have received and laid before the Queen the Address to Her Majesty from the Senate and House of Commons of Canada in Parliament assembled, which was transmitted in your Lordship's despatch of the 16th of May. I am commanded by Her Majesty to request that you will convey to the Senate and House of Commons her appreciation of the renewed expression of their unswerving loyalty and devotion to Her Majesty's person and Government. Her Majesty will always gladly receive the advice of the Parliament of Canada on all matters relating to the Dominion, and the administration of its affairs; but, with respect to the questions referred to in the Address, Her Majesty will, in accordance with the Constitution of this country, have regard to the advice of the Imperial Parliament and Ministers, to whom all matters relating to the affairs of the United Kingdom exclusively appertain.

Mr. MAHON.—The Imperial authorities did not say that upon the second occasion.

Mr. KELLY.—What did they say?

Mr. MAHON.—They did not administer a snub.

Mr. KELLY.—Will the honorable member tell us what the Imperial authorities did say upon the occasion to which he refers?

Mr. MAHON.—I have not got a copy of the communication here.

Mr. KELLY.—The honorable member is very anxious to make it appear that another message was subsequently despatched, which put the matter in quite a different light; but if he has a copy of it, I challenge him to produce it and I shall now read it. In view of the snub which was administered to Canada, is it expedient for

the Commonwealth to court a similar catastrophe?

Mr. RONALD.—A snub is not a catastrophe.

Mr. KELLY.—It is not to the honorable member! Even if by our interference we did not invite similar interference in our own affairs by other sections of the Empire, we should be laying ourselves open to a snub, which, in my opinion, would be most richly deserved. Under these circumstances it is most inexpedient that we should pass this motion. During the course of this debate we have been assured that all that is sought is "a just measure" of Home Rule for Ireland. We have also been told by the terms of the motion that that "just measure" of Home Rule is required to pacify the people of that country. Obviously, then, a "just" measure of Home Rule means a measure which will be satisfactory to the Irish people. Consequently it is to the nationalist opinion in Ireland that we must go to ascertain what is really meant by "Home Rule" for that country. In the first place, I desire to point out that Ireland is divided against itself upon this question. A very considerable section of its people are bitterly opposed to the establishment of a separate Parliament for that country. It is true that a majority desire Home Rule, but there is a very large minority who seem to fear that the granting of autonomy to Ireland may eventually affect its own very right to live. As a proof that this feeling is not entirely without justification, I wish to refer honorable members to a policy which is now regarded with universal favour by Irish Nationalists—the Sinn Féin policy, which aims a good deal in the direction indicated. In this connexion I wish to quote a few extracts from other papers reprinted in the *United Irishman* of 15th July of the present year, and apparently indorsed by that paper. The first reads as follows:—

Briefly, the Hungarian policy as applied to Ireland, or the Sinn Féin policy, as it is familiarly called, means for a beginning that all Irish elective bodies, county councils, &c., should be exclusively manned by earnest Nationalists. No position in the public service at all controlled by the local elective bodies will be given to pensioners or servants of the British Government.

According, then, to this authority, if Home Rule were granted to Ireland, nobody who is not a Nationalist would secure any office of trust in that country.

The Sinn Féin policy involves no oath of allegiance to England, no compromise of principle. It practically means resistance to English law.

where the parliamentary policy meant compliance. It involves no acknowledgement of England's claim to govern the country. It leaves England exposed to foreign nations. It does away with our real and most injurious connexion with England, which is through the English Parliament.

That, I think, advocates the establishment of a Parliament possessed of at least co-ordinate powers with that of the United Kingdom, although it has been constantly denied in this debate that such powers are sought. The next extract reads—

Priests and people will be united in this policy of constitutional resistance, for at a recent session of the Columbian Society, formed by the students of Maynooth, it was decided that the Sinn Féin policy is the policy for Ireland.

These are all extracts showing what action should be taken, in the opinion of the Nationalists, to bring about Home Rule for Ireland. It can hardly be said that opinions indorsed by a Nationalist newspaper are not fairly conclusive evidence of the state of national feeling in Ireland to-day. I shall now refer very briefly to observations with reference to boycotting, which were made by learned occupants of the Irish Bench. Lord Chief Justice O'Brien, when addressing the Grand Jury at the North Tipperary assizes on 3rd July last, complained that boycotting existed in certain districts, and that some few persons were actually refused the necessities of life. Mr. Justice Kenny, addressing the Grand Jury at the Limerick assizes in July last, said that agrarian troubles in certain districts were on the increase, and that this "cast a dark blot on the good name of the county." Then, again, Mr. Justice Wright at the King's County assizes, in the same month, said that "it appeared as if there was a reign of terror over the district." Lord Chief Justice O'Brien at the Clonmel assizes on 10th July last, in passing judgment on an arson charge—the plaintiff being what is locally known as "a grabber"—referred to a speech bearing on the case delivered just previously by a member of the Imperial Parliament, Mr. K. E. O'Brien, and said—

He did not think Mr. O'Brien contemplated outrage. He acquitted him of any such idea, but they had to consider the stimulating effect of such language on an excitable people.

Apparently, then, boycott and terrorization are now rife in Ireland. If the fact that a very large minority of the people of Ireland are directly opposed to Home Rule—fearing that it may legalize

this sort of thing—is not in itself sufficient to make us hesitate to obtrude our interference, surely the demands of the leaders of the Irish Home Rule movement are couched in such terms that no loyal Colony—and Australia is certainly loyal—should support that which we are to-day asked to do. The honorable member for Dalley has already quoted extracts from speeches by Mr. Redmond, M.P., and Mr. Devlin, M.P., as well as from a celebrated speech delivered many years ago by the late Mr. Parnell. I propose to add to those quotations some others culled from recent speeches of other Nationalist leaders in Ireland at the present time. The first of these is a quotation from a letter written by Mr. T. O'Donnell, M.P., and published in the *Freeman's Journal*, of 9th June last. The letter referred to a distinctly disloyal incident that had occurred at a conference of teachers held at Sligo. At this conference the chairman proposed to toast the King, but the teachers assembled trooped out of the room rather than give that toast which we, in Australia, at all events, are always glad to honor. Mr. O'Donnell's letter is as follows:—

Loyalty to such a toast would mean loyalty to the slavery or banishment of our sons, to the impoverishment of our country, to the annihilation of our race, and such hypocrisy and meanness—

"Hypocrisy and meanness," in toasting the King! And yet Irishmen in this House are asseverating by this motion their loyalty to the same great Sovereign—no true Irishman could be guilty of.

Notwithstanding this we find the honorable and learned member for Northern Melbourne, the honorable member for Coolgardie, and also the honorable member for Southern Melbourne—if he is really an Irishman—asseverating in the opening terms of this motion their loyalty to the King—

Loyalty to Ireland, as well as persistent and uncompromising opposition to the unconstitutional and ruinous rule of the foreigner, form the plain duty of Irishmen. We want those duties taught to our children. . . . It is time for the Irish party to take up, at home here in Ireland, the question of the education of our children. The boy of to-day will be the man of to-morrow. We must see that he is not being trained a slave or a shoneen, but that his national instincts are fostered and encouraged. Thus, and thus only, can future national organizations become strong, being made up of the masses whose patriotism is fanned by knowledge.

I am perfectly satisfied that the great majority of teachers are thorough Irishmen, and that they certainly will not subscribe to the doctrine that

the incident which occurred at Sligo is either "regrettable" or "unpardonable."

This was an open declaration by a Nationalist member that the paid servants of the State should misuse their trust to foster disloyalty in the growing generation. And yet we are told that these Nationalist members ask, not for separation, but only for some sort of subservient Parliament, to assure the peace and goodwill of the people of Ireland. Lord Oranmore and Browne referred to this Sligo incident in the House of Lords, and the Marquis of Londonderry, in reply, said—

The Commissioners of National Education in Ireland were considering the advisability of issuing a further circular to the teachers, reminding them of the terms of Rule 89 of their code of 1905, and of Rule 94 (3), which provided that the children were to be taught a spirit of obedience to the law and loyalty to the Sovereign, and to do nothing in or out of the school which might have the tendency to confine it to any denomination of children. He would impress it upon the Commissioners of National Education in Ireland to insist upon that paragraph being carried out.

It will thus be seen that this incident created considerable stir at the time, not only in Ireland, but in the Imperial Parliament. Mr. Patrick O'Daly, the general secretary of the Gaelic League, at a meeting of the Dublin Central Teachers' Association, referred to the matter, and said—

We know the great power the teachers have in their hands. We know that they have the moulding of the minds of the young people in the country, and we know it is the business of the national teacher and his duty to the country to saturate the minds of the young people with true ideas of Irish nationality. That is his business as much as it is to teach them that two and two make four. The most important side of education was the National side.

Despite such statements as these, we are told by the supporters of the motion that such a thing as Irish nationhood is not demanded. We should hesitate before we hand over the government of Ireland to people who hold these opinions—to persons who think that it is hypocritical and mean to show respect to the Sovereign of an Empire to whom we are proud to own allegiance—to the embodiment, if I may so put it, of the Anglo-Celtic nationhood. I wish now to refer to an action recently taken by Mr. John Dillon, M.P., who, most people will admit, is a fairly prominent Nationalist. According to the *Freeman's Journal*, he travelled specially from London in order to preside at a meeting in Dublin, on 3rd June of this year, at which a presentation was to be made to Mr. Michael Lambert. The *Freeman's Journal*,

Mr. Kelly.

which is certainly a Nationalist organ, reports the proceedings at this meeting as follows:—

On Saturday night last a number of friends and admirers of Michael Lambert, the man who made the key that opened the door of James Stephen's cell in Richmond Prison, and restored him to freedom, presented him with a handsome testimonial in memory of that great deed. Forty years have rolled by since the day on which the world was startled by the escape of the Fenian leader.

We learn from this that a prominent member of the House of Commons—a nationalist representative of Ireland—hastened to Dublin to render homage to a Fenian. This gentleman has taken the oath of allegiance just as have the framers of this motion, who are at the present time seeking to again asseverate their undying loyalty to the Empire, for whose good only, they tell us, they are urging that Home Rule should be granted to Ireland. Sir Thomas Esmonde, another Nationalist M.P., attended a mass meeting of nearly 20,000 people, at Enniscorthy, county Wexford, and, according to the *Freeman's Journal* of 29th May, spoke as follows:—

We are the descendants of the rebels of '98. Their principles are our principles; their beliefs are our beliefs; their ideals are our ideals; and led by the inspiration which animated them, we declare that we will never submit to foreign rule in Ireland, and that we will never cease from struggling, by whatever means seems best to us—

Whether it be by sugar-coated motions in loyal Australia, or agrarian outrages in Ireland—

until Ireland is free from the centre to the sea. This solemn pledge we renew to-day, and we pledge our faith once more by the memory of '98.

Mr. Michael Davitt, another prominent member of the party, also spoke on that occasion, as follows:—

It was just 107 years ago to-day that the rebel peasants, pike in hand, stormed the enemy's position in Enniscorthy.

It is always "the enemy's" position—

We are proud of the valour they displayed; we reverence them for the lives they freely gave for Ireland; we bless their names and memories, and we proclaim here to-day, on soil made holy by the sacrifices so nobly offered up for Irish freedom, our loyalty to the principles for which they battled, and to the cause in which they fell. The cause of rebellion! The Lord Mayor of Dublin also spoke on that occasion—and may I again remind honorable members that these quotations are all taken from the *Freeman's Journal*, a Nationalist

paper, and consequently cannot be said to be distorted. The Lord Mayor said—

It was a grand thing that such an immense crowd of people could come there from all counties in Leinster, and many other counties, to celebrate the memory of '98, and he would be safe in saying that there was not a man there but would risk all that the men of '98 risked if the occasion required it.

This is the view of another fairly prominent Irishman, who, under Home Rule, would no doubt take a leading part in the government of Ireland. Mr. P. Byrne, chairman of the meeting, spoke as follows:—

All Ireland was proud of the heroic stand made for Ireland in that memorable year, and one of the objects of to-day's meeting was to show that, although they rejoiced in reverencing the memory of the mighty dead, they never forgot the cause for which they died, and in which they to-day renewed their fealty. That cause was as much alive to-day as it was—

and here we get the comic element—

when Father Murphy raised the flag at Boolavogue.

I say "comic element," because those words have a swing about them which reminds one of the refrain of a comic song. Mr. T. J. Condon, M.P., speaking at a meeting of the United Irish League at Dualla, County Tipperary, is reported in a Nationalist newspaper—the *Cork Examiner*—of the 14th June last, to have said—

But so long as the British flag floated over Dublin Castle, they would never rest satisfied until they pulled it down, and in its place raised aloft the flag of Ireland.

He is another loyal supporter of the Imperial connexion who will help to govern Ireland, if the Imperial Parliament, yielding to the representations of this and other Parliaments of the Empire, grants to that country what the honorable and learned member for Northern Melbourne is pleased to call "a just measure of Home Rule." Mr. Thomas O'Connor, in moving a vote of sympathy on the death of Mr. J. F. X. O'Brien, M.P., is reported to have spoken as follows:—

It was not necessary for him to tell what part James F. X. O'Brien took in the '67 movement. He, as they knew, stood in the dock for one of the noblest acts that an Irishman could be guilty of—he appeared in open arms against Her Majesty the Queen.

That is another sample of the loyalty of the friends of the honorable and learned member for Northern Melbourne and the honorable member for Coolgardie. Major MacBride, another of these loyalists, to whom so many generous references have been

made, speaking at the graveside of Wolfe Tone, is reported in the *Freeman's Journal* of the 10th July last to have said—

Here by the grave of Tone he asked them to solemnly renew their vow of allegiance, and to promise that as long as God gave them health and strength they would never cease working until they had ousted foreign rule from Ireland. They had often been accused of foolishly urging on the country the necessity of appeals to arms. That was not true. They had lamented, and still lamented, the waste of Irish money upon the parliamentary movement, the cost of elections, useless law expenses, and so on. Their contention was this, that if this countless wealth, which was thrown away from O'Connor's time to our own time, were employed in maintaining what was left of our industries, and placing arms in the hands of the young Irishmen when an occasion like the Boer war arose, they in Ireland would be in a position to add a new Republic to the Republics of the West.

Yet, we are told that these gentlemen are anxious to honour and maintain the Imperial connexion! Mr. William O'Brien, M.P., writing to a Manchester correspondent on his policy of conciliation, said:—

It is really too absurd to reply seriously to the grotesque accusation that my policy is to hand over the government of Ireland to the landlords. It only shows to what silly lengths my calumniators go. Of course, what my policy really means is to abolish the landlords as landlords altogether, and to welcome only those ex-landlords who are willing to join us in handing over the government of Ireland to an Irish Parliament. All this will be clear enough by-and-by.

They are going to have only such landlords as will do the will of the Nationalist Party in Ireland; and "all this," he tells us, "will be clear enough by-and-by." These statements only too strongly emphasize the need for the caution of the people of the northern part of Ireland which they evidence when they so strongly oppose the granting of that "just measure of Home Rule" which some honorable members are so desirous to see given. If the Imperial Parliament is foolish enough to grant Home Rule to Ireland before the leaders of nationalist opinion in that country have shown a different spirit in regard to the Imperial connexion, "all this will be clear enough by-and-by." I have put before the House the views of the Nationalist leaders of Ireland, and the quotations which I have read make it plain that the only measure of Home Rule which will satisfy them is complete separation from England—complete local autonomy in all regards, even to the extent of making Ireland a separate nation. By this motion the Parliament of the Commonwealth is being

asked to interfere in a matter which does not concern it. It is desired that we shall request the Imperial Parliament to hand over the Government of Ireland to persons who are obviously disloyalists and separationists, who, at the present time, illegally maltreat to their hearts' content the large loyalist minority, and will legalize this boycotting and terrorization if they are given this "just measure" of Home Rule" which is asked for. If Ireland is handed over to these gentry, we cannot be sure, in view of their statements, that if England ever has to fight for her existence against the armed might of Europe, she may not receive from them a stab in the back.

Mr. KING O'MALLEY.—England is more likely to receive injuries from Ireland as things are at present. Bismarck said that the state of Ireland was England's weakness.

Mr. KELLY.—Why put Ireland under the rule of those who have expressed nothing but loathing and hatred for England, the Empire, and all connected with it, and who speak of the people of England as foreigners? To do so, since it means placing arms in their hands, would be madness. I have already stated my belief in the innate loyalty of the Irish character. I do not accuse all who support the Nationalist Party of the disloyalty which attaches to their leaders. I hope I know more of the race from which I am proud to have sprung, than not to be aware that it is characterized by a loyal temperament, and a generosity of heart which only its excitability may cause to go to ungenerous lengths. But agitators—the nationalist leaders—have for generations past been painting most gloomy pictures of Ireland's sad history. The maltreatment of the people of that country in bygone centuries is enough to make one's blood boil, and these pictures have so worked on the generous imagination of the Irish people that their judgment has at last become impaired, so that they fail to recognise that the English Governments of the present day are not responsible for the state of affairs which prevailed in the past, and that Ireland's true interests are now indissolubly bound up with those of the Empire. We know that the Irish people are faithful to the ideals and aspirations of the Empire, and that some of our most gifted Empire builders have come from Ireland. Some of the greatest minds at the service of the Empire to-day have sprung from the Irish

race. But they have had the common sense to recognise that the "dead past must bury its dead," and that in the present times all should work together for the common weal. This House should do nothing to hand over Ireland to the government, not of the Irish people, but of a few agitators who, by their glibness of speech, and oratorical gifts, have led away a great part of the Irish public from a true conception of their interests. I am desirous that honorable members shall range themselves on one side or the other in regard to this question, and I hope that every honorable member will vote upon the motion. Any honorable member who dare not do so will prove himself to be even meaner than he who for political purposes votes in opposition to his private belief. That, I believe, is the course which will be taken by the Labour Party, whose members, I understand, will vote solidly for the granting of Home Rule to Ireland. But I warn all who may be ready to take advantage of the facilities offered by our ill-used bathrooms to hide themselves when the division bells begin to ring, because they have not the courage to record their votes on this question, that, by so doing, they will not give satisfaction to either party in this country to whom this motion is of peculiar interest. I regret that the motion was ever brought forward, but now that it has been discussed, it is the duty of every honorable member to vote upon it. Even if it be agreed to, as I believe it may be, unless we have a full House, the vote will be no true indication of the feelings and opinion of the people of the Commonwealth upon this subject. They, if they had the chance, would refuse to give us a mandate to interfere with the Imperial Parliament in the exercise of its self-governing powers. If the Prime Minister sees fit, because of political considerations, to throw in his lot with the Labour Party and the Home Rulers—

Mr. HIGGINS.—It is very unworthy for any one to say that the Prime Minister is, for political purposes, going to vote for the motion.

Mr. DEAKIN.—I do not think that the honorable member knows how I am going to vote.

Mr. KELLY.—The honorable and learned member must be singularly ignorant of what is going to happen to his motion, for I and many others know how the Prime Minister is going to vote, and I have a

right to place my own interpretation upon his conduct. I know that the country will not fail to do so.

Mr. HIGGINS.—The honorable member is attributing an unworthy motive to the Prime Minister.

Mr. KELLY.—If the Prime Minister throws in his lot with the Labour Party and the Home Rulers; his constituents and the people of the Commonwealth will know what to think of him, and of those with whom he is associated.

Mr. BROWN (Canobolas).—Unfortunately a great deal of religious and racial feeling has in times past been imported into the discussion of the question of Home Rule for Ireland, which has not received that fair consideration to which it is entitled at the hands of thoughtful men. In this respect, however, a marked improvement has taken place within recent years, and, although some traces of the old bitterness remain, there has been a gradual evolution in the direction of according fairer treatment to the people of Ireland. As honorable members know, some years ago the mere fact that a person belonged to the Roman Catholic Church constituted a bar to the exercise of civil rights. This unjust provision gave rise to a great deal of bitterness on the part of those who were the subjects of the embargo. After considerable agitation, the full rights of citizenship were conceded to Roman Catholics, and, although the opponents of the reform predicted that its achievement would be followed by most disastrous results, its main effect has been to cement the union of the English and Irish races, and to make it stronger than before. A similar result has ensued from the disestablishment of the Irish Church. The Irish people were called upon to contribute to the support of a Church to which they were antagonistic, but after they had endured this injustice for a considerable time, the good sense of the British Parliament prevailed, and, despite all the evil predictions by extreme opponents of the movement, the relief afforded to the people of Ireland had the effect of strengthening the bonds of Empire. With regard to the question whether the people of Ireland should have a more direct voice in the legislation specially relating to that country, I wish to clearly indicate my position. I have been a student of British politics for about thirty years, during which time I have watched closely the trend of events. I have for some time held the view that the

great Imperial Parliament, which we all admire, and which contains some of the best and most capable men of our race, has to devote so much of its time to matters affecting the relations of Great Britain to other nations, and to other Imperial subjects, that purely domestic legislation has not received the attention to which it has been entitled. It has been impressed very strongly upon me that the difficulty which is now pressing on the people of Scotland and Ireland, and even of England and Wales, owing to the backwardness of domestic legislation, might be overcome by establishing in each of those countries Parliaments charged with the duty of looking after domestic matters, and by leaving the Imperial Parliament to deal with purely Imperial questions, which, in themselves, would be sufficient to occupy its attention. I do not, in this connexion consider only the needs of Ireland. I have in view the necessities of other parts of the United Kingdom. I believe that by creating legislative machinery for the purpose of dealing with purely domestic matters a great improvement might be effected, and that what would be good for Ireland would also confer benefit upon Scotland.

Mr. DUGALD THOMSON.—Scotland does not want Home Rule.

Mr. BROWN.—If the honorable member were to investigate the matter, he would find that a large number of people in Scotland desire that the principle of Home Rule should be extended to that country. The British Parliament has so far recognised its inability to effectively meet the pressing demands of the people in regard to domestic legislation that it has conferred upon County Councils and other municipal bodies much greater powers than we in this democratic land would dream of intrusting to such institutions. This reform has, to a large extent, met the needs of Scotland and Ireland, as well as of England. In the large centres of population in the three countries the municipal bodies have been exercising functions such as are intrusted by us to our States Parliaments. This is particularly so in the case of London and Glasgow. In fact, if our States Governments attempted to proceed to the lengths to which some of the municipal bodies have gone the anti-Socialists amongst us would receive a shock from which they would not speedily recover. The experience gained in connexion with these municipal bodies has led, not to the restriction, but rather to the enlargement

of their powers, because their intervention has been of a purely benevolent character. It has not been in the direction of protecting the interests of the few to the detriment of the masses, but the aim has been to improve the condition of the people, who have been unable to help themselves owing to the adverse influences exerted by their environment. The work of the local governing bodies has, in fact, been of a most beneficent character. The Imperial Parliament has, in the manner indicated, been relieved of a considerable amount of the work which it would otherwise have been called upon to discharge, but with which it would have found it difficult to deal owing to the extent to which matters of Imperial importance monopolize attention. The question we now have to consider is the extent to which this wonderful development of local government will prove adequate to meet the necessities of the case. Whilst the local governing bodies are able to exercise a great influence within their own immediate spheres of operation, many questions relating to the interests of the people as a whole, and quite beyond the scope of any local organization, demand attention from time to time. In such matters it is necessary at present to appeal to the Imperial Parliament, which, as I have said, finds it difficult to devote sufficient time to the discussion of domestic legislation. The principle of local government has been extended to Ireland with marked benefit, and the experience gained there has furnished a satisfactory reply to the objections that have from time to time been raised that the people of Ireland are not to be trusted with self-governing powers. So far, the people of Ireland have shown not only that they possess the ability to govern themselves, but that they can be relied upon to wisely exercise any such powers which may be conferred upon them. That is a fair indication that wider powers would be handled in the same way by the Irish people. I have no sympathy with the suggestion that Irishmen are not to be trusted to do justice to themselves, and that therefore it would be unwise to arm them with large self-governing powers. The Empire itself owes a deep debt of gratitude to the Irish people for the administrative ability which has been drawn from their ranks. Amongst those who have contributed to Britain's greatness must be numbered many leading Irishmen who have rendered yeoman service in various parts

Mr. Brown.

of the Empire, and at the principal centre of government itself. In view of that fact it is unreasonable to urge that Irishmen are not to be trusted with powers of self-government, and that their loyalty cannot be relied upon. The honorable member for Wentworth laid considerable stress upon that aspect of the case. He quoted a number of extracts from newspapers in support of his contention that the professions of loyalty on the part of leading Irish representative men concealed a deep-seated disloyalty, that would find expression upon the first convenient opportunity. I claim that, whilst upon either side a few individuals may go to extremes, the true position is not to be judged by the views which they enunciate. Ireland has given undoubted evidence of her loyalty to the British Empire through her politicians, who have taken a leading part in the administration of the various self-governing colonies, and in that of the centre of the Empire itself, and also through many men who have distinguished themselves in the British army and navy. Irishmen have ever responded to the call of the Empire, and have manfully borne their share of defending and extending its bounds. Because a few individuals—probably labouring under a deep sense of injustice—have chosen to adopt an extreme attitude, is the whole nation to be judged by their utterances? I will not allow my opinions to be warped by the extreme statements, either of those who are super-loyal, or of those who are disloyal. I am content to judge by results, and those results compel me to the belief that the Irish people, as a whole, are prepared to loyally work for the upbuilding of the Empire. What they ask for, in respect of larger powers of self-government, is a bare act of justice. It is because I recognise the advantage of giving them those powers that I favour this proposition. I support it, not merely because I desire to see a complete measure of autonomy granted to Ireland, but because I wish to confer upon other parts of the United Kingdom, whose needs are quite as imperative as are those of Ireland itself, a similar boon. If we were asked to grant a separate Parliament to Ireland for the purpose of completely separating that country from the Empire, I should say distinctly that I did not favour such a proposal. I believe that the best interests of Ireland, Scotland, Wales, and those of England itself, find expression in the union

which has been effected. That union should be maintained for the general advantage of their people. Whilst it is true that it has not been without blemish, I claim that the advantages conferred by it more than counterbalance any injustices which may have been perpetrated under it. I repeat that no movement on the part of Ireland or Scotland, in the direction of separation from the mother country, would receive any support from me. But the motion which is under consideration does not aim at that result. It simply requests that a greater measure of self-government should be extended to Ireland.

MR. JOHNSON.—Some of the speeches which have been made in support of it go much further.

MR. BROWN.—I have not heard those speeches, although I have been present during nearly the whole of the debate. I am not prepared to do an injustice because some individuals who, upon this question, entertain views similar to my own adopt an extreme course. If they push their extreme views to an issue they will find that I am in opposition to them. There was one point in the address of the leader of the Opposition which appealed very strongly to me. I do not share the view that we are not even remotely interested in the affairs of the Empire, and that we should leave all matters which immediately relate to the Home Government severely alone. I say that we have a right to express our opinions in a respectful way. At the same time, I think we ought to be careful how we exercise that right. We ought not to exercise it needlessly, but only upon occasions when there is some justification for so doing. I claim that we had a right to approach the Home Government in regard to the introduction of Chinese labour into South Africa. Indeed, in my opinion, it was our duty to act as we did, because, by sending troops to assist the Imperial authorities during the Boer war, the condition of affairs which had previously obtained in South Africa under the rule of Mr. Kruger and the President of the Orange River Free State had been completely altered. Thus, whilst I agree with the leader of the Opposition that we should not unduly interfere in British politics—especially at a time when they are likely to assume an acute form—I say that upon the question of Home Rule for Ireland we do not intervene on those lines. By the terms of the motion under discussion we are merely

invited to express our appreciation of the benefits that would attend an extension of the powers of local government, with which the British Parliament has seen fit to endow a number of its possessions. We are simply asked to affirm, as the result of our own experience, that if a wider measure of local government were extended to Ireland the British people would benefit thereby, and the stability of the Empire would be strengthened. In making that affirmation we should not be exceeding our legitimate functions. If we were invited to take an active part in influencing opinions in the old country—which is primarily concerned in this matter—I should not be prepared to support the proposal, and I should be at one with the leader of the Opposition in deprecating any such interference. In the course of his remarks the honorable member for Wentworth declared that the Labour Party would vote solidly upon this question. I am a member of that party, and if it is going to record a solid vote upon this motion the honorable member knows more than I do. As a matter of fact, the question has never been discussed by members of the Labour Party. I have not been approached by a single individual as to the attitude which I would adopt towards this motion. It cannot be said that Home Rule for Ireland is part and parcel of the politics of the Labour Party, for the party, as such, has no more considered the question than has any other section of the House. There is one sentence of the motion which ought certainly to be deleted. I refer to the words—

But the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland.

I admit that since the Act of Union Ireland has, perhaps, suffered greater injustice than has any other part of the British Empire. The desires and aspirations of its people have undoubtedly been misunderstood, and religious bias and racial feeling have certainly led to the perpetration of injustice. But, whilst this is so, I realize that the great body of British electors outside Ireland—and even many British politicians, in whose hands the destinies of the Empire largely rest to-day—recognise the grievances of the Irish people, and are prepared to attempt to redress them. I do not admit that future British Parliaments are likely to be less ready to do

justice to the Irish people than is the Parliament of to-day. Unfortunately, it has not been, and is not now, a thoroughly democratic Parliament in the sense that we understand the term. The English Constitution provides for a Parliament one of the Houses of which consists of men who, by reason only of their birth, are called upon to legislate. These men belong to the great landed classes, and, naturally, their numbers are being augmented from time to time by the wealthy sections of the community. They are class representatives pure and simple, and voice the opinions of only a very small section of the people. Notwithstanding this fact, their right of veto is such that they can practically block all legislation, and it is only when the breaking-point is reached that they recognise that discretion is the better part of valour, and give way to the House of Commons. The House of Commons is not nearly so democratic as are a number of the Legislatures of Australia. In the first place, there is an inequality of electorates. Some of the electorates comprise very large populations, while others embrace but a small number of electors. In these circumstances, there can be no equality of voting power. Another point is that a large section of the British people are not qualified under the electoral law to exercise the franchise. The whole of the female portion of the community is excluded from that privilege. Nevertheless the House of Commons is becoming more and more democratic. Fuller expression is being given to the opinions of the people, and as the evolutionary tendencies of democracy extend the British Parliament must become more and more a reflex of the views of the whole people. Having regard to all these facts, it seems to me to be probable that before very long the Parliament will more truly represent the desires of the people of the United Kingdom than it does at the present time. I trust that the mover of the motion will agree to the deletion of the words I have mentioned, and, in order to test the matter, I leg to move —

That the words "But the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland," be left out.

Mr. SPEAKER.—I would remind the honorable member that there is already an amendment before the Chair to omit all the words after the word "That," line 1.

Until that amendment has been dealt with I cannot receive that which the honorable member has just submitted.

Mr. BROWN.—I desire, sir, to intimate that at the proper time I shall move that the words I have read be left out.

Mr. SPEAKER.—I shall take care, when putting the motion, that the honorable member for Canobolas is not prevented from moving his amendment.

Mr. LEE (Cowper).—In the course of his speech, the honorable member for Canobolas said that the subject of the motion was one that could not well be dissociated from religious considerations. Every British subject is entitled to hold whatever religious views he pleases, and in my opinion every man should have the right to give free expression to his religious beliefs. A man's religion should be sacred to him. It cannot be said that the views expressed in the motion are those held by the people of the Commonwealth. They may represent the opinion of some honorable members, but it cannot be denied that the question of Home Rule has never been submitted to the people. The subject is one that has been discussed again and again in the British Parliament, and has led to the defeat of more than one Ministry. It is likely to come prominently before the people at the approaching general elections in Great Britain, for we may be sure that the Nationalist Party will take care that it is not allowed to remain in the background. It would be just as reasonable for the British Parliament, at a time when the Tariff Commission is taking evidence with regard to the fiscal issue, to send a message to this Legislature requesting us to give a greater measure of free-trade to the people, as it would be for us to request the British Parliament to grant a measure of Home Rule to Ireland. We know that there is much dissatisfaction in New South Wales with reference to the delay in determining the site of the Federal Capital, and I should like to know what honorable members would say if the British Parliament sent a message requesting us to establish the Federal Capital where the people of that State desire it. If such a message were received, I am sure that the House would ignore it, just as the British Parliament has from time to time ignored messages sent to it by the Parliaments of the Commonwealth.

Mr. CROUCH.—They did not ignore the message sent intimating our willingness to despatch troops to South Africa.

Mr. LEE.—We took that action of our own free will. It is true that many people were opposed to it, and I should like to know whether the honorable and learned member was in favour of the sending of troops to South Africa. That is an awkward question for him to answer. It is a well-known fact that the difference of opinion with regard to the question of Home Rule has led to the disruption of the great liberal party in England. That party has never recovered from the blow dealt it by Mr. Gladstone's proposal to grant Home Rule to Ireland. Mr. Chamberlain regarded the proposal as one that was likely to lead to the destruction of the Empire, and rather than support it he severed his connexion with the liberal party. The late Lord Salisbury, in the course of a speech a few years ago, also said that 2,000,000 of Her Majesty's subjects in Ireland were opposed to Home Rule. Considering that these are the views of men who have guided the affairs of the nation, it would ill become us to transmit such a message as this to the British Parliament in the absence of any mandate from the people of Australia. The late Lord Randolph Churchill took a great interest in the question of Home Rule, and, as the result of a tour which he made through Ireland, declared that if it were conceded there would be bloodshed there. He found, in the course of his tour through the country, that the desire was not so much for local government as for an independent Parliament that would lead ultimately to separation. The honorable member for Canobolas referred to the position of Scotland, but no one can say that any demand has been made either by the people of Scotland or of Wales for Home Rule. If each were granted a measure of Home Rule, the United Kingdom would be disrupted, and would soon be a thing of the past. The honorable and learned member for Northern Melbourne, who, in submitting the motion, put his case very fairly, declared that "England does not understand Ireland." It seems to me, however, that Ireland does not understand England. She has never done so; she has never recognised that the whole history of England for the last 1,000 years is one long record of a sturdy fight for freedom. The English people fought for freedom

throughout the days of the Tudors and the Stuarts, and those tyrants were consumed in the flames of liberty. England has been the beacon light of freedom to other nations, and has always been in the van of liberty. Ireland will never truly understand her until she recognises that the people of that land sympathize with her, and are anxious to do all they can to make her a happy and prosperous community. The great cause of the Irish trouble is that Ireland was conquered and subdued by England, the Saxon placing his foot upon the neck of the Celt. Nothing will ever satisfy the Irish until they get separation. It is more than local self-government for which they ask; they wish to be separated from the Empire, and to become a distinct nation. But the Nationalist party in Ireland has lost one of its chief supporters. The *Methodist*, a great and influential organ of the Non-Conformist party in England, used to advocate the claims of Home Rule, and, when the education question was before the Imperial Parliament, asked the Nationalists to protect the Non-Conformists from being compelled to pay for the support of denominational schools, in which they did not believe. The Nationalists, however, refused their assistance, and therefore this great organ, and the section which it represents, wiped their hands of Home Rule, and would have nothing to do with people who were so selfish as to refuse to stand by their friends. Ireland does not understand England. For the last twenty or thirty years England has been trying in every way to pacify Ireland. To-day the Irish land laws are more liberal and more generous to the tenants than any others on the face of the earth. No landlord in Ireland can raise his rent of his own motion; he must have it appraised by arbitration. The Imperial Parliament has lately voted £112,000,000 to enable the Irish peasants to become their own landlords; but Mr. Redmond, when out here, while admitting that Ireland has the best land laws in the world, said that the people of Ireland would not be satisfied with what had been done for them, because they wish to govern themselves. I object to the slur that has been cast on the name of Irishmen by some who have spoken, and seem to think that Irishmen cannot be trusted. They have proved themselves worthy of trust, and I am proud to be the son of an Irishman. But Ireland's hatred and bitterness against England is

being fomented by agitators. The honorable member for Southern Melbourne sneered at a large section of the people of Ireland. He spoke about the Orangemen, and about a vile oath which he said they had to take. He can never have read the Orange oath. If he had he would not have spoken in that way. I am an Orangeman, and am not ashamed of the fact. My obligations as an Orangeman bind me to act as a loyal subject of the King for the preservation of the Protestant line on the English throne. It is an Orangeman's duty to see that the constitutional monarchy of England is supported as by law established. But an Orangeman should feel no bitterness towards his Roman Catholic brethren.

Sir WILLIAM LYNE.—They do.

Mr. LEE.—True Orangemen do not. They would see that Roman Catholics, as well as other people, had their rights. There may be unworthy Orangemen, as there are unworthy Presbyterians; but there should be no bitterness in the hearts of Orangemen against those who differ from them on questions of religion. One great reason why I am opposed to the granting of Home Rule to Ireland is that a great number of my co-religionists there are opposed to it. Why should I try to fasten on them a system of government of which they disapprove? I should be unworthy of the name of Protestant if I did so. The sooner we have a vote on this motion the better; but I shall find no fault with honorable members for speaking or voting in regard to it as they think fit.

Mr. KING O'MALLEY (Darwin).—I was in New York many years ago, when Mr. O'Brien and Mr. Dillon escaped from Kilmahinham Gaol, and I remember Governor Hill receiving them, and the terrible speeches which were made against England. The people of New York were worked up into a perfect flame of excitement over the matter, until, not only Irishmen, but Germans, Swedes, Danes, Norwegians, and even Englishmen felt bitterly towards that country.

Mr. WILKS.—That sort of excitement is worked up in America before every presidential election.

Mr. KING O'MALLEY.—Honorable members opposite are continually speaking of the desirability of an alliance with the United States, so that this country may have the assistance of the foremost civilized nation on God's green earth in the days of its troubles and misfortunes; but it would be

easier to gain the friendship of savages than to win that country over, so long as we refuse to do justice to the land which gave birth to about 20,000,000 of its foremost citizens. I am for Home Rule for Ireland, not because I have suffered injustice from England, but because I think there will never be any hope for Great Britain until every element within the Empire is satisfied. We can never be a firm nation until that happens. Many years ago, Bismarck, speaking to an American about the probability of England controlling the Continent, as she controlled it after the defeat of Napoleon, said, "England is a nation of the past. She never can again have a voice in the management of Continental Europe while she has a dissatisfied and rebellious Ireland at her door."

Mr. WILKS.—England has the biggest voice to-day in European affairs.

Mr. KING O'MALLEY.—There are only 4,000,000 people in Ireland, so that if they were given Home Rule, and proved unfit to govern themselves, rebelling against England, the 4,000,000 Scotch and the 40,000,000 Englishmen and Welshmen would be able to surround the country with their ships and blow it into the sea.

Mr. JOHNSON.—We do not wish to do that.

Mr. KING O'MALLEY.—If Ireland is not fit to govern herself, her people will start to fight until, like the Kilkenny cats, there is nothing left but their tails. Then we can repopulate the place.

Mr. JOHNSON.—Is that the object of the motion?

Mr. KING O'MALLEY.—Do honorable members mean to contend that although Irishmen are capable of governing England, Scotland, Wales, Australia, Canada, and the United States, they are not capable of governing Ireland? When the English soldiers were sent to South Africa they proved to be rank failures, until an Irishman was set at the head of them. The Empire exists for the sake of the Irish. God sent them into the world to rule it, and they are going to rule it. Ireland is poor and England is rich; Ireland has produce to sell, and England has money with which to buy it. England wants the produce and Ireland wants the money; Ireland is willing to supply England, and England is willing to take her supplies from Ireland. These things being so, it is preposterous, in this age of intelligence, to talk of Ireland wishing to separate from the British Empire.

She does not wish to do that. A few years ago, Canada rebelled against England. Why? Because England was not doing her justice. But since Canada has had the right of self-government, there has been no rebellion, and that country is to-day one of the happiest and most prosperous in the Empire. Canada would have seceded from the Empire, as the United States did, if she had been treated as some honorable members wish to treat the Irish people. I am for Home Rule because I wish to make the Empire strong. The representatives of New South Wales, who seem to be poisoned with parochialism, would rise up from the shades and shadows of the shark-ridden harbor of that country if Victoria attempted to govern it, and would come across the frontier with an army 20,000 strong. I wish to see an Empire created which will live for ever; but, to secure that, no portion of it must be allowed to remain dissatisfied. Make every part happy, and let each people rule themselves. We have heard a great deal to the effect that there is in Ireland a section who do not desire Home Rule. I honestly believe that, if Home Rule is granted, that section will govern Ireland. There has been only one Roman Catholic leader there — Daniel O'Connell. All the other great men of Ireland have been Protestants. I wish that a great meeting of Orangemen and Roman Catholics could be convened, because I believe that, if Protestants and Catholics could be brought together to talk matters over, they would in the end shake hands and have a good time, as the Russian and Japanese plenipotentiaries have had in America. When they were first introduced by President Roosevelt, at Oyster Bay, they would hardly speak; but, after the terms of peace had been agreed upon, they shook hands, and kissed each other, and had a grand time, each discovering that the other was not a bad fellow after all. I believe that if the Right Worshipful Grandmaster of the Loyal Orange Institution and Archbishop Carr and Cardinal Moran were brought together, they would have a good time. They would find that there was very little difference between them—a difference so slight that it could easily be ignored. I shall vote for the motion, because I believe that if Home Rule be granted to Ireland, it will tend to perpetuate the British Empire. We all know, from our reading of history, that

Rome rose to a glorious pre-eminence only to totter and fall into the ocean of oblivion. Her downfall was brought about by the same human frailty that is now threatening to wreck the British Empire—her failure to do justice to some of the people under her sway. When her subjects flocked to other nations, they husbanded their forces until they were able to turn and rend their former conquerors. When the American war was over Home Rule was refused to some of the southern States, which were governed from Washington, but the people organized their Kuklux clans, their Night-boys, their Moonshiners, their Seven-hill Butchers, their Kentucky Fliers, and their Vigilance Committees, and nearly every night some of the leading men from the north were shot in the south. When President Hayes was elected, in 1876, he gave Home Rule to the southern States, some of which are now the most loyal in the American Union. If you satisfy the people that you trust them, and have faith in them, they will respond, but if you always watch them, and charge them with disloyalty, you will arouse every sentiment of manhood in them, and as soon as they can they will turn and rend you. I shall vote for Home Rule.

Mr. JOHNSON (Lang).—I have no desire to speak at any length, nor would I have spoken at all but for some remarks which have fallen from other honorable members. I do not propose to deal with the merits of the question of Home Rule in the abstract. That is a large subject, and its discussion would occupy too much time. Moreover, it is not necessary to deal with it in order to discuss the motion from my point of view. It seems to me that the terms in which it is couched are objectionable. It must be remembered that it is proposed to send forth from this House an expression of opinion, not from a single individual, but from a deliberative and responsible assembly—the assembly which speaks with the authoritative voice of the Australian Commonwealth. Therefore, we should first pay regard to the question whether a motion of this kind can, with propriety, be tabled; and, secondly, the wording of the resolution should be very carefully considered. It will be found that the resolution contains a charge of injustice against the Imperial Legislature. That is a most serious matter, and, in itself, would afford sufficient reason to induce me to vote

against it. The second paragraph of the motion reads as follows:—

We have observed with feelings of profound satisfaction the evidence afforded by recent legislation and recent debates in the Houses of Parliament of the United Kingdom of a sincere desire now to deal justly with Ireland.

An ordinary reader would at once interpret those words as meaning that only recent legislation and recent debates had evidenced any desire on the part of the British Parliament to deal justly with Ireland. That interpretation is emphasized by the inclusion of the word "now" in the phrase, "a sincere desire now to deal justly with Ireland." That implies that hitherto there has been no such desire. It appears to me that the statement conveys a deliberate and direct insult to the British Parliament, and I am surprised that any honorable member should have had the audacity to submit a motion couched in such objectionable terms, and implying such charges. If the British Parliament passed a resolution of this character, dealing with some legislation within the special domain of the Commonwealth, and such a resolution were officially conveyed to us, we should not only resent it, but we should be fully justified in doing so.

Mr. THOMAS.—Should we not deal courteously with any message we might receive from the British Parliament?

Mr. JOHNSON.—Yes; if it dealt legitimately with a matter within the purview of the Imperial Parliament. Such a message as that embodied in the resolution now before us would not, however, deserve a courteous reception, because it conveys an insult. It states, by inference, that the Imperial Parliament has dealt unjustly, and has always desired to deal unjustly, with Ireland. I submit that there is no justification for any such statement. Although many regrettable mistakes have been made in the past in connexion with legislation dealing with Irish affairs, they have not been due to deliberate attempts on the part of the British Parliament to deal unjustly with Ireland, but have arisen from misconception, or from misunderstandings of one kind or another. I think it would be unwise, as well as discourteous, to pass such a resolution as that before us. The motion proceeds—

and in particular we congratulate the people of the United Kingdom on the remarkable Act directed towards the settlement of the land question—

I do not see any cause for congratulation, so far as the people of the United Kingdom are concerned. That measure may have been designed with the very best intentions, but I feel sure that it will not bring about the desired results. We might very well congratulate the landlords upon the passing of such an Act, but the people of the United Kingdom have no cause to feel particularly elated.

Mr. MALONEY.—Will it not do any good to the people?

Mr. JOHNSON.—I do not think it will do any good to the people of the United Kingdom, although it will, no doubt, benefit the landlords of Ireland. The motion proceeds—

and on the concession to the people of Ireland of a measure of local government for municipal purposes—

Certainly that is a matter regarding which we may cordially express our congratulations. The next sentence, however, reads as follows:—

but the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic or social conditions of Ireland.

That is a sweeping charge against the British Parliament, for which there is no justification. Although mistakes have been made in the past, I believe that the British Parliament is perfectly capable of understanding and effectively dealing with the economic and social conditions of Ireland, or of any other part of the Empire over which it has jurisdiction. It would be a gross impertinence on the part of this Parliament to attempt to interfere in legislation which is solely within the sphere of the Imperial Parliament. Every honorable member of this House would resent any attempt on the part of the British Parliament to interfere with matters of Commonwealth concern, over which we have direct control, and I decline to become a party to the passing of any resolution which might result in our receiving a well-deserved snub at the hands of the Imperial Parliament. The sentence which I have last quoted, clearly points to the fact that it is not Home Rule for Ireland in the sense of local self-government, but separation, that is desired by those responsible for the motion. I am supported in that belief by the remarks of the honorable member for Southern Melbourne. The honorable member for Canobolas, in response to an interjection on my part to the effect that separation was desired, said that he had not noticed anything that would suggest

that idea, and he said further that he was absolutely opposed to separation. I would direct his attention to the remarks made by the honorable member for Southern Melbourne, reported at page 1793 of *Hansard*, as follows:—

The most effective way of bringing about Imperial separation is by insisting, in certain circumstances, upon legislative union. On the other hand, the best way to make a lasting and true Imperial union is to grant legislative separation. The experience of the world proves that.

Mr. JOHNSON.—It has been denied that legislative separation only is sought for.

Later on the honorable member for Southern Melbourne said:—

The best way in which to bring about Imperial union is to grant legislative separation. Any man who chooses to seriously consider this great problem will find that the history of the world demonstrates the truth of my statement. Those who cavil at it are flying in the face of all history. I repeat that the surest way to Imperial union is through legislative separation.

These remarks clearly convey the impression that what is really desired by those who favour Home Rule for Ireland is separation from the mother country.

Mr. BROWN.—The honorable member for Southern Melbourne is not a separatist.

Mr. JOHNSON.—I have quoted from his speech. On page 1795 of *Hansard*, the honorable member makes a further reference to this matter. He says:—

We desire an Anglo-Celtic Federation—a union with America—which is bound to come.

Mr. JOHNSON.—The honorable member wishes to see the two peoples separate in order that they may unite.

Mr. RONALD.—Certainly.

Mr. JOHNSON.—That is a most peculiar position to take up.

Mr. RONALD.—I will show that it is a scientific attitude.

Mr. WILKS.—The honorable member wishes Ireland and England to go to the National Divorce Court in order to be re-married.

Mr. RONALD.—That is really the situation.

A little later the honorable member said:—

The proposal now before the House is really one to tear up the paper of union in order to accomplish a union of interests and of hearts which will last for all time.

Mr. JOHNSON.—Is that not possible under existing conditions?

Mr. RONALD.—No.

Mr. JOHNSON.—Then it will never exist.

Mr. RONALD.—I have said that there must be a breaking up process before a real union can be reached.

These quotations serve to show that the controlling idea in the minds of some honorable members who desire to see Home Rule granted to Ireland is to bring about separation from the Imperial union. The ostensible

reason advanced by them is that it is necessary to break up a union that already exists, for the purpose of establishing another union. I maintain that such a contention is puerile.

Mr. WATSON.—That is not the contention of the leaders of the Home Rule movement.

Mr. JOHNSON.—I am speaking only of the views which have been expressed by some honorable members in this House.

Mr. WATSON.—I do not think that the honorable member has correctly interpreted the speech of the honorable member for Southern Melbourne.

Mr. JOHNSON.—I endeavoured to ascertain his actual meaning when he was addressing the House, and in answer to my interjection he stated that there should be a divorce between Ireland and England for the purpose of enabling them to be re-married. That is a singular attitude to adopt. If two parties are satisfied with each other there is no need for a divorce. Whenever a divorce becomes necessary, there must be dissatisfaction between the parties who are directly interested. Under these circumstances I must assume that the basic object of this motion is to assist in bringing about a separation between Ireland and the mother country. I do not propose to discuss the merits or demerits of Home Rule at the present moment. I submit that to carry this motion would be an impertinence on the part of the House. If similar action were taken by the British Parliament in respect to any matter under the control of the Commonwealth, I am confident that it would be justly resented by us. I support the amendment of the leader of the Opposition. His proposal puts in diplomatic language the sentiments which I hold, and to which I have endeavoured to give expression in the brief time at my disposal. Should that amendment be defeated, I am certainly of opinion that there will still remain plenty of room for further amendment of the motion, and I shall move in the direction of having the word "now," line 15, deleted. The inclusion of that word conveys an imputation of injustice which is not warranted, and to which—even if it were warranted—it would not be good taste upon our part to give expression. Further, it does not come within our province as a Legislature to express such an opinion, nor to interfere uninvited with legislative matters solely within the province of the British Parliament, and

not affecting the Australian Commonwealth or its interests.

Mr. CULPIN (Brisbane).—I did not intend to address myself to this question, and should not have done so had a division upon it been taken earlier. I dissent from the view expressed by the last speaker, that Home Rule is synonymous with separation from the Imperial Union. As a Home Ruler and a follower of the late Mr. Gladstone, I should have been very glad to see Ireland granted a complete measure of autonomy in his day. Undoubtedly Home Rule would have been carried then had it not been for the action of the renegade Mr. Joseph Chamberlain.

Mr. WILKS. —The honorable member's party supports Mr. Chamberlain on the question of preferential trade.

Mr. CULPIN.—I am discussing Home Rule just now. The leader of the Opposition, in the amendment which he has submitted, has advanced reasons why a petition should not be presented to the King in favour of granting Home Rule to Ireland. I disagree with the last of those reasons, which reads—

Because this House confidently relies upon the fairness and wisdom of the British people for the removal of every just Irish grievance in the manner most likely to promote the welfare of the Irish people, and the stability of the Empire.

We all remember what occurred a year ago, when this House was called upon to express its opinion in regard to the action of the Imperial authorities in introducing Chinese labour into the Transvaal. Subsequent events have proved that we were thoroughly justified in the action which we took upon that occasion. In taking that action we recognised that the last reason advanced by the leader of the Opposition is an incorrect statement. We cannot confidently rely upon the fairness of the House of Lords; neither can we rely upon the fairness and wisdom of the House of Commons in all things. That body does not represent the British people in the same way that this Parliament represents the electors of the Commonwealth. We enjoy a liberal Constitution, and we wish to see every other constituent of the British Empire placed in a similar position. When a measure of Home Rule is granted to Ireland—as it will be some day—I trust that its Constitution will be similar to our own. I do not altogether agree with the following statement in the motion of the honor-

able and learned member for Northern Melbourne:—

But the sad history of Ireland since the Act of Union shows that no British Parliament can understand or effectively deal with the economic and social conditions of Ireland.

I cannot regard that statement as a strictly accurate one, because in 1866 the British Parliament passed the law which disestablished the Church of England in Ireland, and we must all admit that that extended a great measure of justice to that country. In all other respects, however, I agree with the terms of the motion.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I regret that, owing to the pressure of my duties, it was not until last evening that I realized the possibility that this discussion would be brought to a conclusion to-day. Otherwise I should have endeavoured to prepare myself to present the arguments that commend themselves to me better than I have been able to do in the interim. In my opinion, this question is one of the utmost importance to us from more points of view than those which have yet been submitted. First, as to procedure and its implications, and next as to the merits of the motion. We all realize the risks of a discussion of this kind—risks to which my personal attention was called by the honorable member for Wentworth. It is not easy in a brief expression on a question of this magnitude to make oneself clearly understood by those whose desire it is to fairly follow an argument; it is still less possible to protect oneself against those who are determined to misunderstand both one's argument and one's motives. The motion introduces a new issue that has aroused, and is likely to continue to arouse, too often, more heat than light. Consequently those who endeavour to take an independent, impartial, and, I believe, a patriotic view of this great subject, expose themselves to the missiles of both parties, with whom it has ceased to be a question of argument, and has become a matter of emotion. Perfectly well aware of that, I nevertheless feel it impossible to allow the debate to close, as I otherwise would gladly do, without offering to the House the grounds upon which I shall cast my vote. I had desired to remain silent until the close of the debate, because, in this matter, I speak, of course, quite apart from the official position that I now hold. I enter into the debate as any private member might do,

and express no opinion other than my own. I am not aware how most of my colleagues will vote. I have not sought to discover from them or from others the tendency of their views. So far as I know, few honorable members are acquainted with my own opinions on this question. I have made no secret of them, but, as it happens, have not been canvassed—or at all events, am not conscious that I have—by representatives of either party. The motion was submitted by the honorable and learned member for Northern Melbourne, in a speech worthy of the House, and one that would have been worthy of that great House of Commons, where the matter will one day be decided. It presented a case that, on its merits, must have appealed to every fair-minded man, and was followed by a succession of speeches—notably that delivered by the honorable and learned member for Angus—that were closely reasoned and eloquent. The motion resolves itself into three paragraphs, each of which has a distinct character. In the first the honorable and learned member invites us to present an address to His Majesty; in the second, we are invited to record our opinions in regard to certain historical questions, while in the third we approach directly a proposal that we should urge the wisdom of granting to Ireland a just measure of Home Rule. Those three propositions, important in themselves, have been countered by another series of three contained in an amendment submitted by the right honorable member for East Sydney. The first of these sets forth that it is not within the legitimate province of this House to deal with the question. We are next invited to say that for another reason—the approach of a general election in the mother country—we are incompetent to deal with it, and, thirdly, the right honorable member calls upon us to say that we rely upon the British people to deal with the question in an equitable manner. At the very outset, the amendment moved by the right honorable member for East Sydney throws out a challenge as to the constitutionality as well as the wisdom—the propriety as well as the correctness—of the procedure proposed. That appears to me a consideration of the utmost importance to the House. It involves the creation of another precedent that will always be quoted, and by which we shall, so far as lies in our power, mark out the limits of the

extraneous scope of this Parliament. Is it within the constitutional competence of a Legislature such as ours, created expressly by statute, with specially defined authority, to deliberate, and, having deliberated, to decide, and, having decided, to forward a petition to His Majesty the King asking that official notice may be taken of and effect given to our prayer. We have few illustrations to guide us, with which I am acquainted, and certainly very few from the experience of the Commonwealth. The right of every subject to petition the Throne is unquestioned. There can be, and should be, neither a limitation nor an attempt to limit that appeal. No one will suggest that it is not competent for the people of the Commonwealth to approach the Throne with any petition which they may choose to present on any subject whatever.

Mr. HIGGINS.—That has been contested by the leader of the Opposition.

Mr. DEAKIN.—I disagree, and state my position. By becoming citizens of the Commonwealth, we have not ceased to be in some sense, at all events, citizens of the British Empire.

Mr. BRUCE SMITH.—We are proposing to forward this petition, not as citizens, but as members of this Parliament.

Mr. DEAKIN.—I am coming to that, first taking the preliminary point that we have not sacrificed our individual and independent right to petition the Throne in respect to this or any other subject. The contention of the right honorable member for East Sydney is that, as a Legislature of definite endowment, we do not possess the right to intervene in a question which must be decided by another Legislature, and that the supreme Legislature of the Empire. We have, as I have already said, some slight experience to guide us that is worthy of recall, and upon which, so far as I am aware, there has not been laid, during the course of this debate, the stress that it seems to me to deserve. No later than the beginning of last year, the Premier of New Zealand appealed to the Commonwealth Government, during the recess, to join with him, to use his own words, in making—

protest against introduction Chinese work Rand mines, urge strongly Imperial Government use prerogative prevent that. . . .

I am quoting only the material words of a cablegram which Mr. Seddon addressed to the Commonwealth Government. To this message we replied—for I happened at that

time to hold the same office that I now occupy—

We have hitherto refrained from making representations to Imperial Government to this effect, because of danger of establishing precedent of appeal to Imperial Government for defeat of proposed law of another colony. Of course, the exercise of prerogative of the Crown in respect to legislation of self-governing and Crown colony differs essentially. Precedent in this case would be of very limited application, but as this action initiates new and grave departure, consider best to proceed with special caution. Under existing circumstances, beg to urge joint protest against Chinese immigration into Transvaal in form to be agreed to be communicated to its Government, and send copies to the self-governing colonies.

I may say, for the information of honorable members, that I am quoting from *Parliamentary Papers* 1904, Vol. 2, pages 1641-2-3. On the 15th January, the Premier of New Zealand agreed with us that the form of procedure was difficult, and went on to say that—

If Transvaal was self-governing colony danger would exist of laying down inconvenient precedent, but being Crown colony there is little risk of representations being made by Crown colonies as to legislative or administrative action of self-governing colonies there is precedent for self-governing colonies expressing opinion on matters connected with a Crown colony.

He then proceeded to make reference to a resolution in regard to the Pacific Islands. On the 16th January, we replied suggesting the message that should be sent to Cape Colony, the Transvaal, and the other Governments concerned. In the course of this, we said—

Though most reluctant travel beyond their own boundaries in order to introduce themselves into matters having local import, the responsible Ministers of Commonwealth in discharge their duty to nation feel compelled express deep apprehension results which will follow introduction Chinese to Transvaal.

I make these brief quotations in order to indicate the line of argument then pursued, and the course adopted. The message suggested by us was accepted by New Zealand, and communicated to the Governments concerned, who replied through the Colonial Secretary of Pretoria that they had considered our message in Executive Council, and proceeded to give us a polite and argumentative answer. The Premier of New Zealand, still adhering to his original idea of seeking the intervention of the Imperial Government, communicated with the Secretary of State for the Colonies, and received a reply from him dated 27th January—

I have received your telegram conveying the view which your Government has formed with regard to the introduction Chinese labour into the Transvaal; I fully recognise the title of all the

Mr. Deakin.

self-governing colonies to explain their opinion on so important a question, and especially of those who, like New Zealand, rendered memorable services in the South African war.

Finally, in a document bearing date 20th May, 1904, the Secretary of State for the Colonies communicated with the Commonwealth saying that—

While His Majesty's Government fully recognise the right of the Legislature of the Australian Commonwealth to express their opinion on so important a matter as the introduction of Chinese labour into the Transvaal—

they regretted that for reasons set forth, they could not agree to our request. Thus His Majesty's Government fully recognised the right of the Legislature of the Australian Commonwealth to express its opinion.

Mr. JOSEPH COOK.—Simply showing that different Governments have different opinions.

Mr. DEAKIN.—In these matters the Secretary of State for the Colonies acts, not only after consultation with his colleagues, who are always statesmen of great political experience, but also on the advice of officers permanently associated with the administration of the great Departments of State, who fully appreciate the importance which would attach to any precedent that might be established. Consequently the words used are chosen deliberately and of set intention, the general as well as the particular application likely to be made of them being foreseen, so far as circumstances will permit. The recognition of the Imperial authorities of the right of the self-governing dependencies of the Empire to express their opinions in matters of this kind establishes a precedent which will in the future be continually cited, and play a most important part in the management of the affairs of the Empire.

Mr. JOSEPH COOK.—May not a succeeding Government express an entirely different view?

Mr. DEAKIN.—The precedents established by the Colonial Office in regard to matters of this kind have, so far as I am aware, never been rescinded or departed from.

Mr. JOSEPH COOK.—Did the honorable and learned gentleman hear the answer given to Canada, read by the honorable member for Wentworth, that country being practically told to mind its own business?

Mr. DEAKIN.—I know of that case, and am aware that, on a second occasion, a few years afterwards, no reply beyond a

mere acknowledgment of the communication was vouchsafed. But the fact that on the last occasion nothing was said adverse to Canada's right to intervene showed a development which will continue, and which I interpret to mean that in the future the Colonial Office will never challenge the right of a self-governing province to express its opinions in this way.

Mr. BRUCE SMITH.—The honorable and learned gentleman has been speaking from the Imperial stand-point. Will he now show how we are justified in expressing an opinion on this subject for the people of Australia?

Mr. DEAKIN. — Presently. What distinguishes our intervention in the case of the Transvaal from the action now proposed to be taken is that in that case we were dealing, as I pointed out in my telegram, with the affairs of a Crown Colony, whereas now we are asked to appeal to the Government of the supreme Legislature of the Empire. I do not undervalue that difference. While a right to express our opinion in regard to important questions affecting another portion of the Empire which is not a self-governing community is recognised, that does not seem to me a sufficient precedent in itself to justify us, without qualification, in interposing in the manner suggested by the honorable and learned member for Northern Melbourne. We are being moved to take what seems to me an unnecessary step, for which the only precedent is what has been done by Canada.

Mr. HIGGINS.—On two occasions, with an intervening period of twenty-two years.

Mr. DEAKIN.—There is a precedent in the action of Canada, which in the first instance was met with a protest, while on the second occasion no protest was made. But in this instance we should endeavour to stand on the safest ground we can find, and it appears to me that one reason for not approaching His Majesty the King in the manner proposed is that the motion affects questions of policy which brought the present Imperial Government—who will have to deal with this matter—into existence, and probably keep them there. Under these circumstances, the reply which we shall be almost certain to receive will be in accordance with the main principles of that policy. While I do not know that exception could be taken to a request so moderately worded, and based upon such eminently reasonable and fair considerations as this

is, it is too much to expect the Imperial Government to return an answer implying that it will affect any action they may take, while we might be told that it is scarcely our part to ask them to alter their course to meet our views.

Mr. HIGGINS.—We wish to speak to the people of England, not to the Ministry.

Mr. DEAKIN.—I am about to come to that point. My honorable and learned friend would not have weakened his case, and would have lost no publicity if, instead of proposing to follow the Canadian precedent, he had asked the House to adopt the course which has been pursued in another Chamber—to which I suppose I may indirectly allude—where it has been sought to place on record a simple expression of the opinions of members. I am sure that my honorable and learned friend must feel, that we are justified in taking into account the fact that the other branch of the Parliament has approached this question in a manner different from that in which we have been asked to deal with it. I do not pretend to decide between the merits of the two methods; but it will be agreed that it would be much better if both Houses were to take the same course; and I shall venture to offer some reasons why the course followed elsewhere seems preferable to that proposed by the honorable and learned member. If the course proposed in another place were followed, and met with the approval of a majority here, there would be a presentation of the views of this Parliament which would be in every way as effective as an address to His Majesty the King. We must also consider the application to our own affairs of the principle underlying this proposed action. The Imperial Parliament would never present an address to the King in relation to the affairs of any other part of the Empire, because it could give effect to its will by legislative act, to which the King would be asked to assent, and thus the object desired would be attained. Consequently, a parallel cannot be drawn between our procedure and that of the Imperial Parliament. We must approach the King with a petition, while the Imperial Parliament would ask his assent to an Act. It is impossible to deny that the legislative authority vested in the Imperial Parliament in regard to the self-governing dependencies of the Empire has been exercised with the greatest wisdom and consideration; and even in the oc-

casual discussion of colonial affairs, members of that body have always exercised the most marked restraint. No doubt our actions and legislation have been subjected to some criticism from individual members, but even that not with notable frequency. When the supreme power and authority of the Imperial Parliament in regard to the various dependencies of the Crown and the King's dominions beyond the seas are remembered, in respect to the self-governing portions of the Empire, it must be recognised that they have been exercised with the greatest circumspection, and the most splendid self-control.

Mr. JOSEPH COOK.—Why not say all portions of the Empire?

Mr. DEAKIN.—Because at times the affairs of Crown Colonies have been closely considered. Committees have been appointed to investigate them, and their ordinances have been freely interfered with.

Mr. HIGGINS.—Slavery was abolished in the West Indies against the wishes of the people there.

Mr. DEAKIN.—That is one of the circumstances in my mind. But in regard to the affairs of the self-governing portions of the Empire there has always been exercised a spirit of wise tolerance and consideration. It is therefore proper that we should proceed in a similar spirit. It may be contended that this is arguing against the position which I have already adopted; but it must be remembered that the Imperial Parliament exercises an authority which extends over the whole Empire, whereas we, although possessing almost unlimited control over our own affairs, have no representation in the Government of the Empire of which we form part. Consequently there is cast upon us the necessity of considering the form in which we should approach extraneous questions with which we have no power to deal, and can claim none, but in regard to which, on principle and following precedent, we are entitled, when suitable and fitting occasion arises, to make ourselves heard.

Mr. BRUCE SMITH.—We may be entitled to be heard without being entitled to speak.

Mr. DEAKIN.—The one would not be worth much without the other.

Mr. BRUCE SMITH.—That may be, but there is a very great difference between the two things. One right comes from the people, and the other comes from the per-

son to whom we are going to address ourselves.

Mr. DEAKIN.—We have to recollect that in approaching the Throne by way of petition, we not only seek a reply, but appeal to the sovereign powers, King, Lords, and Commons, to give effect to our prayer. There is nothing improper in that action, which is, indeed, strictly proper in relation to our own affairs. But when our representations relate, not directly to ourselves as a special community, but to an outside matter, the decision of which rests with the electors of the mother country and their representatives, it appears to me that we can better exercise our undoubted right to the free expression of our opinions by setting them forth with such clearness and force as we can command, without directly invoking the sovereign power in the manner to which I have alluded, and without directly challenging a reply. We should rely on the strength of the reasons urged, in the hope that they will commend themselves to the minds of those who have it in their power to give effect to any opinions as soon as they can share them. Therefore, if this Parliament, in placing on record its opinions in this connexion, follows the line of precedent suggested by the Secretary of State in his despatch of a little more than six months ago, it will adopt the better course. To that suggestion exception was taken by the right honorable member for East Sydney, who contended that even an expression of opinion from this Parliament would be out of place upon any issue outside Australia; that it should be left to private bodies, leagues, or persons to take action; that we were neither called upon nor authorized to speak for our constituents, or the people of Australia in this matter; that our appeal could have no legislative effect; that we were remote from the scene of action, and would be subject to other influences, and that we should require before making ourselves heard in this connexion to consult our constituents. If those arguments were sound, it would follow that the assertion, contained in the right honorable member's amendment, that the motion proposes to take us beyond the legitimate province of this Parliament, would be correct. They would narrowly and very seriously hamper and limit us for all time; and, in my opinion, are unsound and injurious. They are based upon a doctrine which the right

honorable gentleman boldly avowed, which is the key to much of the policy he has supported in this House, and is relied upon particularly in regard to all Imperial, as distinguished from purely local questions. In this respect he takes the view of that able writer, Richard Jebb, who, in his recent *Studies in Colonial Nationalism*, contends that the Empire of the future is to consist of what might almost be called semi-independent powers, united by alliances and agreements. The right honorable gentleman went on to argue that the greatness and strength of the Empire consisted in the independence of its several parts, and upon the absence of mutual criticism or examination, or of union, except by common agreements. This is Mr. Jebb's view, and very largely the view of the right honorable member for East Sydney. This idea explains the attitude adopted by the right honorable gentleman towards the question now under consideration, and upon many others, such as preferential trade. Instead of dealing with his contentions piecemeal and *seriatim*, I desire, for the sake of brevity to say at once that my attitude towards the Imperial problem differs absolutely from his. I cannot share his sentiments. The right honorable gentleman thought it necessary to make some allusion to powers of separation with which he said the self-governing portions of the Empire are necessarily endowed. I do not propose to follow him in that regard. I do not agree with his statement, or with his application of it. I much prefer to avoid any discussion of such a subject. I regard it as unnecessary in this connexion, and unseemly everywhere. Only in the last resort can the possibility of such action ever confront us. I see nothing on the horizon of the Empire to suggest the idea of disruption, or dislocation, and, therefore, refuse to dwell upon any contingency of that sort. We can most effectively unite the Empire as a whole by promoting its political organisation by local self-government. I approach this motion as one who believes that the Constitution of Great Britain, superb and magnificent as it is, and the greatest product of the race to which we belong, is being outgrown by the circumstances of this great Empire, and is having imposed upon it a strain which it cannot long continue to bear. It has developed, and must continue its development. The growth of the great self-governing communities and their increasing

strength and importance call for the recognition of their right to a voice in the decision of those questions in which their fate, as well as that of the mother country, is involved. At present, how can we, except by petition to the Throne, or by resolution, give expression to our opinions upon matters that affect our destiny as much as that of the mother country? We are shut out—and perhaps some people desire that we should be—from the British Parliament, and we are without representation upon any federal body charged with the issues of peace and war, of defence or internal unity. We cannot exercise any rights of citizenship beyond those conferred upon us by Statute, or assert our inherent equality with those who elect representatives to the House of Commons, which governs the Empire, except by the expression of our opinion on Imperial questions. That can be done most effectively in Parliament, though it can be done by any group of citizens anywhere. I hold that it is impossible for us to shut the door on the great issues which are knocking at it to-day, including the great question, whether we are to cling, for all time, to that Constitution shaped on the anvil of liberty by centuries of struggle in the mother country, but shaped for three kingdoms within a small area, and close to Europe, without any provision for the great dominions of the Empire oversea. Starting with that conception, we cannot be content with the doctrine of each dependency for itself, or with the idea that separate and independent States, acting together on occasion, will ever constitute a real whole. We can only rely upon an Empire, the parts of which are blended together in a living unity, not only so far as their fortunes are concerned, but also in regard to the real representation of every part of it. We cannot afford to leave great Imperial issues severely alone, and we certainly cannot treat in that way the one now under discussion, which clearly affects us. We are members one of another, with common interests and perils calling for common action. The right honorable member for East Sydney made a strong point when he asked this House to decline to petition His Majesty either in favour of or against a change in the parliamentary system at present prevailing in the United Kingdom. Let me put the converse very simply to the House and the country. Let me ask: If there is to be no change in the

parliamentary system of representation of the mother country as it now stands, what prospect is there of any federal unity of the Empire? I maintain that no progress in the development of the unity of the Empire, or, to use the appropriate words of the honorable and learned member for Northern Melbourne, towards the solidarity and permanence of the Empire, will be possible until the Parliament of the mother country is prepared to reconsider its parliamentary system and the basis of representation.

Mr. JOHNSON.—But that change must be made mutually and voluntarily, and not be forced upon the mother country by outside pressure.

Mr. DEAKIN.—I entirely agree with the honorable member. It would not be possible for us to apply force, even if we desired. It is interjected that this change should not be brought about in a fragmentary way. I should prefer that it should be effected on a grand scale and at once, but from my knowledge of history, particularly of that of the British people and of our own countrymen and their methods here, it is plain that the reform will be brought about only in a fragmentary way, piece by piece, step by step, and stage by stage, as may appear possible. But the first and fundamental consideration that underlies every change with the object of achieving greater unity and greater Imperial power, demands that at its very inception we should be permitted to exercise a full power of criticism. We have an indirect, but real, interest in the question of the devolution of the powers of the Imperial Parliament. All thoughtful Imperialists are realizing that to offer the distant dominions of the Empire numerical representation in the Parliament of the mother country, overloaded as it is with a mass of intricate local legislative duties, would be futile. It would not further the interests of the Parliament or of the dependencies oversea. It would not present the opportunities we desire for the creation of a real effective political control of the whole of the Empire in which the whole of its own peoples would be represented.

Mr. KING O'MALLEY.—I have a motion prepared dealing with that matter.

Mr. DEAKIN.—Until we have regular representation in some Federal body, we must use the irregular representation which belongs to us by means of such motions as this when the occasion is of sufficient magnitude to justify them. On these

grounds I venture, as an avowed Imperial federalist, to submit that the reconsideration of the parliamentary system of the mother country is a matter of direct moment to us, quite apart from the special considerations which govern the minds of those who form the Home Rule party.

Mr. G. B. EDWARDS.—In other words, the Prime Minister would break off Ireland in order to open the door for Imperial federation.

Mr. DEAKIN.—I would break off nothing, but bind all together. The special consideration that is being bestowed at present upon the question of Home Rule for Ireland arises naturally from one most significant, most insuperable circumstance, to which the honorable and learned member for Northern Melbourne has called attention. He says—

The people of Ireland have asked for a just measure of Home Rule through their representatives. Never has request more clear, consistent, and continuous been made by any nation.

It cannot be disputed that the practical unanimity of the representatives of Ireland deserves the prominence which the honorable and learned member has given it in this motion. The reason why the question of Ireland is pressing is because the representatives of that country have indorsed it in an unmistakable manner. Surely that is the best of reasons. The same proposal would come with equal force from Scotland if her representatives had felt it necessary to bring it forward. The fact that Scotland has not done so—the fact that the movement for Home Rule there after fluttering has almost died out—is a proof that its people are content to retain the representation they enjoy. Nobody desires to alter conditions with which they are satisfied. But it seems to me that we cannot look unmoved and uninterested, upon the problem of devolution in regard to Ireland since its solution must bring forward the consideration of the position of all the other self-governing communities of the Empire. The Federal principle must be applied. From that point of view, it seems to me that we find firm foot-hold and justification for recording an opinion upon this question. Unfortunately, I happen to differ from the honorable and learned member for Northern Melbourne in regard to the final sentence of the second paragraph of his motion, which relates to the British Parliament. Indeed, I regard the whole of that paragraph as an unnecessary addition to his proposal. Whilst I do not possess a sufficiently intimate knowledge of the mea-

tures of legislation to which he alludes to warrant me in differing from the commendation which he bestows upon them, I am not sufficiently well informed to coincide with it, nor do I think it necessary that we should be asked to coincide. It seems to me that we should strengthen his case, if, putting aside these historical references and the appeal to His Majesty, we were content to concentrate our attention upon the vital part of his motion, which is to be found in the third paragraph. There he makes his position perfectly clear. Before passing from this branch of the subject, may I say that the criticisms which I have ventured to pass upon the mother of Parliaments are not my own. I would not venture to make them confidently if they were. When I say that the Parliament of the mother country, as a law-making machine, is breaking down, and, as an Executive, is failing to satisfy its constituents, I am using the language of members of the House of Commons itself, and of some members of the other Chamber. In this matter I rest not merely upon my own opinion. I have summarized and quoted the testimony of many members of those bodies.

Mr. JOSEPH COOK.—Are we going to take a vote upon this matter to-day?

Mr. DEAKIN.—I shall be most happy if we can do so. I have no desire to intervene, but for the reason which I have advanced was not prepared to speak earlier.

Mr. JOSEPH COOK. — Will the Prime Minister promise to give us time to take a division upon the motion after the adjournment for dinner?

Mr. DEAKIN.—I regret that I cannot make any such promise. There is only one other authority whom I propose to quote before concluding my remarks—I refer to Sir Frederick Pollock, who has been very prominent of late as the spokesman of a group of thinkers representing all parties in England, who foresee the necessary reconstruction of the British parliamentary system. That is still remote. Sir Frederick Pollock, speaking on the Federation of the Empire, says—

As for any kind of formal Constitution, it assumes the consent of several independent Legislatures, and involves a considerable modification of their existing authority. I am not aware of any reason for thinking that the Parliament of the United Kingdom would easily be persuaded to reduce itself by a solemn Act to a mere State Legislature, or that the Colonial Governments would be willing to surrender any substantial

part of their autonomy to some new Federal Senate or Council. All the information at our disposal goes to show that nothing of the kind has any chance of being accepted, or even of seeming plausible enough, to induce any Ministry to take it in hand.

He then proceeds to propose interim methods by which we can bridge over the period until the Legislatures affected are prepared to re-examine their position in this regard. But I am unable to agree with the leader of the Opposition that the consideration of this question takes us beyond our legitimate province, or with his statement that the fact that it will shortly become an issue in an appeal to the electors of Great Britain and Ireland is material, especially if we confine ourselves to an expression of our opinion without addressing His Majesty the King and his advisers directly. We take no partisan ground, and make no undue interference with party politics, because all we ask is for a just measure of self-government for Ireland. What is just and wise we leave to them to determine among themselves without any proposal of ours. I agree with the third paragraph of the right honorable member's amendment, so far as it declares—

That this House confidently relies upon the fairness and wisdom of the British people for the removal of every just Irish grievance in the manner most likely to promote the welfare of the Irish people and the stability of the Empire.

But admitting that—and it is obvious that in this matter we are without power, without authority, without votes, without direct connexion with the voters—there is no reason why, uttering our opinions as best we may, we should not have those opinions laid before the voters of the mother country for their consideration. They constitute the jury to which we must appeal. They alone can decide the question. When this discussion, in a remote part of the Empire, is shown in its true relation to our own ultimate interests, when the public of the mother country become seized with the reasons for expressing our opinions to them as well as with the opinions themselves, it appears to me that they are certain to receive fair consideration. All that we ask is that our views may make their way by the force of reason, and by the substance of the considerations we offer. Perfectly aware as I am of the responsibility which we all assume in acting in this connexion, without a direct mandate from our constituents, I have never yet subscribed to the doctrine that a member of Parliament is a

mere delegate. I have never withdrawn from the well-established doctrine of the mother country, that a member of Parliament, elected though he is at a particular period because of his views upon some questions often to the exclusion of all others, is not, on that account, relieved of the responsibility which he takes—and for which he will answer—of meeting whatever emergency may arise during the term of his representation. If his actions command the support of his constituents, so much the better for him and for them, but when he faces for the first time some question upon which he has not challenged their verdict, all that he can do is to give it his best judgment, and his best knowledge. He can only do that which he believes to be right. More than this no man can do, and this every man is called upon to do when he is confronted with a choice of alternatives. I trust that the motion submitted by the honorable and learned member for Northern Melbourne will be dealt with in such a way as will enable any honorable members who share my opinions to vote upon each separate paragraph, instead of upon the motion as a whole. If it is decided to substitute for the motion the amendment of the leader of the Opposition, I trust that a similar course will be adopted. What we should endeavour to arrive at is the most precise and clear expression of the will of the majority of this House. That can best be accomplished by adopting the course I have suggested, seeing that in both instances the propositions, though connected, are relatively independent of each other. For my own part, I speak to-night—as I have said—under circumstances of stress and haste, which have prevented me from dealing with the matter as briefly—and certainly as effectively—as I could have wished. I know that the question is surrounded by other considerations upon which I have not attempted to touch, and supported by arguments which I am content to have heard uttered by others. I know that in the Irish people it is inwoven with passion and poetry and recollections of their own. But I seek to approach it—without disregarding those circumstances—in the calm, clear light of the responsibilities of the Empire and its future welfare. I feel that upon a motion which asks simply for a just measure of Home Rule—

Mr. WILKS.—Who is to define what that means?

Mr. Deakin.

Mr. DEAKIN.—The supreme authority—the people and Commons of England.

Mr. WILKS.—Then leave the matter to them.

Mr. DEAKIN.—We are leaving it to them. It cannot be taken from them. There is a just measure due. We are not forbidden as citizens of the Empire to appeal to the reason, the judgment, and conscience of all other citizens of the Empire in this regard. Believing, as I do, that the future development of our Empire lies through its local governments—a multiplication of municipal functions by way of relieving the higher authorities—and believing that subsequently the only possible method of combining local self-government in States or dependencies with effective Imperial unity of action, is by means of the Federal form of Government, which we are fortunate enough to enjoy, I should be false to every liberal tradition and principle if I refused to express myself in favour of a just measure of Home Rule to Ireland, which demands it to-day, or to any other portion of the Empire which may demand it to-morrow.

Mr. JOSEPH COOK.—To Scotland and Wales?

Mr. DEAKIN.—Most assuredly, in a just measure. I take my stand on a question of principle. The cause of Ireland appeals to the heart of—

Mr. JOSEPH COOK.—And would the honorable and learned gentleman favour the extension of Home Rule to the furthest extent that they might demand?

Mr. DEAKIN.—To the furthest extent consistent with, and making for, the efficiency and unity of the Empire. I would not be a party, in connexion with the Federal movement, to anything that would make towards separation or the disruption of the Empire.

Mr. JOSEPH COOK.—Who is to judge of that, so far as Home Rule for Ireland is concerned?

Mr. DEAKIN. — The British people, and, their representatives, the British Parliament. A just measure will help and strengthen the Empire. Who can refuse to grant what is just? No more is asked. Every step I took in connexion with the fight for Federation was in the belief that the Federation of Australia would make the Empire stronger and more united than it was. And so if I were a member of the British Parliament. I would consent to a just measure of Home

Rule for Ireland, or for any other part of the Empire, only so far as I believed that it would minister to the strength and unity of the Empire.

Mr. JOSEPH COOK.—Who are to be the judges?

Mr. DEAKIN. — In this respect the natural judges are the people of the British Empire. We are interested persons in the final decision, because it seems to me that it will be impossible for the mother country to deal with the problem of Ireland, and the granting of a subordinate Legislature to her without taking into account the position of subordinate Legislatures in other parts of the Empire. As there must be in the future some central control, the precedent must be most valuable to us in a general way. It is on this account that we have a title to express our opinion to-day in anticipation of an Imperial Federal Council. If I did not believe so, I should hold it to be our duty to be silent on this question. But, believing as I do, that our own interests and those of the Empire are bound up with the application of our present forms of government to the new circumstances of a new world, as a preparation for the new Empire that is to be, I shall be found casting my vote for the principle embodied in the third paragraph of the motion.

Mr. ROBINSON (Wannon). — Mr. Speaker—

HONORABLE MEMBERS.—Divide!

Mr. ROBINSON.—I have no desire to delay the taking of a division if it is the desire of the House to at once divide.

Mr. BRUCE SMITH.—I intend to speak.

Mr. ROBINSON.—I am informed that not only does the mover of the motion intend to reply, but that various other honorable members wish to speak to the question. That being so, I propose this evening to briefly discuss the motion. I can only say that I regret exceedingly that such a proposition should have been submitted, for it deals with a matter entirely outside the province of this Parliament. I am glad to find that in taking this view I have the support of the Prime Minister, and also the leader of the Labour Party. Notwithstanding the eloquent speech that the Prime Minister has just delivered in regard to our power and our right to interfere in matters affecting other parts of the Empire, and despite the fact that, by interjection, the honorable member for Bland has, I be-

lieve, expressed a similar opinion, I find, upon referring to that inestimable tome, *Hansard*, that both these honorable members have expressed a contrary opinion. On the 26th September, 1902, a discussion took place in this House as to whether the Parliament should protest against the proposed introduction of Chinese into the Rand, and the present Prime Minister and the honorable member for Bland took up the stand that no such protest should be made.

Mr. WATSON.—I think I proposed the motion protesting against the introduction of Chinese into the Transvaal.

Mr. ROBINSON.—I am referring to a debate which took place apparently upon a proposal submitted by the honorable and learned member for Corio, during the consideration of a Supply Bill. In *Hansard*, vol. 12, page 16171, the present Prime Minister is reported as follows:—

I do not know whether the honorable and learned member for Corio has seriously considered the whole of the consequences which would follow from the adoption of the principle he has laid down in regard to this particular case.

Mr. CROUCH.—It is too late to consider that; we have taken the responsibility.

Mr. DEAKIN.—I am far from denying our responsibility for the part which Australia has played in connexion with the recent war in South Africa. I do not think that Australia desires to escape from any such responsibility, or regrets the action which she took. But it is quite another question how far that action commits us to a criticism, which may be considered an interference with the internal affairs of territories which, as I understand, are to be placed at once upon a basis that will admit of the representation of the wishes of the inhabitants. Though they are not endowed with representative institutions to the fullest extent, yet they are to be, from the very outset, endowed with advisory councils on which both the English and the Boer populations will be represented.

On that occasion the Prime Minister took the view that because in the immediate future the population of the territories in question would have some representation, however slight, we should not seek to interfere in their internal affairs.

Mr. BRUCE SMITH.—That is sound doctrine.

Mr. ROBINSON.—It is a most excellent doctrine, and one that entirely supports the amendment moved by the leader of the Opposition. The honorable and learned member went on to say—

Inasmuch as the people of those territories will be in the enjoyment of self-government— He was referring to the Transvaal and Orange River Colonies—

to that extent, at all events, we should need to be very careful in expressing general views upon any question of great importance to their internal administration.

Mr. JOSEPH COOK.—That was Jekyll. To-day we have heard Hyde.

Mr. ROBINSON.—I trust that this expression of opinion will not be hidden. The Prime Minister went on to say—

But while we are entitled to express our personal opinions outside, that does not justify us in making official representations, which, if they were to have any weight at all, must be backed by some effective action on the part of the Commonwealth Government.

Mr. DEAKIN.—That is on exactly the same principle as what I said this evening.

Mr. ROBINSON.—The honorable and learned gentleman continued—

Supposing we did make a representation of the character desired to the people of South Africa—because, as I have said, the measure of representative government already accorded gives the people a voice—it may be an incomplete voice in our apprehension, but still it is a voice—in the management of their own affairs. . . . although it is perfectly open for any persons, or any private bodies or associations, to express their opinions with regard to the employment of coloured labour on the Rand—this is not a subject with which the Government of the Commonwealth ought to be asked to take action. By so doing, we should possibly expose ourselves to a mortifying rebuff. We would not be considered by the citizens of South Africa as lending them any assistance—in fact, the probability is that our action would simply be interpreted as a desire to interfere in their affairs.

Later on the honorable and learned gentleman said that—

For these reasons I fail to see that this Government ought to have taken action in the matter, unless our council was in some way specially invited.

I ask honorable members not to lose sight of that point. The honorable and learned gentleman declared that Australia had expressed its views with regard to the suspension of constitutional government in Cape Colony for the reason that it had been asked to do so—

On that question Australia had a proper opportunity of being heard, and the Prime Minister expressed the feelings of the great bulk of the people of the Commonwealth. That was a matter upon which it was proper for the Government to speak, because an opportunity of speaking was presented to them.

He concluded with the following remarks, which seem to me to be *apropos*:—

To have made general unsolicited representations might have been an interference with the measure of autonomy at present existing in those States, and might have established a precedent which in the future would be found very dan-

gerous to this and other self-governing communities throughout the Empire.

I am glad to say that my honorable friend the leader of the Labour Party took up a similar attitude. In one of those short workmanlike speeches which we are accustomed to hear from him, he said—

I have very strong opinions upon these subjects, but I have tried consistently to adopt the policy that we have no right to undertake responsibilities and duties outside of the affairs immediately concerning our own people.

He concluded by saying that—

On the whole subject I think that this Parliament should confine itself to Australian affairs, and for that reason I do not wish to say more than that I think the Government are wise in refraining from taking any action which would involve us in responsibility, or set up the idea that we are seeking to interfere with the affairs of the world at large.

I think that these two quotations effectively and entirely dispose of the proposition that we ought to interfere in any matter which does not affect the peace, order, and good government of Australia, but may affect the good government of another part of the Empire over which we have no control.

Mr. DEAKIN.—That is why it affects the future of Australia.

Mr. ROBINSON.—Why did not the honorable and learned gentleman take up that view in dealing with the question of protesting against the introduction of Chinese to the Rand?

Mr. DEAKIN.—I did when the matter was again brought forward.

Mr. ROBINSON.—As the time for private members' business has almost expired. I desire leave to continue my remarks on a future occasion.

Leave granted; debate adjourned.

SECRET COMMISSIONS BILL.

Mr. ISAACS (Indi—Attorney-General).—I move—

That the Bill be now recommitted to a Committee of the whole House, for the reconsideration of clause 4, in regard to the following proposed amendments:—Sub-clause 1, paragraphs *a* and *b*, after the word "agent," wherever it occurs, insert the words "of the principal," and for the reconsideration of clause 5, in regard to the following proposed amendment:—In paragraph *b*, omit the word "and," and insert in place thereof the words "the receipt, account, or document."

I intend to move these amendments in clause 4 to meet the views of the honorable member for North Sydney, who desired to make it as certain as we can that the mere consent of the principal of an agent who is acting for a selling merchant, shall not free that agent from responsibility

for attempting to bribe the agent of a buying merchant. Our contention was that the case was covered by the clause as it stands, and I still think that it is, but, in pursuance of the promise given to the honorable member, I have looked into the matter again, and have devised the proposed amendments, which he is willing to accept, as likely to meet the difficulty. The amendment in clause 5 is also to be moved in pursuance of the honorable member's suggestion, in order to make it clearer that the expression "false, erroneous, or defective," applies to the "receipt, account, or document" mentioned earlier in the clause.

Question resolved in the affirmative.

In Committee: (Recommittal).

Clause 4—

(1) Any person who, without the full knowledge and consent of the principal, directly or indirectly—

(a) being an agent, accepts or obtains or agrees or offers to accept or obtain from any person for himself or for any person other than the principal; or

(b) gives or agrees to give or offers to an agent or to any person at the request of an agent

any gift or consideration as an inducement or reward.

Amendment (by Mr. ISAACS) agreed to—

That after the word "agent," wherever occurring in paragraphs *a* and *b*, the words "of the principal" be inserted.

Clause, as amended, agreed to.

Clause 5—

Any person who—

(a) gives to an agent; or

(b) being an agent receives or uses, with intent to deceive the principal, any receipt, account, or document in respect of which the principal is interested, or in relation to a dealing, transaction, or matter in which the principal is interested, and being false, erroneous, or defective in any material particular, or likely in any way to mislead the principal, shall be guilty of an indictable offence.

Amendment (by Mr. ISAACS) agreed to—

That the word "and," line 8, be left out, with a view to insert in lieu thereof the words "the receipt, account, or document."

Clause, as amended, agreed to.

Bill reported with further amendments; report adopted.

Bill read a third time.

ESTIMATES.

In Committee of Supply: (Consideration resumed from 10th October, *vide* page 3328).

DEPARTMENT OF HOME AFFAIRS.

Division 20 (*Administrative Staff*), £8,776.

Mr. KELLY (Wentworth).—I wish to say a few words in connexion with a matter which is of interest to all honorable members. Parliament each year votes money for the erection of public buildings, but there is always great delay in getting that money expended by the Department of Home Affairs.

Mr. KING O'MALLEY.—That is because of red tape.

Mr. KELLY.—That is very probable. It is very rarely that an economy can be effected by the Postal Department by erecting a post-office of its own, instead of continuing to carry on its operations in a rented building; but in my electorate, after providing interest and a sinking fund, a considerable saving will be made by giving up the present post-office, for which a stiff rent is paid, and erecting a Commonwealth building. The lease of the present building expired in the middle of this year, and it was therefore obvious that, to avoid having to pay another year's rent for it, the new building would have to be finished and ready for occupation before that time. There were practically nine months in which to carry out the work, and I made representations to the Department as to the need for expedition, which was recognised. Yet the Department of Home Affairs took as long to prepare the plans for this small building as would have been required by the average contractor to erect it. The money for the work was voted on last year's Estimates, but the building has not yet been completed.

Mr. TUDOR.—When was it started?

Mr. KELLY.—I cannot give the exact date, but there was a good deal of correspondence before I got the plans through and the work put in hand.

Mr. TUDOR.—It took me five years to get the South Richmond post-office.

Mr. KELLY.—Such a thing is a scandal. It is the duty of the Department to give effect with despatch to the will of Parliament. I have risen to protest against the delays which occur, and I hope that other honorable members will support my action. The officers of the Department seem ready to do their best, but I think that something must be wrong in the methods employed. I know that some honorable members think that the Department should be abolished.

Mr. PAGE.—It should be wiped clean out.

Mr. KELLY.—I have such a regard for the present Minister that I should not like to see such a step taken without due consideration; but I hope that he will shake up the administration. The Department is more or less a red-tape Department, which serves for an excuse for the slackness of all the others.

Mr. KING O'MALLEY.—It is suffering from dry rot.

Mr. KELLY.—I will not say that. At one time, if a post-office required a new window-sash, the Department of Home Affairs had to be invoked.

Mr. DUGALD THOMSON.—That is not so now.

Mr. KELLY.—The honorable member only recently put an end to that absurd system. It was ridiculous that a great Department like the Post Office could not accept responsibility for necessary disbursements. I hope that some means will be found to improve the methods of the Department of Home Affairs, so that its work may be transacted more quickly.

Mr. WILKS (Dalley).—I wish to say a few words with regard to the administration of this Department. I do not desire that the Department should be abolished, but I think that the position of the Minister of Home Affairs should be done away with, and that his portfolio should be amalgamated with some other. I am not casting any reflection upon the present Minister, but I think a wise economy might be practised by the amalgamation of some of the too numerous political offices for which provision is now made. The Commonwealth cannot long stand the financial strain which is being imposed upon it, and I think that Ministers should seek to curtail expenditure in every possible way. The Minister of Trade and Customs cannot have very much to do, and he would make an admirable administrator for the Home Affairs Department. Now that the Federal Capital question has been practically settled, the work of the Department will become greatly diminished in the near future. I know that this is not a popular suggestion, but I feel sure that the Minister of Trade and Customs would willingly undertake to perform more work if it could be shown that a good purpose would be served. I ask Ministers to seriously consider my suggestion. I think that special attention should be directed to the fact that we do not at present possess the staff required to insure efficient supervision over the public works

carried out on behalf of the Commonwealth. We have an Inspector-General of Works, at a salary of £800, and a Superintendent of Works in each of the States, at a salary of £600, but the whole of the detail work has to be carried out by State officials. It is impossible for the Commonwealth officers connected with this branch of the Home Affairs Department, however able they may be, to effectively supervise the whole of the works carried out in large States such as Queensland and New South Wales, and I think we should have a properly equipped staff or none at all. We are paying the States £6,500 per annum for the services rendered by their officials, and I think we might spend that money to far more advantage by maintaining a staff of our own.

Sir WILLIAM LYNE.—The House would not agree to my proposals in that direction.

Mr. WILKS.—I am perfectly well aware of that, but from the outset I have taken up the attitude I am now assuming. I pointed out that useful work could be done and money could be saved if we appointed a number of efficient clerks of works, who would have the immediate supervision of all works. I hope that the Minister will inquire into this matter, and make some recommendation on the subject. The Superintendent of Works in New South Wales is supposed to exercise supervision over all works of construction, but it is absolutely impossible for him to roam from one end of the State to the other, and at the same time effectively perform the work that demands his attention at the head office. I found recently that the staff connected with the Home Affairs Department in New South Wales were frequently required to work overtime, and that seemed to me to indicate either that the staff were incompetent or overworked. I believe that the latter is the true explanation, and I trust that the Minister will, in the interests of the Department and of the officers themselves, effect some improvement. It is proposed to expend over £100,000 upon various works during the current year, and it seems to me to be false economy to depend upon the supervision of officers who have no direct responsibility, and who cannot be expected to look after the interests of the Commonwealth with the same keenness that would be exhibited by our own officials. Referring once more to the amalgamation of Ministerial portfolios, I acknowledge that the Minister of Home Affairs may have more work to do than the public are

generally aware of. He has a perfect right to occupy his present position, and I do not cast the slightest reflection upon him, but I honestly believe that an amalgamation of Ministerial offices might be made with advantage.

Mr. JOSEPH COOK (Parramatta).—The honorable member for Dalley took upon himself to say that the Minister of Home Affairs had a perfect right to occupy his present position. I deny that statement at once, and challenge the Minister to show by what right or privilege he holds his present position. No doubt, he worked very hard to obtain a position in the Ministry, and it is appropriate that he should preside over the Home Affairs Department, where so much bridge-building and road-making is undertaken. The Minister was one of the champion bridge-builders, and one of the most accomplished road-makers in the House, and he apparently succeeded in macadamizing the road which led him to office. The honorable member for Dalley was quite right in suggesting that the Minister of Trade and Customs would be willing to take over another Ministerial office, in addition to his own. Judging from the facility with which he disposes of the business of his Department, he has plenty of time at his disposal for gallivanting over the country in order to serve his own political and other purposes. The Minister might do better work for himself and for the Commonwealth if he spent more time in his office, and disported himself at shows and other places to a smaller extent than he has done of late. There is a good deal in the contention of the honorable member for Dalley that it would be advisable for us to arrange for the supervision of our public works by our own officers. The estimates of the Home Affairs Department are gradually mounting up, and now represent a very large sum, and I venture to say that the present system of divided control in connexion with the construction of public works is hampering the Department at every turn. The work that has to be done for the Commonwealth has to take a secondary place, so far as the States officials are concerned, and much delay and annoyance result. I might mention the case of a post-office in which I am interested, upon which work has just been commenced. Twelve months ago I stood here pleading for that work to be carried out. It had

been sanctioned long previously, yet it is only now being put in progress. Therefore I say that the sooner we take over the whole of this work ourselves the better it will be for the Commonwealth as a whole and for the efficiency of the Department of Home Affairs. I am inclined to think that, by so doing, we should not require to increase the total expenditure. At the present time we are paying the various States £6,500 annually for supervision alone. I venture to say that supervision costs a very great deal more than that amount, by reason of the multiplication of the red-tapism which is involved. As a matter of fact, much of the time of Commonwealth officers is taken up in looking after and policing work that is under the control of the States Public Works Departments. There are one or two matters in regard to which I should like the Minister to make a statement to the House. One of these relates to the question of payment for the transferred properties. Five years have now passed since the Federation was established, and yet we do not appear to be any nearer finality in regard to this particular question than we were at the outset. In the meantime, owing to the system of finance that we have adopted, our Federal balance-sheet conveys an entirely false impression to the outside world. Instead of charging ourselves with the interest upon the transferred properties, we are omitting that item from our balance-sheet year after year. The result is that we appear to have a surplus which we return to the States, whereas, if we liquidated all our legitimate obligations, we should have no surplus whatever. I think that the Minister should make a clear and definite statement to the House regarding the stage which the negotiations have now reached. He might also inform us when he anticipates being able to submit a proposition regarding the method of payment which shall be adopted in connexion with these properties. Various proposals have been made in that connexion. The latest suggestion by the Treasurer is one for adjusting matters with the States, and for taking into account only the outstanding balance. That would be a very wrong procedure indeed. No doubt it would be a very convenient one for the Treasurer, but it would still leave our accounts in an extremely vitiated condition. We should still be presenting a false balance-sheet. Whatever means we may adopt to raise the money with which to pay for the trans-

ferred properties, it is clearly our business to bring the whole of those properties into account in our Federal Budget. We ought to show in our accounts the total sum of interest which is payable upon them. If we did that, it seems to me that it would not matter very much what method of payment was finally adopted. At present we have a fictitious surplus. We declare that we are returning to the States so many hundreds of thousands per annum more than we are compelled to do under the Constitution, when, as a matter of fact, we should not have a penny of our own if we liquidated all our outstanding liabilities. If we had been told when the Federation was established that five years hence no settlement of this question would have been arrived at, I venture to say that the statement would have been scouted. Such, however, is the simple fact. At the present time we are using the transferred properties, and the States are paying interest upon them, instead of that interest being shown in our accounts as a liability and an item of Federal expenditure. There is another matter to which I wish to direct attention—I refer to the dispute in regard to the Federal Capital question. This matter is dragging its slow course along, and I suppose that the Attorney-General and the Attorney-General of New South Wales will get to "close grips" some time or other.

Mr. ISAACS.—This Attorney-General is quite ready.

Mr. JOSEPH COOK.—Yes, but he will not go out of his way to the extent of one pin-head.

Mr. ISAACS.—There is no justification for that statement.

Mr. JOSEPH COOK.—The honorable and learned gentleman declines to leave Melbourne. His business is far too important. The Attorney-General of New South Wales is also a very busy man, and has a big Court practice. I venture to say that he has very much more important public business to attend to than has the Attorney-General.

Mr. ROBINSON.—He is looking after Crick, who was one of the late colleagues of the Minister of Trade and Customs.

Mr. JOSEPH COOK.—I do not understand that interjection. If the honorable member wishes to indulge in any criticism of the Minister of Trade and Customs from the stand-point of recent happenings in Sydney, I do not think that he is adopting a fair course. I think that the Minister

might very well be absolved from any connexion with those events.

The CHAIRMAN.—Order! I must ask the honorable member to address himself to the item before the Chair.

Mr. JOSEPH COOK.—Then I would be obliged if my honorable friend in the corner would cease his interjections. I know that, as a good loyal Victorian representative, he is very anxious to see the Federal Capital question definitely settled. The sooner we get a habitation of our own the better it will be for us, because we shall then be removed from those vitiating influences of the powerful press of which we have so frequently complained. I should like to see a more pronounced disposition on the part of the Attorney-General to make a little sacrifice to secure the settlement of this important matter. It was just as much his duty to visit Sydney as it was Mr. Wade's duty to come to Melbourne. There is no comparison between the importance of the public business which is now engaging the attention of these two gentlemen. At the present moment, the Attorney-General of New South Wales is grappling with the Liquor Bill, and two or three other measures of first-rate importance, and, in addition, he possesses Court practice as large as that of any leading barrister. But while the Attorney-General declares point-blank that he will not leave Melbourne, the Prime Minister coolly requests that the New South Wales Attorney-General should come over here. I trust that when the conference between these two Attorneys-General takes place, the matter in dispute will be pushed forward to a settlement. I do not know what the Government intend after the High Court has determined the issues which may be agreed upon. We must not for a moment imagine that the decision of that tribunal will finally dispose of the matter. Action will need to be taken by the Commonwealth Ministry if the Seat of Government is to be removed from Melbourne within the next five or ten years. Judging by the progress which we have hitherto made, some succeeding Administration will have to develop a tremendous "spurt," if we are to get away from this city before several years have elapsed.

Mr. ROBINSON.—Let us stay where we are for the next twenty years.

Mr. JOSEPH COOK.—Was the honorable and learned member present in the Chamber last evening?

Mr. ROBINSON.—I was not.

Mr. JOSEPH COOK.—Then the honorable and learned member did not see a brutal Government endeavouring to crush me by compelling me to continue a debate after I had spent two nights in the train, and was physically unfit for the task.

Mr. ROBINSON.—That is what the honorable member wishes to make the Victorian representatives do.

Mr. JOSEPH COOK.—I confess that I desire the Victorian representatives to be placed upon the same footing as myself. This is a democratic Assembly, and we are all supposed to be equal; but I venture to say that, while Melbourne remains the Seat of Government, there can be no equality of sacrifice. I should advise the representatives of Victoria, who are so prone to lecture the House on the necessity to expedite public business, to remember this fact. I wish to warn the Prime Minister that in initiating late sittings he is starting upon a course which, if persisted in, will eventually demoralize the Parliament and demoralize it in a way that he will regret as keenly as will any one. I am speaking as one who has had long experience of the effect of such a system on a State Parliament. It is because of this that I am so anxious to avoid late sittings.

The CHAIRMAN.—I would remind the honorable member that the hours of sitting are not under discussion.

Mr. JOSEPH COOK.—I am pointing out that with Melbourne as the Seat of Government, the sacrifice in the performance of public duties is unequal. It is all very well for representatives of Victoria to demand late sittings. Every one knows, for instance, that the Attorney-General is accustomed to walk through one door of this Chamber and out at the other.

Mr. ISAACS.—Absolutely incorrect.

Mr. JOSEPH COOK.—It is a matter of notoriety that the honorable and learned gentleman does this in order that his name may be registered on the attendance list.

Mr. ISAACS.—That is an outrageous statement.

Mr. JOSEPH COOK.—And yet there is no honorable and learned member who lectures the House more than he does.

The CHAIRMAN.—I must ask the honorable member to confine his remarks to the estimates of the Department of Home Affairs.

Mr. JOSEPH COOK.—I am dealing with the question of the Federal Capital,

as to which a sum appears on the Estimates now under discussion. I am pointing out that as long as Melbourne is the Seat of Government there cannot be a fair apportionment of sacrifice in the performance of our public duties.

The CHAIRMAN.—The honorable member is justified in making that statement, but he will remember that when I interrupted him he was proceeding to discuss the bearing and personal attributes of the Attorney-General.

Mr. JOSEPH COOK.—I did so in order to illustrate the point I was making. The charge has been made again and again that we are neglecting public business, and it has been made more frequently by the Attorney-General than by any other honorable member. It is well known that those who live in glass houses usually heave the largest stones, and no man lives in a house more composed of glass in this respect than does the Attorney-General. It is a matter of notoriety that he often walks through the Chamber in order that his name may be recorded in the attendance list, and that we then see his face no more during the remainder of the sitting.

Mr. ISAACS.—Outside this House, such a statement would be stigmatized as a deliberate falsehood.

The CHAIRMAN.—Order! I ask the honorable and learned gentleman not to make such a statement; it is evidently calculated to lead to trouble. I must request him to withdraw it.

Mr. ISAACS.—I do so, sir; but I consider that I have received very great provocation, and that the statement made by the honorable member for Parramatta could in no circumstances be justified.

The CHAIRMAN.—I now ask the honorable member for Parramatta not to pursue a course that is calculated to lead to friction, but to endeavour as far as possible to confine his remarks to the Estimates under discussion.

Mr. JOSEPH COOK.—I have no wish to provoke these animosities. It is unfortunate that a mere statement of fact should provoke them. Let me take, as another illustration, the position of the honorable member for Melbourne Ports. At the close of the session the records show that he has not missed a single sitting; but it is easy for him to put in an appearance here. All that he has to do is to

have his attendance registered, and then leave the Chamber to look after his business, if he cares to.

Mr. MAUGER.—The honorable member does not say that I do that?

Mr. JOSEPH COOK.—I say that the honorable member, and other representatives of Victoria, do not put any more time in the Chamber than many of the representatives of other States do, although we have a great many less attendances to show.

Mr. MAUGER.—That is absolutely untrue.

The CHAIRMAN. — The honorable member must know that such an observation is quite unparliamentary, and I ask him to withdraw it.

Mr. MAUGER.—I say that the statement made by the honorable member for Parramatta is absolutely untrue.

The CHAIRMAN.—Order! The honorable member must withdraw that statement without any qualification.

Mr. MAUGER.—I withdraw it, and say that the statement made by the honorable member for Parramatta is absolutely contrary to fact, and that no one knows it better than he does.

The CHAIRMAN. — The honorable member must withdraw the latter part of his statement.

Mr. MAUGER.—I withdraw it, but I know that it is correct.

Mr. JOSEPH COOK.—I am afraid that my honorable friend does not know it, or he would not have taken exception to the remark that I made.

Mr. MAUGER. — Does the honorable member know of any one who attends more regularly than I do? I am never out of the House.

Mr. JOSEPH COOK.—All that I said was that some of the representatives of Victoria did not put in more time in this Chamber than did many of the representatives of other States.

Mr. MAUGER.—Why did the honorable member single me out?

Mr. JOSEPH COOK.—I did not. I referred to him and some other Victorian members.

Mr. ROBINSON.—The honorable member was making a most unfair attack on some of his own supporters.

Mr. JOSEPH COOK.—Can it be said that I attack any one when I say that some of the representatives of Victoria do not give more time to the performance of their public duties than I do?

Mr. MAUGER.—The honorable member said that we came into the House to secure the registration of our attendance, and went away again.

Mr. JOSEPH COOK.—I said some of them did. I am anxious not to say anything that would disturb the honorable member's peace of mind. My point is that this is a democratic Chamber, and that, although we are supposed to believe in equality of sacrifice, there can be no equality of sacrifice, as applied to the performance of our parliamentary duties, whilst the Parliament continues to meet in Melbourne. I should not have said this but for the initiation of a new order of things by the present Ministry. Last night, after spending two nights in a railway train, I was refused an adjournment, although the hour of midnight was fast approaching. As long as the Government will agree to adjourn at a reasonable hour, I shall have nothing to say in this regard. It is all very well for a Minister who is living on the spot—to whom attendance is a trifling matter—to advocate late sittings. He has not to endure, week after week, a racking railway journey to reach his home, and he should not seek to take advantage of those who have to travel long distances in order to attend here. No honorable member spends more time and energy in the performance of his duties than do those who come from their distant homes. The sooner we determine the site of the Capital the sooner we shall understand each other better—at least, in relation to parliamentary business—and the sooner will there be a much better appreciation of each other's difficulties than now appears to be the case. If honorable members who represent Victoria had to journey, say, to Dalgety, in order to attend to their parliamentary duties, they would not be so anxious for the House to sit after midnight as they now seem to be. I hope that—if only from this consideration—some steps will speedily be taken to settle the question of the site of the Capital. I trust that when the Attorneys-General do meet the present long-range firing will cease, and that they will cease to heap up technical difficulties. I am bound to say that those tactics appertain to no one party to the dispute. There is one other little matter which I should like to mention, and that is the difference which is made between honorable

members in regard to the privilege—if it can be called so, though I think that it should be looked upon as a right—of taking one's wife occasionally on a trip, perhaps to one's electorate. Under the present system, if a member lives at a place from which he can travel in a direct line to the Capital and also to his electorate, he can obtain a pass for his wife as often as he likes, but if he is differently situated he is not allowed this privilege. I ask the Minister to look into the matter, with a view to putting all on the same footing. With regard to the proposal to expend £5,000 upon a Statistical Bureau, I hope that an arrangement will be made with the Governments of the States under which the Commonwealth will take over some of their functions, and thus save them an expenditure at least as large as that which we are undertaking. If there is one thing more than another which is of Federal concern it is the collection of statistics, and steps should be taken to try to persuade the States to cease to perform their functions in that respect, and allow the work to be done by the Commonwealth. I hardly think that they will insist on keeping up their Statistical Bureaux when they find that the work is being adequately done by a Federal agency. In my opinion, no fresh officers need be appointed. By an arrangement with the States their officers could be transferred to the Commonwealth, and, no doubt, a saving could be effected, and greater efficiency secured, by the collection of statistics by one agency instead of by several.

MR. PAGE (Maranoa).—In criticising the Estimates of this Department, I should like to draw attention, in the first place, to the immense cost of the administrative staff. Last year the amount appropriated was £7,886, but the expenditure exceeded that amount by £333. This year £8,776 is set down, an increase of nearly £900. Then, in connexion with the maintenance of the Public Works staff, we have an increase of over £4,300.

MR. GROOM.—There is no increase in expenditure, but merely a transference of items.

MR. PAGE.—Last year the appropriation was £13,527, while this year £17,824 is asked for. When the honorable member for Hume was Minister of Home Affairs, he told us that the creation of a Public Works staff would mean an expenditure of only £1,200 or £2,000 a year; but I said at the time that the proposal was objectionable,

not because of the immediate expense, but because of what would follow. Now my remarks are being justified. Whereas £2,000 was considered sufficient in 1902, we are now being called upon to vote £9,048 for this branch. Facts like these afford ground for the complaints of the Treasurers of the States. I consider the Department of Home Affairs a big bundle of red tape, which we have to waste our time in disentangling. It is no better than a circumlocution office. Whenever any public work is to be carried out in connexion with one of the other Departments, instead of the officers of that Department or the officers of the States Works Departments being made responsible, the matter has to be referred to the Department of Home Affairs. Consequently all proposals for public works have to pass through the hands of numerous record and correspondence clerks, and go backwards and forwards between Under Secretaries and Ministers, until the proper formal authority is obtained. No doubt, as the honorable member for North Sydney explained to me this afternoon, the Department saves the Commonwealth considerable expense in supervising and cutting down the proposals put before them, but I still think that it is altogether too expensive. Then we have an Electoral branch, although most of the work connected with elections is done by the postal officials. If it were all handed over to that Department, I am satisfied that it would be much more efficiently performed. The honorable member for North Sydney is, I believe, satisfied that the Electoral branch should be made part of the Postal Department. I was not aware the other evening that he proposed to carry out that change in a Bill which he intended to introduce. I consider that such a step would be a very proper one, and if the change is proposed I shall heartily support it. Then there is the Public Service Commissioner's branch. We were told when the Public Service Bill was before the House that we should get a model service. I wish to show honorable members what the cost of administering that service is, and to do so I shall refer to the salaries of some of the officers at the head of the various Departments. This information is taken from the classification of the Public Service Commissioner. I find that Mr. H. H. Lewis, of the Department of External Affairs, whose name appears second on page 1 of the classification, received when in State employ £290 per annum. When he became a Commonwealth

officer his salary was increased to £350 per annum; but the Public Service Commissioner, in grading the service, thought that that was not enough, and raised it to £360 per annum, so that he obtained an increase of £70 in two years—a very big rise, considering the amount of his original salary. Then Mr. F. J. Quinlan, whose name appears on the fourth page, was receiving in State employ £225 per annum, and obtained £260 per annum on being transferred to the Commonwealth. His salary has been increased by the Commissioner to £285 per annum. In the Attorney-General's Department, Mr. G. H. Castle, whose name appears second on page 2 of the classification, was receiving £350 from the State, and on being transferred to the Commonwealth service, obtained £500 per annum. The Commissioner has raised his salary to £520 per annum. Mr. D. Miller, of the Department of Home Affairs, whose name appears first on page 3 of the classification, was receiving a salary of £425 in the employ of the State. That was raised to £750 on his being transferred to the Commonwealth, and was increased to £850.

Mr. GROOM.—That is not the amount set down on the Estimates.

Mr. PAGE.—I understand that the salaries of the Under Secretaries have been fixed at £800, instead of the £850 allotted to them by the Public Service Commissioner.

Mr. HUTCHISON.—That was a censure on the Public Service Commissioner.

Mr. PAGE.—Honorable members can think what they like about the matter. I am giving the bald facts. Mr. W. G. Batten, whose name appears as No. 16 on page 3 of the classification, had no State service, but received £211 on being appointed to the Commonwealth Service, and has been raised to £235 by the Public Service Commissioner. Mr. S. Williams, whose name appears seventeenth on the same page, had also no State service, but received £161 on joining the Commonwealth Service, and has been raised to £185 by the Commissioner. Mr. G. J. Oakshott whilst in the State service received £425. On joining the Commonwealth service, his salary was increased to £600. Mr. H. C. Brown received under the State £175, and under the Commonwealth £200, and the Commissioner has now raised his salary to £210.

Mr. GROOM.—These officers are performing duties very different from those they had to discharge under the State.

Mr. PAGE.—Their services cannot be worth double as much to us as they were to the State.

Mr. GROOM.—They are fulfilling much higher duties, and have to bear greater responsibilities, and yet receive smaller salaries than are paid to officers occupying corresponding positions in the States.

Mr. PAGE.—That does not affect my contention that their salaries have been increased to an inordinate degree. Mr. Oldham, another officer, was receiving £350 under the State, and £500 under the Commonwealth. That was a substantial increase, but the Commissioner has augmented the salary to the extent of another £20 per annum. This is the Commissioner who said that he was going to look after the interests of the taxpayers. In the Home Affairs Department I find that one of the officers, Mr. Newman, who received £150 under the State, had his salary increased to £350 when he joined the Commonwealth service, and has received a further increase at the hands of the Commissioner of £10. In fact, the Commissioner has increased the salaries of all but five officers belonging to the central staff.

Mr. HUME COOK.—What salaries are paid to officers occupying similar positions in the State services?

Mr. PAGE.—I do not know. I am dealing with the Commonwealth service. I wish honorable members to be placed in possession of the facts, because there is bound to be a day of reckoning before very long. Some of the States Governments piled up the salaries of public servants to such an extent that retrenchments had to be made, and in Queensland officers who were formerly in receipt of £700 and £800 now have to be content with £200 or £300 per annum. Of course, they consider that they have been badly treated, and so they have been, because they were led to believe that their salaries would be increased by annual increments until they reached very large amounts. The taxpayers, however, could not stand the strain, and it must be remembered that we are nearly at the end of our financial tether, so far as Commonwealth expenditure is concerned. The Treasurer is already looking round for more money, and when it becomes necessary to make pro-

vision for fresh expenditure, the first to suffer will be the public servants. I want to give honorable members fair warning. I do not say that the officers are incompetent, or that they do not deserve high salaries, but there is a limit beyond which we cannot afford to go. I am endeavouring to show that there is a vast difference between the salaries which these officers received when they were in the States services, and those which they are now being paid. Surely it will not be contended that the services of these men are worth to us double what they were worth to the States.

Mr. HUME COOK.—I do not say that, but I contend that officers occupying similar positions in the States are paid higher salaries.

Mr. PAGE.—It is very strange that the States officers are tumbling over one another in their eagerness to secure positions in the Federal service. The number of applications I have received from States officers has been positively alarming; and I cannot understand why they should be so eager to leave the States services if they are being so well paid as the honorable member's remarks would lead one to believe. In the office of the Public Service Commissioner, I find that Mr. Reddin, the secretary to the Commissioner, was in receipt of a salary of £450 under the State, and that he is now being paid £600 per annum.

Mr. McCAY.—He now holds a position corresponding to that he held in the State service.

Mr. PAGE.—There is the answer to the observation of the honorable member for Bourke. Mr. J. P. Richard received £300 under the State, and £400 under the Commonwealth; and his salary has been increased by the Commissioner to £420. Mr. Healey received £200 under the State, and £350 under the Commonwealth, whilst the Public Service Commissioner has raised his salary to £400. In other words, his income has been doubled within three years.

Mr. TUDOR.—He is a very competent officer.

Mr. PAGE.—He must be. He is the officer who has given the Commonwealth legal advice, which has led them into an expenditure of £12,000. Mr. W. J. Skewes received under the State £260, and the same amount when he joined the Commonwealth service; but the Commissioner

has increased his pay to £310 per annum. Mr. H. McTaggart received £200 under the State, and £250 under the Commonwealth, and the Commissioner has further increased his salary to £285. Mr. H. Earle received £220 under the State, and the same salary under the Commonwealth, but the Commissioner has increased his salary to £260. Mr. E. L. Slattery had no service in the State, but he was taken into the Commonwealth service at a salary of £190, which has been increased by the Commissioner to £210. In connexion with the Inspector's staff, I find that Mr. E. C. Kraegen received £220 under the State, and £250 under the Commonwealth, and the Commissioner has raised the salary to £285. Mr. W. J. Clemens received £215 under the State and £235 under the Commonwealth, and the Commissioner has increased the salary to £285. Mr. P. E. Walcott received £200 under the State, and £210 under the Commonwealth, and the Commissioner has given him an increase of £50. Mr. C. H. Rogers received £150 under the State, and £185 under the Commonwealth, and his salary has been further increased by the Commissioner to £210. Mr. G. E. Wilson received £165 under the State, and £185 under the Commonwealth, and the Commissioner has increased the amount to £210. In the Treasurer's Department, Mr. G. T. Allen received £700 under the State, and £750 under the Commonwealth. The salary was increased by the Commissioner to £850, but this officer was treated in the same manner as Colonel Miller, and his remuneration is now fixed at £800 per annum. Mr. J. R. Collins received £200 under the State and £420 under the Commonwealth, and the Commissioner gave him another £60, making the total £480. Mr. C. J. Cerrutty received £200 under the State, £310 under the Commonwealth, and the Commissioner raised his salary to £360. Mr. J. T. Heathershaw received £200 under the State, and £235 under the Commonwealth, and the Commissioner has increased the salary to £285. Mr. T. W. Jolliffe received £145 under the State, and £235 under the Commonwealth, and his salary has been increased by the Commissioner to £260. Mr. A. P. Kelly, of the Treasury staff, received £130 under the State, and £235 under the Commonwealth, and the Commissioner has increased the salary to £260. Mr. W. H. Osborne received £200 under the State, £235 under

the Commonwealth, and under the Commissioner's classification is entitled to £260. Mr. D. Ferguson received £200 under the State, and £210 under the Commonwealth, and his salary has been further increased by the Commissioner to £260. Mr. J. Anderson received £200 under the State, and £210 under the Commonwealth, and his salary now stands at £235. Mr. F. J. Ross received £200 under the State and £335 under the Commonwealth, and his salary was increased by the Commissioner to £360. Mr. A. Bolle received £200 under the State, and £260 under the Commonwealth, and his salary was increased by the Commissioner to £285. Mr. P. Whitton received £420 under the State, and £560 under the Commonwealth, and the salary has been increased by the Commissioner to £580. Mr. G. G. Todd received £290 under the State, and £310 under the Commonwealth, and his salary has been increased by the Commissioner to £360. Mr. G. H. Gatehouse received £240 under the State and £310 under the Commonwealth, and his salary has been raised to £335. Mr. J. C. Vardon received £280 under the State and £310 under the Commonwealth, and his salary now stands at £335.

Mr. JOHNSON.—Perhaps these officers have more work to do than in the services in which they were formerly employed.

Mr. PAGE.—But their work cannot have doubled itself in value.

Mr. WATSON.—In some cases they have been given much more responsible work to do.

Mr. GROOM.—In nearly every case the honorable member has mentioned the salaries paid are lower than those attached to corresponding positions in the State services; yet the honorable member has stated that the States Treasurers are justified in their complaints regarding Federal extravagance.

Mr. PAGE.—The States Treasurers are justified in what they have stated, and my action in directing attention to these enormous increases in salaries is warranted by the fact that it is our duty to look after the interests of the States. This is no personal matter with me, but merely one of duty to my constituents.

Mr. GROOM.—The salary received by the State officer for New South Wales who occupies a position similar to that filled

by Mr. Collins is £260 higher than that received by our official.

Mr. WATSON.—Yes; Mr. Collins has very important work to do, and is one of the best officers in the service.

Mr. PAGE.—Now the personal element is being introduced.

Mr. GROOM.—No; we have made provision for payment by merit.

Mr. PAGE.—It is very strange that every honorable member who has been a Minister, and has come into contact with these officers, should stick up for them.

Mr. SYDNEY SMITH.—We have had experience, and know what the officers are worth.

Mr. PAGE.—I find that Mr. J. L. Cantwell received £230 under the State, and £310 under the Commonwealth, and that his salary has been increased by the Commissioner to £335. Mr. P. W. Lovett received £200 whilst in the State service, his salary was increased to £260 when he joined the Commonwealth service, and that amount has been further increased by the Commissioner to £285 per annum. Mr. E. L. Puddicombe was in receipt of £180 per annum when in the employ of the State, and the amount was increased to £210 upon entering the Commonwealth service. The Public Service Commissioner has further increased his salary to £235. Mr. E. W. Daddo, who received £160 under the State, was appointed to the Commonwealth Service at the same salary, which has since been increased by the Commissioner to £210. Mr. R. H. Reeves drew £145 per annum when in the employ of a State, but was appointed to the Commonwealth service at a salary of £210, which sum has been further increased by the Commissioner to £235.

Mr. JOHNSON.—The Victorians have been treated well.

Mr. PAGE.—I do not know who are Victorian officers and who are not. Some of them are crying out that they are not sufficiently paid. My leader has said that Mr. Collins is not sufficiently paid.

Mr. THOMAS.—He did not say that.

Mr. PAGE.—Then, what did he say?

Mr. THOMAS.—He inferred that Mr. Collins was fairly well paid for the work which he was performing.

Mr. PAGE.—My leader has a very good lieutenant in the honorable member for Barrier. The honorable member got him out of that difficulty very well indeed. I come now by to the Customs

central staff. No doubt the Minister of Trade and Customs will urge that the whole of the members of the central staff are good officers. I notice that since the honorable member for Hume returned to office, the Customs authorities have been very vigilant, indeed, particularly in regard to harvesters. I find that Mr. S. Mills, when in the employ of the State, received £400 per annum, which amount was increased to £600 upon his appointment to the Commonwealth. Mr. R. M. Oakley, when in the service of a State, received £200. He joined the Commonwealth Service at £250, and his salary has been increased by the Commissioner to £310. Mr. W. H. Barkley received £250 whilst in the employ of a State, but was appointed to the Commonwealth service at a salary of £310. The Commissioner has made no increase in his case. Mr. J. F. McGuiness was appointed to the Commonwealth service at a salary of £250 per annum, which amount has been increased by the Public Service Commissioner to £260. On the Treasury staff Mr. N. Synan, who received £130 when in the employ of a State, was appointed to the Commonwealth Service at £200. His salary has been increased by the Commissioner to £210. Under the State Mr. Townsend received £400, but he was appointed to the Commonwealth service at a salary of £800 per annum. Does not that represent a fair increase?

Mr. GROOM.—That is the value of his office.

Mr. PAGE.—His office may be worth £1,000 per annum. I am merely showing the increases which have been given. I come now to the Defence staff. I find that Mr. Pethebridge, when in the employ of a State, received a salary of £400. He was appointed to the Commonwealth service at £520. Mr. T. Trumble, when under the State, drew £200 per annum, and when he joined the Commonwealth service his salary was increased to £310. The Commissioner has since raised it to £335. Mr. W. Hancock, whilst in the State employ, received £200 per annum, and upon joining the Commonwealth Service his salary was increased to £250. It has since been further raised by the Public Service Commissioner to £260 per annum. On the Postmaster-General's staff, I find that Mr. Oxenham, who, under the State, received £400 was appointed to the Commonwealth service at £600. Mr. Templeton drew £300 per annum when in the service of a

State, but was appointed to the Commonwealth service at £420 per annum; and his salary has been increased by the Commissioner to £440. Mr. P. Howe was receiving £240 per annum under a State Government, and upon his appointment to the Commonwealth service his salary was raised to £310 per annum. Mr. J. Lynar received £200 whilst in the employ of a State, but was appointed to the Commonwealth service at £250 per annum. His salary has since been increased by the Commissioner to £260. Mr. A. Godso, who received £200 in a State, was appointed to the Commonwealth service at £250, and his salary has since been raised to £260. The total number of clerical officers upon the central staffs is 148. Of these, forty-eight officers have had their salaries increased to the extent of £4,465 per annum as compared with amounts paid to them by the States Governments, and the Commissioner has further increased the salaries of forty-seven of them by £1,493 per annum. The moral is that any officer who wishes to rise and secure a big salary should get appointed to the central staffs.

Mr. JOHNSON.—Is there not more work to be done there?

Mr. PAGE.—The honorable member was not present during the earlier portion of my speech, otherwise he would not have made that interjection. I merely wish to put these facts before the public, in order that they may see how we are getting along. I desire to tell the Minister of Home Affairs that, though he is a personal friend of mine, I will not support any Government which is extravagant in regard to the civil service.

Mr. JOHNSON.—Extravagance will lead to retrenchment.

Mr. PAGE.—That is what I have already told the Minister.

Mr. TUDOR.—And any reductions which may be made hereafter will not affect those officers who have received these large increases.

Mr. PAGE.—No; they will come off the salaries of the lower-paid officers. A few days ago I put a question to the Attorney-General to which he promised to furnish a reply. I asked him whether the proceedings against Nicholas Hart were instituted upon the advice of the Crown Law Officers. I know that I was on the right track when I stated that the Public Service Commissioner did not act on the

advice that was tendered to him by the Crown Law authorities. Had he done so, I am satisfied that the Commonwealth would not have been landed in the expensive law suit which is now in progress in Queensland. The Government must entertain the opinion that there is something at stake in those proceedings, because they have retained the strongest bar obtainable in Queensland to defend the action. Furthermore, they have practically pleaded guilty by paying £10 into Court in satisfaction of Mr. Hart's claim for wrongful dismissal. The Public Service Commissioner has brought about all this trouble by acting on the advice of a subordinate officer in his Department in the person of Mr. Healey. The latter figures upon the Estimates as an examiner—not as a Crown Law Officer. The Public Service Commissioner has flouted the opinion of the Crown Law authorities, and has accepted the advice of one of his subordinates. By so doing he has landed the Commonwealth in an expenditure which may involve hundreds, or even thousands of pounds. Unless full publicity is given to the facts of this case I shall worry the Government over it during the remainder of the session. After the Crown Law officers had advised the Public Service Commissioner that Mr. Hart's case should be heard by a certain board of inquiry, the Commissioner, acting upon the advice of one of his subordinates, had him tried by another board.

Mr. GROOM.—Does the honorable member say that the Public Service Commissioner set aside the advice of the Crown Solicitor, and acted upon that of a subordinate?

Mr. PAGE.—Emphatically, I do.

Mr. GROOM.—I will inquire into the matter.

AN HONORABLE MEMBER.—The papers do not support the honorable member's statement.

Mr. PAGE.—Then the papers lie. If the Minister will move in the direction of transferring the Electoral Office to the Postal Department, nobody will champion his action more thoroughly than I will. As I have already stated, the course suggested is the proper one to adopt.

Mr. ISAACS (Indi—Attorney-General).—The other evening, when my Estimates were before the Chamber, the honorable member for Maranoa put to me the question which he has repeated to-night. At that time I was not prepared to give him any

information, because the matter to which he refers does not concern this year's Estimates at all. It has no relation to them. The question which the honorable member for Maranoa put relates to some trouble which arose whilst the late Government were in office. I do not wish to suggest that that Government was to blame, but am simply explaining that that fact may account for the anxiety of the honorable member to make sure that the matter is not silenced. A Mr. Hart occupied the position of travelling mail officer, and the circumstances relating to his case cover a *précis* of thirty-two pages, whilst they extend in date from November, 1903, to July of the present year.

Mr. DUGALD THOMSON.—So that the case extends over the term of office of several Ministries.

Mr. ISAACS.—The particular incident to which the honorable member refers occurred in November, 1904. It is a very complicated matter, the rights and wrongs of which, I gather, have yet to be determined by a Court of law. I am not going to enter upon a consideration of the merits of the case. It would be out of place and quite improper to do so; but the question which my honorable friend put on Tuesday night was whether the Commissioner, in taking the step that led to the matter now being challenged, acted upon the advice of the Attorney-General or upon the recommendation or advice of one of his own immediate subordinates. So far as I can gather from the papers before me, as well as by the assistance of the Secretary of my Department, it appears that the Commissioner in that particular matter had no direct advice from the Attorney-General's Department, but acted on the recommendation or advice of his own immediate subordinate. I think that it would be improper for me to go any further into the case, or to attempt to deal with the merits of the dispute.

Mr. DUGALD THOMSON (North Sydney).—The Minister of Home Affairs is realizing, as his predecessors have done, that a Department which touches honorable members so closely as does that over which he presides will never lack criticism. Coming to the carefully prepared statement submitted by the honorable member for Maranoa, in which the salaries received by officers before being taken over from the States services, are compared with those paid them on entering the Commonwealth

service, as well as with those proposed to be paid under the classification scheme, I would point out that he omitted to make any reference to the principal cause of the difference in the expenditure. The chief cause for the increase in the expenditure of the Commonwealth service, as compared with the salaries paid to these officers by the States is that this Parliament decided—and I am not finding fault with that decision—that those who had been in the service for three years, and had attained the age of twenty-one, should receive not less than £120 per annum.

Mr. PAGE.—I dealt only with the Central staffs.

Mr. DUGALD THOMSON.—I think that the honorable member's comparison was perfectly correct. It has also to be remembered in connexion with some of the officers of the Central staffs that the salaries were fixed by Parliament before they were filled. That, I think, is the case with reference to the head of the Patents Office. Parliament having fixed the salary, it became the duty of the Government to secure the best officer—and preferably a State officer, because it is only right that States servants should have the first opportunity of promotion if transfer to the Commonwealth Service means advancement—for this office. The Government, of which I was a member, had nothing to do with that appointment; but Parliament having arrived at this decision, it became the duty of the Ministry of the day to see that the position was filled by the best officer obtainable. The fact that the officer selected was not receiving whilst in the State employ as much as it was proposed to give him in his new office may have been because there was not a sufficiently important position available for him.

Mr. WARSON.—Probably no promotion was open to him.

Mr. DUGALD THOMSON.—He might have reached the top of a comparatively small Department. If a higher salary were given him on his transfer to the Commonwealth service, that was no reflection upon the Ministry which appointed him, so long as they were careful to ascertain that he was the best applicant for the position. I am quite sure that the honorable member for Maranoa would not object to the salaries paid, at all events, to some of these officers.

Mr. PAGE.—That is so.

Mr. DUGALD THOMSON.—Some of the young men who were selected from the services of the States because of their special ability, and were put to much more important work than they were formerly doing, have amply justified the payment of the salaries they are receiving.

Mr. BAMFORD.—That was quite a democratic proceeding.

Mr. DUGALD THOMSON.—I think it was a perfectly proper one. In my opinion all the prizes should not go to those who are at the top; we ought to encourage merit on the part of those who are at lower levels. While I admit that all these matters should receive the careful consideration of honorable members, I think that in the majority of cases—and of course I do not profess to be familiar with all of them—it can be shown that the officers selected are equal to the more important duties they are performing for the Commonwealth. They are men who had not an opportunity in the service of the States to attain positions to which their merit entitled them. Various suggestions have been made as to the way in which we should deal with our public works. Some of those who have condemned the present system have apparently forgotten that I have previously criticized any unnecessary expenditure in connexion with the Public Works Department of the Commonwealth. It would be very undesirable, unless the Commonwealth were actually compelled by the neglect or refusal of co-operation by the States, to duplicate or triplicate the States expenditure, and to increase, consequently, the burden on the people. If some of the suggestions that have been made to-night were adopted, the people of the Commonwealth would be subjected to an enormously increased burden, without any compensating advantage. It has been suggested that the Commonwealth Department should undertake all its own work—that it should supervise the construction and repairing of Commonwealth buildings from one end of Australia to another. Those who have made that proposal could not have considered what an immense staff would be necessary.

Mr. GROOM.—Nor the travelling expenses that would be incurred.

Mr. DUGALD THOMSON.—The expenses would be enormous. Our buildings must be inspected from time to time in order that they may not be allowed to fall into disrepair. In some parts of Australia, owing to the injurious effect of the climate,

close and frequent examinations have to be made, and it would be altogether unjustifiable to have a staff of Commonwealth officers inspecting all our buildings, from one end of Australia to the other, whilst States officers were on the spot and able to do the work for us. We ought, wherever possible, to avail ourselves of the co-operation of the States. I am satisfied that the relations of the Commonwealth and of the States in this regard can be made to work more smoothly than they have done. Whilst I occupied the office of Minister of Home Affairs, I took steps to that end, and am sure that the present Minister will follow up that action. I caused Public Works officers of the different States to meet in Melbourne, and they carefully considered the whole of the arrangements and the regulations, so that methods that would result in the least possible delay in carrying out Commonwealth works might be devised. As the result of this conference, they promised that they would, in the future, heartily co-operate with us. That being so, the few misunderstandings or delays that have occurred, owing to a lack of familiarity with the system, ought to be removed.

Mr. GROOM.—There is evidence that the system is working in that direction.

Mr. DUGALD THOMSON.—It must also be remembered that many of the delays that have occurred have been due to the action of the Parliament itself. As a rule the Estimates have not been passed until towards the end of November, and consequently only six months have remained within which to carry out work that was supposed to occupy twelve. If the work could not be accomplished within the financial year, delays had necessarily to take place, as re-votes had to be made.

Sir WILLIAM LYNE.—I regret that the honorable member, when Minister of Home Affairs, did not succeed in securing the use of the whole of the Customs House, Sydney, for the Commonwealth.

Mr. DUGALD THOMSON.—We tried to do so, and came to an arrangement that the matter should be allowed to stand over pending the settlement of the question of the housing of the Land and Income Tax Department, when, it was said, reconsideration would be given to our request, with the object of meeting the desire of the Commonwealth Government.

Sir WILLIAM LYNE.—The whole question of the transferred properties must be settled in some way or other.

Mr. DUGALD THOMSON.—That is so, and if they cannot be settled amicably other steps must be taken. Every effort should be made in the first place, however, to endeavour to arrange an amicable settlement. I do not intend to enter into a general defence of the Department. On a previous occasion I expressed my views as to the good work which most of the officers were doing, and I do not withdraw from the position which I then took up in regard to the management of the Electoral Department branch. I am satisfied that if it is left in its present position great danger may be created at some future time. Although the officers of the branch are doing all they can to systematize and organize it, the conditions under which they are compelled to work prevent them from getting the effective results which they desire. After careful thought and consideration, I therefore came to the conclusion that, as we are making so much use of the Postal Department in connexion with elections—a use which is approved by experience, and the recommendations of a Committee which inquired into the whole question—we should endeavour to obtain still more effective assistance from that Department than we now get. At the present time difficulties occur because the officers of the Postal Department are not officers of the Department of Home Affairs, and some of them therefore decline to undertake the work of the Electoral branch. Others undertake it unwillingly. Some, of course, are glad to have it to do, and make themselves thoroughly acquainted with all its requirements, but removals are constantly taking place, sometimes very inconveniently for the Electoral branch, and in this way considerable trouble, if not serious consequences, might be occasioned at the time of a general election. At present we have to make use, as registrars and for other work, of too many persons who are not members of the Public Service. I am not criticising the manner in which they do their work, but difficulties are occasioned because of the numerous changes which this system necessitates, because of the constant removals from district to district, and because those who have taken up the work to gain a little extra remuneration subsequently find themselves fully occupied in their ordinary callings, and give it up. It was my intention—and I gave evidence of it by omitting from an Electoral Bill which I had drafted the provision which places the Electoral branch under the Minister of Home Affairs—to ask Parliament to affirm

the desirability of removing that branch to the Postal Department.

Mr. CHANTER.—What advantage would thus be gained?

Mr. DUGALD THOMSON.—In the administration of the Electoral Act important work is now being done by postal officials. Many of the officers of the Postal Department, however, are rather unwilling servants of the Department of Home Affairs. Then, too, postal officials may be removed from place to place at any time, and it often happens that those who take their places have no experience of electoral work. Furthermore, a postmaster who is working for the Electoral branch cannot now call upon his staff to help him, although he may be overworked, and the staff, as sometimes happens in country places, is not fully occupied at certain times of the day. At the present time, if such an officer asked for assistance from his staff, he might be met with refusals, because his officials are not in any way the servants of the Department of Home Affairs.

Mr. MAHON.—Could not the Postmaster-General issue instructions that subordinate officials should assist postmasters in this work?

Mr. DUGALD THOMSON. — That would make the work of the Electoral branch a concern of the Postal Department, and, that being so, I think that the branch itself should be under the administration of the Postal Department.

Mr. MAHON.—A large number of other persons would still have to be employed in connexion with electoral work.

Mr. DUGALD THOMSON.—If an arrangement could be made between the Governments of the Commonwealth and of the States, whereby the officials of the Post Office, the State school teachers, and the police, would jointly undertake both Federal and State electoral work, we should have one of the most effective electoral Departments that could be devised, and the work would be carried on as cheaply as possible.

Mr. GROOM.—Uniformity of legislation would be required to make that system effective.

Mr. DUGALD THOMSON.—A greater approach to uniformity is necessary, and that is being attempted in the Bill which is now before another Chamber. Just as the youths who enter the Post Office become acquainted with money-order work before undertaking it, merely by coming into contact with those who are conducting

that branch of the postal business, so the officials of the Postal Department would become acquainted with electoral work if the electoral branch were transferred to the Postal Department; and there would then be no difficulty in getting officers of experience wherever they were required, no matter what changes were made. Furthermore, instead of the work being done spasmodically as at present, it would be done regularly and systematically. The police who are scattered all over Australia, and who now collect more or less accurate electoral rolls—though sometimes there is not a very close approach to accuracy—would, under the arrangement which I suggest, perform a much more efficient service, and, instead of things having a constant tendency to drift back towards chaos, because of the impossibility of supervision, everything would become more and more orderly. For instance, if we had the aid of the letter-carriers, we should be able to get information of removals and arrivals in the various districts from day to day, week to week, or month to month.

Mr. GROOM.—That would be only in the towns.

Mr. DUGALD THOMSON.—The information collected by the letter-carriers would affect the larger portion of our population. Besides them there are those who handle letters in country districts, who could supply a good deal of similar information. In that way, everything would tend to the keeping of correct rolls. In my opinion, the postal service will have to be more largely used by the Commonwealth than it was by the States in connexion with a number of matters. How else are we to reach all parts of Australia in connexion with the exercise, not only of the powers which we have already put into operation, but also of those which we shall subsequently take into our hands? Would a private concern which had branches in every State of the Commonwealth, and was undertaking a new agency, maintain new establishments alongside their old ones in order to handle it? No. They would employ their existing establishments. Similarly, the Commonwealth will have to employ the Postal Department. At first the officials may object to this, although they ought to rejoice in it. A branch of a mercantile house rejoices when it gets added business. Why? Because more important positions are thus created,

and larger responsibilities are given. So, although the postal officials may at first look askance at this proposal, when they find that the work which is being given to them, because they can best do it, will improve their positions, and demand the exercise of higher energies, and better intelligence, thus giving openings to smart men, they will rejoice at the benefits offered to them. I shall not go into the matter any more fully to-night. I have referred to it because it was mentioned by the honorable member or Maranoa, to whom I give credit for great acuteness, seeing that he had not had the opportunities for forming an opinion on the subject which I obtained in consequence of my connexion with the Department of Home Affairs. I could supplement what I have said by illustrations and statements of the experience of the electoral branch, but I shall reserve any further remarks on this head until the Electoral Bill is before us. In the meantime, I hope that honorable members will become familiarized with the suggestion, and be ready to come to some conclusion on the matter when it is brought before them. The State school teachers in out-of-the-way places would make splendid registrars, because they know all the families living round about, while the police would make excellent collectors. I gather from the fact that the change which I propose to make is not provided for in the Electoral Bill that the Minister is not favorable to my proposal; but I assure him that I considered the question very carefully from all points of view before coming to the conclusion that the change should be made. Having come to that conclusion, I am not alarmed by the suggestion which has been made to-night for the abolition of the Department of Home Affairs, although the removal of the electoral branch might, to some extent, bring about the happy despatch. The work of enrolling electors all over Australia and of conducting polls at elections, must be undertaken in the interests, not of one Department, but of the whole Commonwealth. The Minister of Home Affairs must have been amused when it was suggested that he had very little to do. I am sure that if he does his duty—and I have no doubt he does—he will find plenty to do. We know that any Minister may make his work heavy or light according to the amount of attention he devotes to his duties.

Mr. Dugald Thomson.

Mr. MAHON.—What was the experience of the honorable member?

Mr. DUGALD THOMSON.—I found plenty to do. I admit that the Postmaster-General's Department entails the most work upon the Minister, but I think the Home Affairs Department ranks next. I do not think that any great amount of extra work need be entailed on the Postmaster-General under the change I have proposed if the Chief Electoral Officer properly discharges his duties. The whole of the work of administration in connexion with the Commonwealth could be performed by one Department if it were sufficiently strengthened, but I do not believe in wholesale amalgamation. In the case which I have brought under notice, there is the best of reasons for making a change. If the services of the officials of the Post and Telegraph Department are to be utilized for the purpose of carrying out the work required to be performed under the Electoral Act, there is the strongest reason why the administration of that branch should be placed under the control of the Department of the Postmaster-General. Many other functions, which, so far, have not been exercised by the Commonwealth, will before very long have to be performed by the Department of Home Affairs, the staff of which will find ample employment. I do not for a moment suggest that the officers of the Department of Home Affairs have not tried to do their best in connexion with the administration of the Electoral Act. On the contrary, they have performed their duties very creditably, but my point is that the administration of the Act should be placed under the control of the Postmaster-General, the officers of whose Department are distributed throughout the length and breadth of the Commonwealth. Moreover, if the post-office staffs can be pressed into the service, there will be no necessity for postmasters, who are also electoral officers, to overwork themselves to the same extent as formerly, and we shall have at our disposal a thoroughly trained and numerous staff, which will be available for all emergencies. In this way we should remove one of the greatest difficulties, indeed dangers, in connexion with our electoral system. I do not propose to move in this matter at present, but shall defer action until the Electoral Bill is before us. I merely submit the suggestion for the consideration of the Minister and honorable members generally.

Mr. CULPIN (Brisbane).—I was very pleased to hear the suggestion made by the honorable member for North Sydney, because my ideas are entirely in accord with his, and I trust that his proposals will meet with approval when they are submitted to the House. The honorable member for Maranoa remarked that the Electoral Department might aptly be described as the circumlocution office, and I am disposed to agree with him. On one occasion, during the recess, I was in Brisbane, and I received an intimation from the Electoral Department that a certain gentleman had been appointed as the electoral officer for the district in which I live. Having an electoral matter to inquire about, I went to the office in Fortitude Valley, and asked for the officer who had been named, and was surprised to be told that no one knew anything of him. It eventually transpired that the gentleman who had been appointed was acting as relieving officer during the absence of the permanent occupant on leave, and that he had already left the district. Fully two months elapsed before the permanent officer was again officially gazetted. I think that affords a very good illustration of circumlocution or red tape. I have to thank the honorable member for Maranoa for having obtained from the Attorney-General information with regard to the case of Mr. Nicholas Hart, which I sought from the Postmaster-General some time ago.

Mr. BROWN (Canobolas).—At one time I was under the impression, which seems to have been shared by many other honorable members, that the Department of Home Affairs was a typical circumlocution office, but, upon making inquiries, I came to the conclusion that very frequently the delays for which I had held the Department responsible had occurred elsewhere. In connexion with delay in the payment of accounts, the fault, if any, lay with the Treasury, which required to have proper vouchers supplied. In regard to public works, I ascertained that many of the delays were due to the extent to which the Department of Home Affairs had to rely upon the assistance of States officials. Whilst a number of officers in different Departments have to be consulted with regard to the one matter, delays must occur, and I do not think that the Department of Home Affairs has deserved much of the blame that has been attached to it. I listened with considerable interest to the re-

marks of the honorable member for North Sydney, who was able to speak in the light of the experience gained during his administration of the Department of Home Affairs. There is much to commend his suggestion that the Electoral Office should be transferred to the Post and Telegraph Department. When the Electoral Office was first established, a central staff was formed, and officers were appointed to administer the Act in the various States, but the officials intrusted with the detail work were largely drawn from the Post and Telegraph Department. The principle was adopted of appointing as returning officers officials of the Post and Telegraph Department, but that was not strictly adhered to. The services of a number of gentlemen outside of the public service were also availed of, and the consequence was that we instituted a hybrid system. The reason given for appointing electoral officers outside of the service was that it was impossible to secure efficient men on the spur of the moment. It seems to me that we should restrict appointments under the Electoral Act to officers of the public service, or enlist the services of the States returning officers, who are thoroughly competent men, and have had experience in connexion with elections for many years. Either one of these policies should be adhered to. I think the best plan is to confine appointments under the Electoral Act to officers of the Post and Telegraph Department. It should surely be possible to find in each of the electorates postal officials competent to discharge the duties of returning officers, divisional returning officers, assistant divisional returning officers, and electoral registrars. It would certainly be of great advantage to place the administration of electoral affairs under the control of the Postmaster-General and his officers. At present many appointments have to be revoked because of removals and of changes in the service. The work in this direction would be minimized if the Postal officials and the officers of the Electoral branch were brought into more direct touch than is possible under the present conditions. The present arrangement involves a large amount of work, and I am satisfied that by transferring the work of the Electoral Office to the Postal authorities a great saving could be effected and increased efficiency secured. Consequently, I approve of the suggestion of the honorable member for North Sydney; but before finally committing myself to the policy out-

lined I should like to have a further opportunity of looking into it. At the present time, the divisional returning officers in country districts are frequently harassed by the fact that they are unable to command the services of efficient men. The Postal officers, who are not specially appointed for that purpose, refuse to have anything to do with electoral work. Then, in remote centres, it frequently happens that post-offices are merely receiving offices. The work connected with them is often performed by individuals more for the sake of rendering a service to their neighbours than for the remuneration which they receive. These men cannot be expected to attend to electoral matters which involve clerical work. Under such circumstances, the State school teacher in the neighbourhood is probably better qualified to undertake that work than is anybody else, and his services should be utilized in this connexion. In making local arrangements, the greatest latitude should be given to the divisional returning officers. It is to their interest to secure the best assistance that is obtainable. I appeal to the Minister, as far as possible, to confine electoral appointments to officers of the Commonwealth or the State Public Services.

Mr. GROOM.—That is the principle upon which we are acting.

Mr. BROWN.—The practice, I fear, is one which is "more honoured in the breach than in the observance," because I understand that some very important positions have recently been filled by persons who are outside the Public Service.

Mr. DUGALD THOMSON.—Sometimes the Postal officer objects to performing electoral work.

Mr. BROWN.—That is so; and in that case the Department must invoke outside assistance. I wish now to refer to another matter. It is alleged that prior to the last general election a meeting of divisional returning officers was held at various centres. They were consulted by the Chief Electoral Officer, Mr. Lewis, who afterwards instructed them in the duties which they would be called upon to perform. There is a very wide conflict of testimony as to what actually occurred in the consultation room. It is alleged by some that a promise was made that in addition to a salary to cover their services for the year they would receive a special bonus for discharging the onerous duties con-

nected with the election which was then pending. When these officers made their claim it was promptly repudiated, and they were informed that their total remuneration had been fixed at £26 per annum. The result was that some of them retired immediately after the election had been held. These received only a few shillings. This injustice was of such a glaring character that the Minister was induced to grant them some extra remuneration. But the claims of the officers who continued to discharge their duties were utterly ignored. Some time ago, a deputation of these officers waited upon the late Minister of Home Affairs and submitted to him the evidence upon which they based their claim to the special allowance. Included in that evidence was a letter from the Electoral Officer of New South Wales, Mr. Biden, intimating that he quite understood that a bonus had been promised, and that he supposed the authorities would grant it. At any rate, the general impression amongst the divisional returning officers was that they would be paid a certain bonus, in addition to a salary for discharging their duties. In two or three cases they have acted upon that assumption, and paid the amount they were to receive to their credit. They were subsequently called upon to refund the money, the Government having decided to disallow their claim. I do not know whether they have complied with that demand, but when the deputation of divisional returning officers waited on the late Minister of Home Affairs in Sydney, they had not done so. I have since learned from non-official sources that the Minister decided not to allow the claim for a bonus of £20 for conducting the election, but to grant them up to £10 each to recoup actual out-of-pocket expenses in respect of which, because of the promise that had been given, no claim had previously been made. Having regard to the statements that I heard at that deputation, and the strong impression that I then formed as to the obligation of the Government to grant this bonus, not only to the officers of New South Wales, but to those of Victoria, I cannot help feeling that the Department has treated these men most ungenerously. As one having some little knowledge of the labour and expense incurred in conducting an election, I think that the claim made by these officers was a reasonable one. If the Department desires to secure effective service, it is of first importance that divisional re-

turning officers who have not only to attend to the working of the electoral machinery between the holding of each election, but to personally supervise each election, should be allowed a bonus of £20 in addition to the annual allowance of £26 which they now receive. Every one must recognise the desirableness of securing the services of capable men. If an officer were guilty of carelessness, or showed a want of appreciation of his duties, he might involve the Department in very heavy expense. Last year two elections were declared void owing, I believe, to the remissness of certain officers, and the result was that the Commonwealth was put to great expense. I propose to make further inquiries as to the allowances granted in respect of the last general election. If the decision arrived at by the late Minister was based upon sound and reasonable grounds, it must of course stand, but I do wish to impress upon the Minister the point that it is unreasonable to expect these officers to carry out the work for a sum of £26 per annum. I understand that the granting of an additional allowance of £20 in respect of each general election may be dealt with by regulation, and I trust that my suggestion will receive the earnest and favorable consideration of the Minister. If these officers are to be treated as they have been, I feel confident that the Department will not in future secure the best men for these positions.

Mr. CROUCH (Corio).—I wish to refer to a matter which could not be discussed when the Public Service classification scheme was before the House, but is nevertheless one of considerable importance to some public servants. The Commonwealth took over from the States a number of officers who, under the law of New South Wales and Victoria, were eligible for transfer from the non-clerical to the clerical division on passing a certain examination. Since Federation, however, these officers have not had an opportunity to submit themselves for examination. The grievance I have to put before the Committee relates to the case of an officer of the Postal Department, who was taken over from the Victorian State service. On 6th August, 1903, the following circular letter was sent by Mr. Scott, secretary of the Department, to the Deputy Postmasters-General, and was afterwards addressed by the Victorian Deputy Post-

master-General to the officers in his branch of the service—

I have the honour to inform you that (so and so) being desirous of transfer to clerical division, has submitted an application to be allowed to qualify for same by passing an examination in the subject of geography only, he having passed in all other subjects prescribed for by Act 197 at examination held by State Government, held in December, 1900. The Commissioner has decided that all officers who partially qualified in this exam., such as (so and so), shall be allowed to complete their qualification for transfer to the clerical division by passing in the subjects they previously failed, and which are prescribed by Commonwealth regulations, such officers to note accordingly.

Mr. L. H. Leigh, of the post-office, Geelong, was among those who, whilst in the Victorian service, submitted himself for examination for transfer from the non-clerical to the clerical division, and partially passed. He applied for permission to submit himself for examination to complete his pass, but was informed that only officers taken from the New South Wales service were entitled to this privilege. The following is a copy of the letter which he received from Mr. Reddin, secretary to the Public Service Commissioner:—

In reply to your communication applying for permission to complete your examination for admission to the Clerical Division of the Service, I am directed to inform you that the concession referred to in the notification which recently appeared in the *Weekly Guide*, issued by the Postal Department, was intended to apply only to three or four officers in New South Wales.

Under the Public Service Act of that State, officers who had partially passed the examination were permitted to complete their pass at a subsequent examination. As this was not, however, the law of Victoria, your application cannot be entertained.

I do not wish to deal with this case as a question of State against State, but desire the Minister to take steps to enable these men to undergo the necessary examination. They have waited with considerable patience for this opportunity, and attention ought certainly to be given to their case.

Mr. GROOM.—I promise the honorable and learned member that I will inquire into the matter.

Mr. MAHON (Coolgardie). — In connexion with the item—

New edition, *Seven Colonies*, £500,
I wish to draw attention to the fact that all the books issued by Mr. Coghlan are very indifferently indexed, with the result that much difficulty is frequently experienced in ascertaining the information which one seeks from these publications. I have previously mentioned this matter, but it

appears that complaints made in connexion with the consideration of the Estimates have but little effect. In most statistical compilations a copious index is given, and is of very great assistance. I regret to say, however, that in many of Mr. Coghlan's books the index is insufficient, while the information given is sometimes inexact. I have found mistakes in the index to the *Seven Colonies*, the wrong page being sometimes given. If honorable members turn to that work, they will find that the statement there given of the indebtedness of Australia does not correspond with that recently issued by the Treasurer of the Commonwealth.

Mr. GROOM.—Is the honorable member referring to the classification of the loans?

Mr. MAHON.—And also to their nature. Many of the New South Wales loans are practically unredeemable, but any one reading Mr. Coghlan's publication would imagine that they were all repayable at fixed dates. We have no control over the issue of these works, but, as we expend £500 every year in purchasing copies of them, a suggestion might be made to the responsible Minister in the New South Wales Government that a more complete index should be supplied, and that the information should be up-to-date and exact. The right honorable member for Balaclava found that the information supplied in *Coghlan*, and even by the State Treasury officials of New South Wales, was not quite correct. This matter certainly should be looked into, because it is extremely inconvenient to those who have to consult these works to be referred by the index to a certain page, and find that the information they are seeking is on some other page. These are little blemishes which could be easily removed, and I am sure would be removed, at the suggestion of the Minister.

Mr. HUTCHISON (Hindmarsh).—Attention has very properly been called to the increasing cost of this Department. I find that the salary of the secretary, whom I believe to be a first-class officer, has been increased by £50. I should like to know on what principle these salaries are fixed. It seems to me that the principle which applies to the service generally should apply to these higher officers as well.

Mr. GROOM.—The Public Service Act puts the administrative officers on a different footing from that on which the rest of the service is placed.

Mr. HUTCHISON.—Yes; but the same principle should apply to all. The value of the work required in the performance of the duties of an office should be ascertained, and the officer filling the position should be paid accordingly. This officer is now receiving £750, and it is proposed to make his salary £800.

Mr. GROOM.—The Public Service Commissioner valued the work attaching to the office at £850.

Mr. HUTCHISON.—I am not satisfied with his classification. I find that other officers have been dealt with differently. For instance, the Commissioner of Patents, who presides over a Department whose volume of business is rapidly increasing, and will, I hope, continue to increase, is not getting his salary raised; and in South Australia the salary of the Deputy Postmaster-General has been reduced.

Mr. GROOM.—His predecessor, Sir Charles Todd, was getting a much higher salary, because, I believe, he did special work.

Mr. HUTCHISON.—I could find other illustrations. We should insist upon the application of the principle that every officer shall receive only the value of his work. I do not wonder at the complaints of the States in regard to our expenditure when these enormous increases are proposed.

Mr. GROOM.—On the whole, there has been a reduction in the cost of the administrative division of the service.

Mr. HUTCHISON.—I think that, in some cases the salaries are too high. It does not matter how the duties of a man receiving a small salary are added to, he finds it difficult to get a rise of a shilling or two shillings a week; but, apparently, highly-paid officers can easily get an increase of £1 a week. Any one who is receiving over £600 a year ought to be called upon to do a great deal of work for it, and the proposed increase of £50 a year requires some explanation. I agree with the honorable member for Maranoa that we must put an end to this state of things. I was a member of a Royal Commission which inquired into the administration of the Public Service of South Australia. We found that the service was getting top-heavy. Every man who entered one branch of the Railway Department, for instance, was receiving automatic increases of salary, until the burden was getting too heavy for the State to bear, and retrenchment had to be effected. Unless we are

careful, the Commonwealth service will have to be similarly dealt with.

Mr. JOHNSON.—These highly-paid officials do not do half as much work as we do.

Mr. HUTCHISON.—It is my experience that the second in command usually does a great deal more work than the head of the Department, and has much the same responsibility. I see that an amount is provided for classification increases, arrears, and increments on salaries over £160, but I understand that provision has not been made for the payment of all the increases to which officers are entitled, and that this is creating a great amount of dissatisfaction.

Mr. TUDOR.—Especially in the Postal Department.

Mr. HUTCHISON.—Yes.

Mr. GROOM.—If the amount set down here is inadequate, a further amount will be provided in the Supplementary Estimates.

Mr. HUTCHISON.—I want the assurance of the Minister that those who are entitled to receive increases shall not be kept waiting for their money any longer. If some officers receive their increases and others do not, irritation will be caused, and that will not be in the best interests of the service.

Mr. JOHNSON (Lang).—I generally endorse the complaint of the honorable member for Canobolas as to the misunderstanding which has arisen in connexion with the gratuities paid for work done by electoral officers at the last general election.

Mr. GROOM.—The matter was investigated very carefully by my predecessor, and his decision, as reported on the papers, seems to be just.

Mr. JOHNSON.—I do not know what that decision is.

Mr. GROOM.—He decided to pay £10 over and above the remuneration to cover all out-of-pocket expenses.

Mr. JOHNSON.—I think that the general understanding among the officers themselves was that they would get £20.

Mr. GROOM.—No one had authority to promise that amount, and written instructions were sent out which were contrary to that understanding.

Mr. JOHNSON.—I believe that a number of the divisional returning officers actually expended that amount, thinking that it would be refunded to them, and, seeing the amount of work expected of them, it

seems rather parsimonious for the Commonwealth to refuse to pay them their actual expenses. It must be remembered that the work is done at a tremendous sacrifice of spare time, and that the officers were under the impression that they would be refunded their expenses. Whatever arrangement may have been entered into after the misunderstanding that occurred at the last general election, I hope that some more reasonable rate of remuneration will be agreed upon, and that a definite allowance will be made to the divisional returning officers to compensate them in some measure for the amount of extra trouble that their work involves. There is no doubt that some of the work has been performed in an exceptionally creditable manner. I trust that the Minister will give this matter his attention, because I am sure that honorable members do not desire that those who perform service for us shall be dealt with in any niggardly spirit. I should like to know whether the proposed vote for the maintenance of Government House includes the cost of painting and interior decorations at the Melbourne Government House.

Mr. GROOM.—We had to make a special provision for £550 for expenditure upon painting at the Government House, Melbourne. We are bound to maintain the establishment and deliver it over to the State authorities in good order and condition.

Mr. JOHNSON.—I trust that when arrangements are made for any further painting or decorative work the Government will enlist the services of some one with a little artistic feeling, and that we shall have no repetition of the atrociously bad colour scheme which has been recently carried out.

Mr. GROOM.—We have to consult the State authorities in a matter of that kind, because the property belongs to them.

Mr. JOHNSON.—I cannot compliment the State authorities upon their artistic taste. I should like the Minister to indicate when the revised Public Service Classification Scheme will be submitted to honorable members.

Mr. GROOM.—I have already stated that the report is under consideration, and will be made available at the earliest possible moment.

Mr. JOHNSON.—When may we reasonably expect to receive it—before the close of the session?

Mr. GROOM.—Yes.

Mr. JOHNSON.—I am sure that honorable members will be anxious to ascertain what has been done to carry out certain suggestions made by honorable members when the Classification Scheme was under consideration, and I hope that the report will be presented without unnecessary delay.

Mr. POYNTON (Grey).—I desire to direct attention to the delay which has occurred in connexion with the carrying out of Commonwealth Public Works. It seems ridiculous that we should be called upon to vote moneys year after year for works unless they are to be carried out within a reasonable time after the appropriation. It is disgusting to honorable members, who know that certain works are of an urgent character, to find that their construction is delayed, and that the money appropriated for them has to be revoted time after time. I do not know who is to blame, but, personally, I have an idea that some of the responsibility rests upon the shoulders of the States Treasurers, who have brought influence to bear upon the Commonwealth Treasurer, with a view to reducing the Commonwealth expenditure upon public works, merely because we have decided that the cost of public works shall be defrayed out of revenue instead of out of loan money. I do not believe that the fault lies with the officers, but blame is attachable to some one when we find that works approved of three years ago have not yet been completed. There is no justification for such delay. If the staff is not adequate it should be increased. When I instituted inquiry into the matter in Melbourne I was informed that the delay occurred in Adelaide, and when I made inquiries there I was assured that the authorities in Melbourne were responsible. Eventually I ascertained that in nearly every case the delay was traceable to the State charged with the supervision of the work. This is a very unsatisfactory state of things. The Commonwealth Departments are being discredited in the eyes of the public because of the tardiness with which these works are executed. As a matter of fact, the delay is chiefly due to a certain influence which is being brought to bear in the States, and which I fear is being applied to the Treasurer of the Commonwealth. I would impress upon the Minister the desirableness of expediting the carrying out of these works. I am quite sure that the officers of the Department are

eager to give effect to the instructions of this House. When we approve of works being undertaken they ought to be put in progress with the utmost expedition.

Mr. JOSEPH COOK (Parramatta).—I would suggest that the Minister should consent to an adjournment of the debate.

Mr. GROOM.—Let us deal with the first subdivision.

Mr. JOSEPH COOK.—That is impossible. There are several honorable members who wish to speak. Surely it is not unreasonable to discuss the affairs of the Department for three hours. I venture to say that the Minister has known of Departments being discussed for two or three days. Do the Government anticipate keeping the House until 12 o'clock to-night?

Mr. GROOM.—Certainly not.

Mr. JOSEPH COOK.—There are four honorable members present who wish to speak, and I know of several others who are now absent. I submit that 11 o'clock is the usual hour for adjournment.

Mr. SYDNEY SMITH (Macquarie).—I trust that the Minister will consent to an adjournment of the debate. The request is a most reasonable one. This morning I did not reach my home until 1 o'clock, and I had to attend a meeting of a Select Committee at half-past 10 o'clock. The Minister can accomplish no good by adopting these "forcing" tactics, and I certainly think that he should agree to our request that progress be reported.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—I do not think it can be said that our request that the first division in the Estimates of the Department of Home Affairs should, at least, be passed before we adjourn was an unreasonable one. There is no desire to press the proposal if there are other honorable members who wish to discuss the division; but the Government do not wish every item to be unduly debated.

Mr. JOSEPH COOK.—I never knew of a Government that wished its Estimates to be discussed.

Sir WILLIAM LYNE.—If there are any complaints to be made, they ought certainly to be ventilated, but I should like to know whether, if we consent now to progress being reported, the debate on this division is likely to be prolonged to-morrow?

Mr. JOSEPH COOK.—No.

Sir WILLIAM LYNE.—I trust that if we consent now to report progress, honorable members opposite will assist us to pass the Estimates of one or two Departments before we adjourn to-morrow afternoon. It is necessary that we should make some progress before the week end, otherwise honorable members will not be able to leave for Sydney to-morrow night.

Progress reported.

ADJOURNMENT.

CUSTOMS' SEIZURE OF PANAMA HATS.

Motion (by Sir WILLIAM LYNE) proposed—

That the House do now adjourn.

Mr. JOHNSON (Lang).—I wish to direct the attention of the Minister of Trade and Customs to the following paragraph in this evening's issue of the *Herald*:—

The Collector of Customs, Mr. A. W. Smart, announces that the thousand Panama hats which had been taken over by the Department at the importers' valuation, plus 20 per cent., as stated in yesterday's *Herald*, have been withdrawn from sale.

The Customs officials are very reticent as to the reason of the withdrawal, but simply state that they have acted in accordance with the instructions of the Minister, who is "considering the case."

I should like to know whether the statement is correct, and if it is, whether the Minister will give the House some information as to the reasons of the withdrawal of these goods from sale?

Mr. HUTCHISON (Hindmarsh).—I understand that these hats were valued by the firm in question at 1s. 4d. each, and that they have been valued for Customs purposes at 4s. each. If that be so, I should like the Minister to inform the House where Panama hats may be purchased wholesale at the latter rate?

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs).—It is true that these hats have been withdrawn from sale, but I am not prepared, at present, to state exactly what has taken place, or is likely to take place, in connexion with the dispute. The matter has not been finally dealt with. As to the question put by the honorable member for Hindmarsh, I have only to say that, so far as I can gather, the consignment of hats in question was valued at £60, or about 1s. 4d. each. There is a dispute at the present moment as to whether they are true

Panama hats. If they are, I think they will be valued by the Department for Customs purposes at more than 4s. each. I am sure that honorable members will not ask me to make any further reference to the question at the present time. The papers were before me to-day, and I thought it wise, in the interest of the Department, to take a certain course.

Question resolved in the affirmative.

House adjourned at 11.8 p.m.

Senate.

Friday, 13 October, 1905.

The PRESIDENT took the chair at 10.30 a.m., and read prayers.

PARLIAMENTARY WITNESSES BILL.

Bill read a third time.

ELECTORAL BILL.

In Committee (Consideration resumed from 11th October, *vide* page 3372):

Amendment (by Senator MILLEN) further considered—

That the following new clause be inserted:—

"8a. (1) The Governor-General may appoint three persons in each State to be Commissioners for the purpose of distributing the State into Divisions in accordance with this Act.

(2) The persons so appointed shall be respectively a Judge of a Court of the State, the Surveyor-General or head of the Survey Department of the State, and the Commonwealth Electoral Officer for the State, unless the Governor-General, by reason of any such persons not being available, or for other reasons appearing to him to be sufficient, thinks fit to appoint other persons instead of any of such persons.

(3) Each Commissioner shall hold office during the pleasure of the Governor-General."

Senator KEATING (Tasmania, Honorary Minister).—I have not had an opportunity of going through the proposed new clause, which, I understand, is in print, and as its adoption would necessitate, as Senator Millen said, the re-casting of practically the whole of Part III. of the Bill, I would urge that the consideration of that part should be postponed until the remaining parts have been dealt with. If Senator Millen will withdraw his amendment for the present, I shall move the postponement of Part III.

Senator MILLEN (New South Wales).—I think that the suggestion of the Minister is a reasonable one, but I desire to know whether if my amendment be withdrawn now it can be submitted on another occasion?

The CHAIRMAN.—Yes.

Senator MILLEN.—I ask leave to withdraw the amendment for the present. Apparently some honorable senators either misunderstood the remarks with which I first introduced the amendment to their notice, or assumed, because I said that if adopted the whole of this part would require to be recast, that necessarily it would involve material amendments therein. I desire to indicate what alterations would be necessary in order to give honorable senators the fullest opportunity of considering an amendment which, as the Minister said, is far-reaching, and which, I think, will certainly make for the smooth working of our electoral machinery. Under the principal Act a Commissioner is appointed for each State to divide the State into a number of electorates corresponding with the number of members which it returns to the House of Representatives. After he has discharged that duty and published the design of his work, and invited objections thereto, a certain period is allowed for the lodging of any objections or suggestions. In the light of any objections or suggestions which may be lodged, he has to revise his scheme. After the revision is completed the scheme has to be submitted to the Minister, and to be accepted or rejected by each House of the Parliament. It is only when the scheme has received the approval of each House that it can become operative. In the past some schemes have not been acceptable to honorable members. There must be an inherent objection on the part of those honorable members whose constituencies are affected by a proposed change in their boundaries. It seems to me inevitable that in such cases the representatives are hardly in a position to be impartial judges as to what is best in the interests of the whole community. The main object of my amendment is to remove from parliamentary control the question of the distribution of the States into electorates. In order to remove this pernicious influence, I propose to create a Commission for each State which will follow the same procedure as is now followed by an individual Commissioner up to the point where a scheme is revised

in the light of the objections or suggestions offered. After the revision of the scheme by the Commissioner for a State, I propose that it shall become operative without reference to both Houses. If the determination of this important question is to be removed from parliamentary control, it would be somewhat dangerous—perhaps open to serious objection—if it were placed in the hands of a single individual. For that reason, I propose that in each State there shall be three Commissioners instead of one Commissioner, believing that, in this case at any rate, there may be wisdom in a multitude of counsellors. I have suggested three officials whose special qualifications and positions seem to me to offer a guarantee that the work would be performed, not only impartially, but accurately. I have suggested the appointment of a Judge of each State, the head of the Survey Department of the State, and the Chief Commonwealth Electoral Officer for the State. I am not particularly wedded to those three officials, but they appear to me to possess special qualifications for the performance of the work. The Chief Electoral Officer would be familiar with the working of the Electoral Act, and would be able to deal with the enrolment and grouping of electors very readily. The knowledge which would be possessed by the head of the Survey Department ought to be particularly valuable in determining boundaries and delineating them upon maps. It is desirable to have upon the Commission for each State a gentleman who would readily understand the purpose of the Act, and be able to determine fairly on the evidence submitted, and who, in addition, would bring to the work considerable capacity and that unchallengeable impartiality which has always been accredited to our Judges. My amendment, however, makes provision for the appointment of other persons if any cause should arise to prevent any one of those three officials from acting on the Commission. It may happen that either of these officers may be incapacitated through ill-health or absence on holiday, and it is, therefore, desirable to leave the Executive with some power to make another appointment. I have done that. But in the amendment which I have suggested, the indication is so clear that these three officers are to form the Commission, that, except on such occasions as those to which I have referred, the Government would

feel that they had no option to appoint any one else. I submit the amendment, and I invite honorable senators to consider it thoroughly, as I am sure they will do. I put it forward free from all party significance. It is to the interest of every party, of every member of Parliament, and of every elector, to have our electoral machinery as free from any pernicious outside influence as possible. It should be made free from party interest or personal intrigue, and from even the suspicion in the mind of any elector that it is not absolutely fair and uniform, and beyond the possibility of influence in any emergency or contingency which may arise in ordinary party conflicts. Whilst I am in no sense wedded to the particular words I have chosen, or to the details of the scheme, I do invite the Committee to see whether it is not possible by the acceptance of the proposal I submit to place our electoral machinery above the turmoil of party conflict or the advantages or disadvantages of the circumstances surrounding individual cases. I ask permission to withdraw the amendment for the time being.

Amendment, by leave, withdrawn.

Clauses 9 to 14 postponed.

Clause 15—

The whole of Part IV. of the Principal Act is repealed, and the following Part substituted in lieu thereof:—

“PART IV.—SUBDIVISIONS AND POLLING-PLACES.

24. The Governor-General may, in any case in which he thinks fit to do so, by proclamation, divide any Division into Subdivisions.

25. The Minister may, by notice in the *Gazette*—

- (a) appoint a chief polling-place for each Division;
- (b) appoint such other polling-places for each Division as he thinks necessary;
- (c) abolish any polling-place;
- (d) establish a polling-place area for any specified polling-place and fix its boundaries.

Provided that no polling-place shall be abolished or polling-place area be established after the issue of the writ and before the time appointed for its return.

26. When—

- (a) a polling-place is appointed or abolished; or
- (b) a polling-place area is established; or
- (c) a Division is divided into Subdivisions; or
- (d) the boundaries of a Division or Subdivision are altered,

the Minister may by notice in the *Gazette* give such directions as are thereby rendered necessary

or expedient for the change of electors from one Roll to another, and effect shall be given to those directions in the prescribed manner.”

Senator MILLEN (New South Wales).—This clause raises the whole question of the new principle introduced in this Bill—that is, the additional subdivision of electorates; and while I may, perhaps, be anticipating a discussion upon the latter portions of the Bill which deal with these subdivisions, it is necessary that I should do so to justify an amendment which I propose to submit. I move—

That the proposed substituted clause 24 be left out.

The purpose of these subdivisions seem to me to be as follows: At the present time we have in our electoral machinery electorates and subdivisions which are called polling-places. A polling place represents rather a division of an electorate than an area; but it creates that division in an electorate. It is proposed to have a further class of divisions, called subdivisions; and those subdivisions are to be entirely optional. The proposal is made, I understand, in order to enable us in adjusting our electorates to work in with the requirements of the States in adjusting theirs. I admit that that is a very desirable object to attain wherever we can do it. But there is always the question how much you get in paying for an advantage; and it seems to me that the advantage to be derived is very problematical and doubtful, and is far outweighed by the complication and disadvantage that will arise.

Senator STEWART.—Will it not save a lot of expense?

Senator MILLEN.—If it did I should be in favour of it; but, as it is only proposed to make the subdivisions optional, which means that the plan will only be carried out here and there, and not generally, the amount of money to be saved is very small.

Senator STANFORTH SMITH.—There may be the exact number of State electorates in a Commonwealth electorate, and then it will not be necessary to put this provision into operation.

Senator MILLEN.—If honorable senators read the minute prepared by Mr. Garran they will see at once that the ground work of this Bill is a scheme for the division of the whole of a State into subdivisions, which were to be the units of the main scheme. These units were to be so reasonably small that it

would be possible to group any number of them together to make an electorate. If it were found that an electorate was too large, whilst an adjoining electorate was too small, the idea was that one of these units should be taken off the larger electorate and added to the smaller one. The idea also was that this scheme would enable the States to group any number of the units together to make a State electorate. That would be an excellent plan if we were able to carry it out. But it is not possible to do so. It was pointed out by Mr. Garran that to divide the whole of Australia into units of this character, so that they could be grouped in the way I have described, would be impossible; because it would mean not merely drawing out these localities upon the map, but having also absolutely clearly defined boundaries that could be gazetted. It is admitted, I think, that to divide Australia in that way at present would be a stupendous undertaking. The units would have to be fairly small. It is a matter of estimate, but honorable senators will see that to make that scheme easily workable the unit would have to contain not more than two or three hundred electors; otherwise it would not be workable. If you were to divide the whole of Australia into areas, each containing approximately, that number of electors, it would mean covering Australia with lines so numerous, and in many cases so long, that it would probably take all the Survey Departments of all the States, and a large sum of money, to complete the work. That fact is recognised, and therefore it is not proposed to do it except in certain cases. The fact that the proposal is not to be uniform is the first objection I have to it.

Senator GUTHRIE.—Is there a necessity for what is proposed in the populous districts?

Senator MILLEN.—It is in the populous districts that it will take place, because of the ease with which boundary lines could be indicated there. In a city there is no difficulty. You can take a block formed by four streets. There is a boundary clearly defined. It is rather in the rural districts that the difficulty would arise.

Senator CLEMONS.—Does the honorable senator say that because he cannot get uniformity he would not have the scheme at all?

Senator KEATING.—Because he cannot get it all at once he would not have it at all.

Senator MILLEN.—I do not say anything of the kind. I am pointing out the disadvantages, and I say that one is that you cannot get uniformity. A second objection is that it is desirable to have simplicity in our electoral laws. If it is desirable in any law to have simplicity it is especially desirable to have an electoral law which an ordinary individual can understand. This Bill proposes that in some cases there shall be polling-place areas; in several other cases subdivision areas. In one case there may be a subdivision and no polling-place, and in another place there may be a polling-place and no subdivision. In one case a subdivision may be coterminous with a polling-place; in another a subdivision may contain several polling-places; whilst in a third a polling-place may contain several subdivisions. As there are different directions as to how an elector may get enrolled, whether he is in a division or polling-place area, he would not know what to do or how to do it, and another elector would not know how to tell him how to get registered, because he would not know the circumstances surrounding any other person's electorate. Therefore, on the ground of its lack of simplicity, I oppose this proposal. Whatever small sum of money may be saved it would be altogether a ruinous bargain for us to make.

Senator CLEMONS.—Would the honorable senator go back to the scheme of the principal Act?

Senator MILLEN.—In this respect, yes.

Senator DOBSON.—The honorable senator prefers polling places to area divisions?

Senator MILLEN.—No, but I object to an additional subdivision. This Bill proposes to make polling-place areas surrounding each polling-place. To that I have no objection. But when you bring in an alternative subdivision which is not to be uniform, and which may take the place of a polling-place area, and may run side by side with it, the effect may be that we may have one subdivision in one electorate which may contain several polling-places, whilst we may have other subdivisions without polling-places.

Senator GUTHRIE.—There is no uniformity now.

Senator MILLEN.—But there is some simplicity. Take the case of an ordinary elector. Our present machinery provides that there may be several polling-places within a division to meet the convenience of electors. At the present time a man

may vote anywhere within his division. If one polling-place is not convenient to him he may enroll to vote at another place which may be more convenient. But if you had subdivisions as here proposed you would compel an elector to vote within his particular subdivision. The subdivisions are proposed in order to enable either a State or the Commonwealth to transfer bodily the electors living within that subdivision to another electorate. Consequently under this Bill you would absolutely compel the elector to vote within his subdivision.

Senator STEWART.—Is the honorable senator quite sure of that?

Senator MILLEN.—It is provided in substituted clause 31 that if a division be cut up into subdivisions, an elector may only have his name placed on the roll for the subdivision in which he lives.

Senator KEATING.—But he can vote anywhere in the division.

Senator MILLEN.—I question that. At any rate, an elector is absolutely and necessarily tied to the roll for his subdivision.

Senator STEWART.—Not at all; a man cannot be enrolled more than once, no matter what we do.

Senator MILLEN.—That is true, but at the present time a man is allowed to be enrolled for any polling-place he elects within his division. A man living at one end of the division, who has to leave his home too early to record his vote, may have his name enrolled for a polling-place near to his place of business.

Senator WALKER.—I have known of an elector's name appearing on the roll in two divisions.

Senator MILLEN.—Of course, accidents will happen, and have happened, even within the knowledge of the honorable senator.

Senator GIVENS.—What is Senator Mil-
len's main objection to the proposed amendment?

Senator MILLEN.—The want of uniformity and the complications to which the amendment will give rise.

Senator GUTHRIE.—Does the honorable senator object to a man being enrolled in the division in which he lives?

Senator MILLEN.—No; one of my objections to the amendment is that the provision will restrict the freedom of the elector.

Senator GIVENS.—Would the amendment not simplify redistribution, which I take to be one of the objects?

Senator MILLEN.—The object of the amendment is to enable the Commonwealth and the States to work together in the redistribution of electorates. And that is extremely desirable, if it can be done without imposing any disadvantage on the elector. Honorable senators will recollect the confusion which existed in the minds of electors, and of parliamentary representatives as well, at the last election, when nobody seemed to know exactly where they stood, and when the newspapers were so full of complaints and inquiries, that a joint Select Committee was appointed to investigate the matter. Is it not possible to simplify rather than complicate our electoral machinery? It is not as if it were proposed to have a uniform system, so that all electorates would be similarly dealt with. It is proposed to have alternative subdivisions, with the possibility that no two electorates will be alike. If the idea were to apply to the system generally, I admit that the chief force of my objection would be gone.

Senator DRAKE.—Under the substituted clause an elector might, perhaps, have to change his polling-place.

Senator MILLEN.—Exactly. I should like to know whether the Minister can give us any idea as to the extent he thinks this proposal could and would be availed of. I venture to say that the Minister cannot give us any definite idea on the matter, because this is a provision merely for some circumstances which may arise, and which as time goes on, may be shown to be desirable. The advantages are entirely speculative and problematical, and are far outweighed by the disadvantages arising from want of uniformity, complications, and increased uncertainty in the mind of the ordinary elector.

Senator KEATING (Tasmania—Honorary Minister).—One of Senator Mil-
len's objections to this proposal is that it is practically an optional proceeding on the part of the Governor-General; whereas my own opinion is that that optional character is one of the chief merits of the amendment. We could not attempt to pass a definite law at once to bring about those results which, I think, both from the Commonwealth and the States' point of view, are deemed to be desirable. At the Hobart Conference of Premiers the principle was affirmed that, as far as possible, the States and the Commonwealth should co-operate in electoral administration. The

following motion was carried at the instance of the then Minister of Home Affairs:—

That this Conference agrees that the Commonwealth and State Governments should consider the question of amending their electoral laws, with the object of making the qualification and disqualification of electors as nearly uniform as may be deemed possible and desirable, and that communications should be at once entered upon by the Electoral and Law Departments of the Commonwealth and States, with the object of the nearest possible approach to uniformity in the modes of enrolment, mode of revision, establishment of polling-places, and other mechanism of an Electoral Act.

Senator MILLEN. — Have any of the States taken action yet?

Senator KEATING.—I am not aware whether any individual State has taken action, but this is the first attempt on the part of the Commonwealth to give some effect to the principle. We could not provide in the Bill that the Governor-General should absolutely forthwith, or by a certain date, divide up all the divisions of each of the States in such a way that the Commonwealth and the States could act jointly, and take advantage of the same rolls, officers, and machinery. But in order to do as much as possible, it is proposed that the Governor-General, in any case he thinks fit, may, by proclamation, divide divisions into subdivisions. In a certain State it might be possible to deal with every division on these lines. It might be possible to subdivide each Commonwealth division in such a way that the States would be able to take advantage of the subdivisions and subdivisational rolls, officers, and machinery; and in such case the benefits would be mutual.

Senator DOBSON. — A commencement might be made with a small State like Tasmania.

Senator MILLEN.—Or with one electorate in a State.

Senator KEATING.—That is so; half-a-dozen electorates in a State might be dealt with. On the other hand, there might be a particular State in which it would be found impracticable to carry out work of that character. If we were to throw upon the Governor-General the responsibility of either doing this work absolutely throughout Australia at the one time, or not doing it at all, we should, in my opinion, be taking a wrong course; and the optional provision is to enable the plan to be carried out whenever and wherever practicable. Senator Millen seems to think that a subdivisational system would operate in such a

way as to prevent an elector from enjoying some right he now possesses. That, however, is not the case. Of course, it is provided later on that if a division be divided into subdivisions, an elector may only have his name on the roll for the subdivision in which he lives; and the intersection of Senator Walker suggests the object of that provision. Whenever we use the word "division" in this Bill, or in the principal Act, a Commonwealth electorate is meant, such as Balaclava, Melbourne, Darwin, or Bass. At present each and every one of these divisions has within it a number of polling places, which are established rather with regard to groups of electors than to particular territorial considerations. If the electorate of Melbourne, for instance, were divided into five subdivisions, there would be no reason why each and every one should not have a number of polling places. There may, in fact, be one polling place for parts of two divisions. Mr. Garran, in his memorandum, which was submitted to the Hobart Conference, and which appeared as an appendix to the report of the proceedings, says:—

Sometimes there might be two or more polling-places in one unit; sometimes there might be one polling-place for two or more units; and it would often be advisable to establish a new polling-place, or abolish a polling-place. The "polling-place" system of enrolment could be retained to this extent—that there could always be some one polling-place at which all the electors in a unit were primarily entitled to vote, and if there were two or more polling-places in a unit, the electors in that unit might be distributed according to locality—between those two polling-places, and the unit-roll subdivided accordingly; but it would not do for polling-place groups to be made up from some of the electors in one group, and some of the electors in another group.

The provision is to prevent an elector's name being duplicated on the roll for the division; it is not to prevent his having the right he enjoys under the Act to vote anywhere on election day.

Senator MILLEN.—An elector is restricted to the extent that he is not allowed to have his name on the roll for any polling place he likes.

Senator KEATING.—But he may vote anywhere. Even if I did admit that there is a restriction of the kind suggested, it would be no hardship to the elector, who is placed on the roll for a particular subdivision for a reason which must be quite apparent. The reason is that he lives in that subdivision for which his name will appear on the Commonwealth roll; and if

arrangements under this Bill be made with the States, the presence of the name on that roll will enable the elector, as a State elector, to vote in that subdivision, which, under another name, will be a State division.

Senator GIVENS.—In an electorate like Maranoa, an elector, without this proposed amendment, might be able to register in two subdivisions unknown to anybody.

Senator KEATING.—And, further, he might be enrolled for three separate electoral divisions of a State.

Senator MILLEN.—No more easily than he could now be registered for three polling places.

Senator KEATING.—This provision is to prevent an elector having his name on the roll for more than one subdivision. If we are going to have subdivisions and divisions, an elector's name should not appear on more than one subdivisinal roll, because that might give him an extra vote in a Commonwealth, and two or three votes in a State election for separate State electorates. If honorable senators will remember that the provision is not intended to limit a man's right to vote in any way, but simply to prevent the possibility of his name being duplicated on a Commonwealth electoral roll, and so at the same time appearing on the rolls of two or more State electoral divisions, they will see that it is not only a desirable, but a necessary provision.

Senator CLEMONS.—The clause does not say that an elector shall have his name only on one roll, but that he must have it on the roll for the subdivision in which he lives.

Senator KEATING.—Quite so. I have pointed out that where subdivisinal rolls may be availed of by Commonwealth and State authorities, it would not be desirable to register a Commonwealth elector for any subdivision other than that in which he lives. One effect might be that he would absolutely lose his vote for the State electorate comprising the Commonwealth subdivision in which he lives, as it might be contended that he was not entitled to be on the State roll which included any other subdivision of the Commonwealth division. If we are going to act in co-operation with the States in this matter, we must recognise that it may be necessary to impose on electors, in very infrequent cases, some personal inconvenience, but the balance of advantage to the individual and to the community, from the stand-point of Commonwealth and

of State, will result from the establishment of some such principle as is here affirmed. I think that the States Governments will carry out the resolution arrived at by the Premiers' Conference, with the result that in the not far distant future the advantages and economies which we hope will follow from co-operative electoral administration throughout the Commonwealth, will be secured.

Senator CLEMONS (Tasmania).—I recognise that the object of the clause is a very worthy one; but I point out that substituted clause 24 is left purely optional, and I confess that I should prefer to see it put in some stronger form. It is in sharp contrast in this respect with the mandatory construction of sub-clause 2 of substituted clause 31. I do not care to use the word "shall" in connexion with the Governor-General, but I think that in the use of the phrase "if he thinks fit to do so," there is an element of danger. It would be preferable to provide that "the Governor-General may in every case in which it is possible"—using the word "may" in the sense of "shall."

Senator MILLEN.—It is possible in every case, but not desirable.

Senator CLEMONS.—That is where I join issue with Senator MilLEN. I think it is desirable in every case, but I do not think it is possible.

Senator KEATING.—It may be possible in some cases, but exceedingly expensive.

Senator CLEMONS.—The object of the clause is not merely to simplify the Commonwealth electoral machinery, but to make the best effort we can in this Bill to work in harmony with the State electoral laws. It is also proposed, where possible, to divide an electoral division for the House of Representatives into subdivisions which will comprise two or more State electorates. If we can succeed in giving effect to that object, we shall obviously be co-operating more closely than we are at present with the various States in their electoral legislation. I refer again to the contrast between substituted clause 24 and sub-clause 2 of substituted clause 31. In the latter case, we are saying to the Commonwealth electors that although it may be convenient for them to determine on what roll of a Commonwealth division their name shall be registered, yet for the purpose of working in harmony with the States, we have decided

to limit them to registration for the subdivision in which they absolutely reside. If we were framing an Electoral Bill without regard to States legislation on the same subject, I do not suppose that such a proposal would be made. We should certainly provide that an elector should have his name placed only on one roll, but we are here deliberately saying that every Commonwealth elector shall forego certain rights or privileges which, in other circumstances, he might very properly demand, in order that we may work in harmony with the requirements of the various States.

Senator MILLEN.—And privileges which he enjoys to-day.

Senator CLEMONS.—I will admit, if Senator Millen pleases, that we are asking the elector to give up something; but I am willing that he should be compelled to do so in the circumstances. I should like substituted clause 24 altered in the way I suggest. At present it is left entirely optional with the Executive for the time being to effect some sort of subdivision which may make for harmony with States legislation. As this is left optional, the Executive may refuse to do what is proposed, and there would be no danger in using the words "the Governor-General may in any case in which it is possible." That would make it evident that we are absolutely in earnest in this endeavour to help the States to simplify their electoral machinery, and to save expense to the citizens of the Commonwealth.

Senator TURLEY.—Under the amendment suggested by the honorable senator, the Executive of the day would have to decide when it was possible.

Senator CLEMONS.—I shall not press the amendment, but I should like substituted clause 24 made more mandatory. As the Bill now stands, what is left optional with the Executive in this clause is made absolutely compulsory on the elector in substituted clause 31.

Senator STANIFORTH SMITH (Western Australia).—This clause is one which the Committee should pass, as it will result in a considerable saving to the people of the Commonwealth. I do not anticipate the confusion and trouble mentioned by Senator Millen.

Senator MILLEN.—The honorable senator did not anticipate the confusion which resulted from the principal Act.

Senator STANIFORTH SMITH.—We did not, but with the experience we have since gained, we are in a position to

make certain improvements. When we have exactly the same people, under exactly the same franchise, electing members for the Federal and States Legislatures, it is strange that we should require different rolls, necessitating the heavy expense of twice collecting the names of electors for the compilation of those rolls. It is absurd to say that purely technical difficulties should prevent us from adopting such a clause as is here proposed. Surely the united wisdom of officials, draftsman, and Parliament will enable us to arrive at some solution of the difficulties mentioned by Senator Millen, in order that this reform may not be blocked. The proposal made is that where a Commonwealth division comprises two or more State electorates there shall be subdivisions of the Commonwealth division. Where a Commonwealth division comprises three State electorates, we shall have three different rolls for that division, which will at the same time be the rolls for the separate State electorates. I cannot see why there should be any difficulty in bringing that about, so that an elector may be able to vote for a Federal member on exactly the same roll, and in exactly the same manner as he will vote for a State member.

Senator TURLEY.—Suppose the boundaries of the State electorate are not the same as those of the Commonwealth subdivision?

Senator STANIFORTH SMITH.—That is provided for in this Bill.

Senator MILLEN.—We might have subdivisions without joint rolls, and joint rolls without subdivisions. The honorable senator is confusing two things.

Senator STANIFORTH SMITH.—The principal object of the clause is to avoid the duplication of expense in the preparation of rolls for Commonwealth and State electorates. I really cannot see any difficulties in this matter. If a Commonwealth election is taking place, an elector can go to a polling place, and, if he is enrolled, he can vote there in just the same manner as he could vote at a State election, provided that all the conditions of the law had been complied with. I believe that an enormous expense would be saved by the adoption of the provision. It would not come into operation throughout the whole of the Commonwealth in the first instance, but as it gradually came into force we could see how it worked. We should endeavour to make the machinery of the Commonwealth

as little expensive as possible to the people. In all the States there is a great outcry that the "new" expenditure under the Commonwealth is very much greater than was estimated at the Adelaide Convention. The States Treasurers are continually complaining of the increase in the "new" expenditure. I believe that if there are any difficulties in the way, they can be overcome in the interests of economy.

Amendment negatived.

Senator MILLEN (New South Wales).—In substituted clause 25 the word "may" is applied to the Minister and to two sets of action. I wish to ascertain from Senator Keating whether in this instance it means "may" or "shall." It says—

The Minister may, by notice in the *Gazette*—
(a) appoint a chief polling place for each division.

Clearly, in that case, the word "may" means that the Minister shall appoint a chief polling place for each division, because, if he did not, the whole machinery would collapse. But certainly the word "may" does not mean "shall" when it is applied to paragraph c.

(c) abolish any polling place.

Clearly, in this provision, we are asked to use the word "may" in two different ways. I would suggest to the Minister whether it ought not to read in this form—

The Minister shall appoint a chief polling place for each division, and may appoint such other polling places for each division as he thinks necessary, or abolish such polling places.

I move—

That the word "may," line 9, be left out, with a view to insert in lieu thereof the word "shall."

Senator KEATING (Tasmania—Honorary Minister).—I think that the substituted clause in its present form gives effect to what Senator Millen desires. The word "may" is used there as governing all the powers which are specified in paragraphs a to d. Undoubtedly the power vested in the Minister by paragraph a is one which he would have to exercise, and for the non-exercise of which he would be responsible immediately to the Parliament and the country. I do not think that there is any necessity to deviate from the drafting which is used in this instance, and is usual in all such cases. I think we can well expect that when the Minister is vested by a section of an Act with a number of powers, some of which he has to

exercise at his discretion, and others of which he must exercise in the public interests when the contingency arises, he will do his duty. We had better adhere to the provision as it stands, and not, as I said on a previous occasion, in reply to Senator Millen, introduce at this stage a distinction between "shall" and "may" which might give rise to a considerable amount of discussion as to the meaning of words which have been used in so many Acts of this Parliament.

Senator CLEMONS (Tasmania).—I intend to support Senator Millen, because I feel quite certain that he is right in his contention. Practically the only argument we have heard against making the proposed alteration now is that we have been committing this error since the institution of this Parliament. It may suit Senator Keating to argue that when we have been travelling along the road of error for a very considerable time it is inadvisable to deviate, but, somehow or other, that sort of argument does not generally find much favour here when there are honorable senators present to hear it. This question has been considered, as Senator Millen once pointed out, by the Parliament of New South Wales, and section 23 of their Interpretation Act reads as follows—

Whenever in an Act a power is conferred on any officer or person by the word "may," such word shall mean that the power may be exercised or not, at discretion.

Is not that precisely what we want to do? There are occasions when we want to give discretion to an officer or person, as I am reminded by Senator Millen we do in a later part of this clause. On the other hand, there are many occasions on which we want to say definitely that the Minister shall do certain things, and do not wish to give him a discretion to do them or to leave them undone. The provision in the Interpretation Act of New South Wales goes on to say—

But where the word "shall" confers the power, such word shall mean that the power must be exercised.

Frequently we are confronted with a case in which it is our distinct intention that a power shall be exercised, and that there shall be no possibility of evading the exercise thereof. When we desire to bring about that result, we should use the word "shall" in contradistinction to the word "may." A practice has grown up here which largely destroys the value of one of

these two words, and has the result of causing "may" to be interpreted as "shall." I think it is high time that we took a stand on this matter. I do not believe that any member of the Committee wishes to use either "may" or "shall" in a slipshod way. If we do not start to use the right word now, when is a start to be made? The longer we go on making this blunder the more firmly will it become established. I trust that Senator Millen will call for a division, and will draw our attention to the fact whenever the word "may" is wrongly used in a measure. Of course the provision in the New South Wales Act applies to any officer or person, but not to the Governor.

Senator DOBSON (Tasmania).—I should have thought that Senator Clemons would know that there is no error in the use of the word "may" in this provision. We have already taken up more than an hour in discussing this question. A former Committee decided upon the use of the word "may" in such cases. I see no reason to depart from the language of the provision. On a previous occasion I pointed out that if we tried to use "shall" when we meant "shall," and "may" when we meant "may" we should get into a state of confusion.

Senator MILLEN.—We shall get confused if we say what we mean!

Senator KEATING.—We should have to amend nearly every Act we have passed.

Senator DOBSON.—The confusion will be made apparent if this amendment be accepted. Senator Millen wishes to provide that the Minister shall appoint a chief polling place, and may appoint other polling places, abolish any polling place, or establish a polling place area for any specified polling place, and fix its boundaries. He ought to propose that the Minister may establish a polling place for any specified polling place area, and shall fix its boundaries. We should get into a state of confusion at once if we made the proposed alteration. Why should we not adhere to the language which has been adopted by parliamentary draftsmen for centuries?

Senator MILLEN (New South Wales).—I invite Senator Dobson, in spite of his moderate exaggeration of about 300 per cent. when he said we had been discussing this question for an hour, although it is not yet a quarter of an hour since I moved the amendment, to observe that the provision is not consistent as regards the use of this

word, because later on it says that there shall be rolls of the electors in each State. There is no greater necessity for affirming in clear terms that there shall be rolls than there is for saying that there shall be a chief polling place. The one without the other would be useless. Why should we affirm that there shall be a roll for each division, and only say that there may be a place at which the persons whose names are on that roll can vote? If, as Senator Keating says, the word "may" places an obligation upon the Minister when the public necessity requires him to do a thing, to do it, equally it would be quite sufficient if we said that there may be rolls of the electors in each State. That is the only option. However, I shall not labour the point. If, because a previous Act affirmed a certain thing, we ought not to alter it, we should not have passed such amending clauses as have already been agreed to in this Bill. It is because previous legislation was wrong that we remedy it. If I could get the Committee to my way of thinking, the way would be open for possible amendments of our Acts Interpretation Acts, which would at once remove all possible danger. I point out that we have already passed a clause which says that the Governor-General may "appoint a Registrar." Now we come to a clause dealing with the Minister. We are not usually so sensitive in dealing with Ministers as we are in dealing with the Governor-General. Surely there can be no objection to say that the Minister "shall" do what is desired. But if "may" is to be retained here, we ought to make the Bill uniform by using "may" in clause 16, where the word "shall" is used as applicable to rolls. I shall not withdraw the amendment.

Senator KEATING (Tasmania—Honorary Minister).—The parallel which Senator Millen has attempted to draw between the use of the word "may" in the provision under notice, and the use of the word "shall" in clause 16, is not a correct one. The latter provision says "There shall be rolls." It does not say that the Minister shall prepare rolls. But if we were using the words in connexion with a particular person we might say "may." Wherever officers are intrusted with judicial or administrative functions, we use the word "may," which the Courts have interpreted in certain classes of cases to mean "shall."

Personally, I quite agree with the principle contained in the Act quoted by Senator Clemons. But it must be remembered that that was an Acts Interpretation Act of New South Wales.

Senator CLEMONS.—Copied from an English Act.

Senator KEATING.—The section quoted governs the construction of all legislation in New South Wales. But our legislation is governed by our Acts Interpretation Acts, both of which are silent upon the construction of the words "may" or "shall." If we were to amend this Bill as proposed, we should land ourselves in a difficulty. In all our previous legislation we have used the word "may" in the sense in which we propose to use it here.

Senator CLEMONS.—We could amend our Acts Interpretation Acts.

Senator KEATING.—That is what I think ought to be done if any amendment is to be made. But even then we may create difficulties. We should have to go through all our past Acts, and pick out the individual instances in which Parliament intended the word "may" to mean "may" in the popular sense, and where it meant "may" to mean "shall," and we should have to pass a comprehensive enactment governing all those cases. I repeat that I am in favour of the principle mentioned, but I doubt whether this is the proper way to carry it out. I would ask Senator Millen not to press his amendment in this case, because if it were carried it might lead to obscurity and danger in many other places.

Senator CLEMONS (Tasmania).—Senator Keating has created a difficulty with regard to the Acts Interpretation Act, and says that if we pass this amendment, we shall find ourselves in trouble with regard to our previous legislation. The answer is that the New South Wales Parliament must have found itself precisely in the same position. But it did not refrain from passing an amendment on that account, and evidently it created no confusion in so doing. There would be none. Further, there is nothing whatever to prevent us from passing Senator Millen's amendment. But the real difficulty that faces us is this—that at present we are sometimes using "may" to give discretion, and sometimes when we intend to impose an obligation. There is the strongest difference in the world between giving a discretion, and imposing an obligation, and yet we are told that when we read "may" in our Acts, it does not mean that discretion is

granted, but that the Courts will interpret it as obligatory. The fact is, we have used the word in both senses, and I defy any one to go through our Acts, and to say exactly where, when "may" is used, a discretion is permitted, or an obligation imposed. The only solution appears to be that when we intend to give a discretion we should use an obviously absurd word, "might."

Question—That the word "may" proposed to be left out be left out—put. The Committee divided.

Ayes	...	...	...	8
Noes	...	...	...	13
Majority	...	...	...	5

AYES.

Gray, J. P.	Turley, H.
Higgs, W. G.	Walker, J. T.
Macfarlane, J.	<i>Teller:</i>
Millen, E. D.	Clemons, J. S.
Stewart, J. C.	

NOES.

Croft, J. W.	Matheson, A. P.
de Largie, H.	O'Keefe, D. J.
Dobson, H.	Playford, T.
Drake, J. G.	Smith, M. S. C.
Guthrie, R. S.	Story, W. H.
Henderson, G.	<i>Teller:</i>
Keating, J. H.	Dawson, A.

Question so resolved in the negative.

Amendment negatived.

Senator MILLEN (New South Wales).—There seems to be some little conflict between proposed substituted clause 26 and section 63 of the principal Act. Section 63 makes the returning officer responsible for any alterations in consequence of a change in the boundary, whereas the substituted clause throws upon the Minister the duty of giving such directions as may be necessary for the change of electors from one roll to another. It is not desirable to have a duplication of duties, and I suggest the desirableness of omitting paragraph d.

Senator KEATING (Tasmania—Honorary Minister).—Substituted clause 26 is, to a great extent, consequential on substituted clause 25. There may be separate rolls for each polling place, and the provision for the establishment of a polling-place area is very desirable in connexion with more thickly populated centres.

Senator MILLEN.—The Minister is dealing with internal divisions, whereas I referred to external boundaries.

Senator KEATING.—In a case where a polling area is established, it may be necessary to transfer electors bodily from one roll to another; and I am given to understand that the two provisions, referred to by Senator Millen, do not overlap.

Senator CLEMONS (Tasmania).—Is there any particular definition of "polling-place area," which phrase does not, so far as I can see, occur prior to the clause with which we are dealing. I am under the impression that in the principal Act there is no such phrase, and perhaps the Minister will enlighten us as to the necessity for a definition.

Senator KEATING (Tasmania—Honorary Minister).—A polling-place area is really in effect a particular division, and the phrase is new in the Bill. It is proposed to give the Minister power to define by certain boundaries an area for which a particular polling-place shall be the polling-place. At the same time, of course, it will be competent for anybody in an electorate, if the polling-place area be in his subdivision, to be registered for the particular polling-place, although he may not live within the polling-place area. The object of the clause is to carry out, as far as possible, the desired co-operation with the States, and it will be extremely convenient if the electors, say, in one metropolitan electorate can be grouped together bodily, in such a way as to work harmoniously with the State electoral machinery.

Senator GIVENS.—Polling-place areas are actually in existence now—that is, people are grouped.

Senator KEATING. — People are grouped, and lists are provided accordingly, but not necessarily within a certain area. A man may come from outside and be allowed to vote at a particular place; and the clause will not prevent his doing so. The object of the clause is the establishment of polling-place areas and marking them out by boundaries, so that the electors may be transferred *en bloc* from one roll to another.

Senator MILLEN.—As showing that polling-place areas did not exist at the last election, a man might be on the roll for one polling-place, and his wife on the roll for another.

Senator KEATING.—Perhaps the term "polling-place division" would be preferable, but I am afraid it might cause con-

fusion, in view of the fact that the word "division" means, in the main Act, a Commonwealth electorate.

Senator CLEMONS (Tasmania).—I begin to understand that "division" means a Commonwealth electorate, and that the desire is that "sub-division" should, in many cases, practically refer to a State electorate. I recognise that another division of locality is a polling-place area, which, in all probability, will be smaller than a State electorate.

Senator KEATING.—That is the position.

Senator TURLEY (Queensland).—Does the provision in substituted clause 25 mean that no polling-place shall be established after the issue of the writ?

Senator KEATING.—No; it means that no polling-place shall be abolished.

Senator TURLEY.—At what time, and within what limit, having regard to the issue of the writ, can a polling place be gazetted for any particular district?

Senator MILLEN (New South Wales).—Under the existing law there is no limitation. If the honorable senator will refer to section 24 of the principal Act, he will find that there is no limitation on the appointments of polling places, but there is a limitation on the abolition of polling places.

Senator TURLEY.—Can the Governor-General appoint polling places right up to the day of election?

Senator MILLEN.—There is nothing in the Act to prevent that.

Senator KEATING (Tasmania—Honorary Minister).—There is no limitation as to time on the appointment of polling places, but there is on the abolition of them or the establishment of polling-place areas. The only limit to the appointment of polling places is that of practicability.

Senator STANFORTH SMITH.—A polling place may be appointed after the issue of the writ.

Senator KEATING.—Yes, up to the day before an election.

Senator MILLEN (New South Wales).—I am afraid that Senator Keating is under some misapprehension as to the nature of a subdivision. The honorable and learned senator has spoken as though it corresponded to a State electorate.

Senator KEATING.—Not necessarily.

Senator MILLEN.—That must be understood. The whole purpose of the Bill will fail unless a subdivision may be so small that three or four of them may be

grouped in order to form a State electorate. That, in practice, is what these subdivisions must be if the Bill is to have any good effect at all. We have, to some extent, drifted from the matter to which I first directed attention, in connexion with substituted clause 26. The Minister has confined his observations entirely to alterations which might take place within a division, but I refer the Committee to the last line of the clause, which deals with the external boundaries of a division. Whilst it is obvious that there should be some power to transfer the name of an elector from one roll to another when the boundaries of a division are altered, I still affirm that there is a conflict between substituted clause 26—which deals with the internal boundaries of a division—and section 63 of the principal Act. I lay stress on the fact that I am now dealing, as this clause does, with the external boundaries. Section 63 of the principal Act provides that—

On any change in the boundaries of a division the returning officer for the division shall make all alterations thereby rendered necessary in the roll for the division.

That is clear, and we need not again confuse it by referring to the difference between transferring an individual elector and a group of electors. The Bill provides that wherever the boundaries of a division are altered the Minister shall give directions in the *Gazette* as to what alterations are to be made, and how they are to be made. There is a conflict here between the Bill and section 63 of the principal Act. I admit the whole of the Minister's contention with regard to any alteration of internal boundaries, but my point remains good when we come to deal with the external boundaries of a division. It is with me a question whether I can give expression to my views better by proposing that the words "division or" shall be left out, or that section 63 of the principal Act shall be repealed. In view of the fact that it is better that a single authority should deal with all matters of a similar character, I should prefer the repeal of section 63 of the principal Act. It is ridiculous to say that the Minister shall give directions for alterations rendered necessary by the disturbance of the internal boundaries of a division, and leave it to the returning officer to make alterations rendered necessary when the external boundaries of a division are disturbed. Senator Keating might consider whether the Minister ought not

to be vested with the sole power of making all alterations rendered necessary by any disturbance of the boundaries of a division.

Senator KEATING (Tasmania—Honorary Minister).—So far as this clause is concerned, in the use of the words "boundaries of a division," there does seem to be some overlapping with section 63 of the principal Act. I have no objection to remedy that. Senator Millen has suggested the repeal of section 63, and I think that would be the better course to adopt as the work would then have to be done under directions which would be gazetted, and an opportunity would be afforded those affected by proposed alterations to obtain some knowledge of them which they are not able to obtain at present, when the making of the necessary alterations is left to the returning officer. I have in the circumstances no objection to the repeal of section 63 of the principal Act. If that is done, as Senator Millen has pointed out, the whole of the events on which directions for alterations may be made will be dealt with in one part of the Statute.

Senator CLEMONS (Tasmania).—Before Senator Keating finally decides that that is the best way in which to deal with the matter, I direct attention to the fact that in substituted clause 26 it is contemplated that such alterations as shall be made will affect State rather than Federal electorates. If section 63 of the principal Act is not repealed we shall provide that our own electoral officer shall deal with a division which is wholly a Federal, and not a State division. Under substituted clause 26 the Minister is asked to do certain things which will largely tend to bring about the harmony to which reference has been made, but in section 63 of the principal Act the only duty imposed is, I repeat, a purely Federal duty.

Senator MILLEN.—Substituted clause 26 surely imposes a Federal duty solely, inasmuch as it does not affect the creation of any polling place, but merely provides that when certain action has been taken, possibly in conjunction with State officials, the Minister may give directions as to how any alteration of the rolls that is rendered necessary shall take place.

Senator CLEMONS.—I do not desire by the repeal of section 63 of the principal Act to relieve the returning officer of the duty to make these alterations, because I think he is the proper person to perform that duty. He could not be expected to

perform the duties imposed under substituted clause 26.

Senator KEATING.—I think he would have to perform the duty in either case. This clause provides only that directions shall be published in the *Gazette*.

Senator MILLEN.—Section 63 of the principal Act does not provide for the appointment of polling-places.

Senator CLEMONS.—I am thinking of the person who is to carry out certain prescribed duties. We directly empower the returning officer in the principal Act to perform these duties, and the question is whether we shall now take from him certain work which he used to do, and get that work done under the operation of substituted clause 26. If the suggested amendment is made, that is what will happen.

Senator MILLEN.—Surely the honorable and learned senator does not desire that there should be a divided authority.

Senator CLEMONS.—I think there must be to a certain extent. The repeal of section 63 of the principal Act would in my opinion be a mistake.

Clause agreed to.

Clause 16—

Sections twenty-seven to fifty-two inclusive of the principal Act are repealed, and the following sections are substituted in lieu thereof :—

“ 27.—(1) There shall be rolls of the electors in each State.

(2) Until new rolls are prepared the rolls in existence at the commencement of this Act shall, as altered from time to time, be the rolls of electors.”

Senator KEATING (Tasmania—Honorary Minister).—This clause purports at once to repeal sections 27 to 54 of the principal Act, and to substitute in lieu of those twenty-seven sections the provisions which are numbered 27 to 36 in this clause. Honorable senators may desire that the different provisions of this clause comprising the proposed substituted clauses should be dealt with separately, and it would be as well, before the discussion on the clause commenced, if it were understood that they will be put separately from the Chair.

The CHAIRMAN.—If it is the wish of the Committee I shall submit the clause in paragraphs.

Senator MILLEN (New South Wales).—Whilst it would be convenient to honorable senators to deal with the clause in paragraphs, if the rules of debate are enforced

too rigidly the consideration of the clause will be largely hampered.

Senator TURLEY.—Other paragraphs may be referred to by way of illustration.

Senator MILLEN.—I direct attention to the fact that whilst clause 16 proposes the repeal of the whole of part V. of the principal Act, and purports to substitute other machinery, it leaves certain gaps. In part V. of the principal Act it is not only laid down that rolls are to be prepared, but how they are to be prepared, and the whole of the machinery necessary for their preparation is provided.

Senator PEARCE.—When the principal Act was passed there were no rolls in existence.

Senator MILLEN.—In the Bill it does not appear to me that the necessary machinery is set up.

Senator PEARCE.—It is not needed now, as the rolls are already in existence.

Senator MILLEN.—If it is not necessary to have any machinery, what is the use of sub-clause 1 of substituted clause 27?

There shall be rolls of the electors in each State.

The first requirement is to say whose duty it is to see that the rolls are prepared, and the next is to provide how that duty shall be carried out. That provision was made in the principal Act.

Senator PEARCE.—Has the honorable senator read sub-clause 2 of substituted clause 27?

Senator MILLEN.—That provision contemplates the preparation of rolls other than those which are in existence. But will the honorable senator show me where, in the Bill, an obligation is placed upon any officer to prepare the rolls?

Senator PEARCE.—Can the honorable senator show me how the present rolls will go out of existence except by alterations?

Senator CLEMONS.—Look at substituted clause 32.

Senator MILLEN.—That clause says—

New rolls for any polling places, subdivisions, divisions, or States, shall be prepared whenever directed by proclamation, and in the manner specified in the proclamation, or prescribed by the regulations

This substituted clause does not prescribe, as the original Act does, whose duty it is to prepare the rolls. On the contrary, it is left absolutely to the Executive to say whether there shall be rolls or not. I do not quite indorse that mode of dealing with so important a matter. When it is proposed to abolish the whole of the machinery

by which our electoral rolls were created, we have a right to ask what machinery it is proposed to substitute. Apart from substituted clause 32, no machinery is provided in this Bill.

Senator PEARCE.—We have also to ask ourselves whether any machinery is required.

Senator MILLEN.—Why did we provide machinery in the Electoral Act?

Senator PEARCE.—Because we had to create a new roll.

Senator MILLEN.—The honorable senator suggests that after the machinery in the principal Act is repealed, some officer will take into his hands the existing roll, and see that it is continued. If we were to deal with our public officers in that manner, we could shorten our Acts very materially. We should adhere to our policy of giving clear directions as to the duties of the electoral officers, and the manner in which those duties are to be discharged. In the three Electoral Acts of New South Wales, very clear directions were given as to the duties of the various officers. I cannot help thinking that Part V. of this Bill has been prepared on the assumption that the machinery of the principal Act will continue to operate after it has been repealed by this Bill. I am sure that the Minister does not wish the measure to be passed with a gap. I hope that he will be able to give such an explanation as will render it unnecessary for me to move for the retention of some provisions in the corresponding part of the principal Act.

Senator KEATING (Tasmania—Honorary Minister).—This part of the Bill proposes to substitute for sections 27 to 54 of the principal Act eight or nine clauses, because in the great majority of instances, the operation of those sections has been exhausted. The circumstances which necessitated their insertion in the main Act have since ceased to exist. When we were providing for our first electoral machinery, it was necessary to provide, as we did in section 27, that there should be rolls of the electors prepared in each State. The rolls were prepared and acted upon in connexion with the first elections held under the Act. It is now proposed to replace that section of the Act with this provision—

1. There shall be rolls of the electors in each State.

2. Until new rolls are prepared the rolls in existence at the commencement of this Act shall, as altered from time to time, be the rolls of electors.

It is not necessary for us to say in this Bill that rolls of the electors in each State shall be prepared, but merely to say that until fresh rolls are prepared in accordance with the provisions of the law, the existing rolls shall be, as altered from time to time, the rolls. I do not know that Senator Millen has directed specific attention to any provision in the main Act in which the duty of preparing the rolls is by express terms placed upon any particular officer.

Senator MILLEN.—Section 32 did place upon the Chief Electoral Officer the duty of preparing a list, and subsequent provisions provided how that list was to be converted into a roll.

Senator KEATING.—That 'work is done, and is proposed to be utilized under the provisions of this Bill. There are provisions in this Bill and the main Act with regard to any applications which may be made for additions to the rolls, and a continuous revision of the rolls is provided for.

Senator CLEMONS (Tasmania).—Now that I have been referred to Part VII. of the Bill, I do not perceive the difficulties which Senator Millen anticipates. I believe that the whole machinery will work harmoniously. The chief alteration which, so far as I can see, the Bill makes in this regard is to abolish the Courts of Revision.

Senator MILLEN.—Whose duty will it be to look after the rolls?

Senator CLEMONS.—If my honorable friend will refer to Part VII. of the Bill he will find that the question of the removal of names from the existing rolls is placed in the hands of the returning officer. I cannot see any material alteration in the existing machinery, except in regard to the supplanting of the Courts of Revision. I am quite satisfied with the provisions of the Bill in that regard.

Proposed substituted clause agreed to.

Clause 16, Proposed substituted clause 28—

"(1) There may be a separate roll for each polling-place (in this Act called a "Polling-place Roll")."

(2) There may be a separate roll for each subdivision (in this Act called a "Subdivision Roll.")

(3) All the Polling-place or Subdivision Rolls for a division shall together form the roll for the division (in this Act called a "Division Roll").

(4) All the Division Rolls for a State shall together form the roll for the State."

Senator MILLEN (New South Wales).—It is quite evident that the word "may"

is correctly used in the first two sub-clauses of this provision, because, unless there is a polling-place or a subdivision there can hardly be a roll therefor. I wish to point out that, although it is left quite optional whether there shall be a polling-place roll or a subdivision roll, it is affirmed that the roll for the division shall consist of the subdivision and the polling-place rolls. Suppose that there are no such rolls, what will constitute the rolls for the division? Sub-clauses 1 and 2 are contingent upon the happening of certain circumstances, but if there are no such rolls as are therein referred to, it is essential to have a roll for the division. The object of the clause is quite clear; it is merely a matter of draftsmanship. My purpose is to provide for a case in which there are no subdivision or polling place rolls. I move—

That the following new sub-clause be inserted :—

“1. There shall be a roll for each division.”

Senator STANFORTH SMITH.—I understand that that means that there shall be one or more rolls?

Senator KEATING.—Yes.

Amendment agreed to.

Senator STEWART (Queensland).—Sub-clause 2 of the proposed substituted clause says—

There may be a separate roll for each subdivision.

Will that roll include all the polling places in each division? Suppose that a State electorate is made a subdivision. There may be a dozen separate polling places in it. Will the names of all the electors entitled to vote be grouped under their own polling places?

Senator KEATING.—Wherever there are polling places the rolls are bound together to form a divisional roll.

Senator STEWART.—I know that, but what I want to know is this: There is a provision for a subdivision roll. I take that to mean that it is intended to fit in with the State electorates. For instance, any State electorate might be made a subdivision. There may be a dozen different polling places within that subdivision. Will the names of the electors be grouped around their own polling places as at present, or will the names run alphabetically without any reference to the polling places?

Senator KEATING.—They will be grouped around each polling place as at present.

Proposed substituted clause, as amended. agreed to.

Clause 16, Proposed substituted clause 29—

“The rolls may be in the prescribed form, and shall describe the surname, christian names, sex, place of living, and occupation of each elector, and shall contain such other particulars as are prescribed.”

Senator CLEMONS (Tasmania).—The marginal note refers to section 30 of the original Act, which prescribes the form in which these electoral rolls shall be prepared. It says that the rolls

may be in the form A in the schedule, and shall contain the particulars indicated in that form.

The substituted clause says that the rolls may be “in the prescribed form.”

Senator KEATING.—The idea is to give an amount of elasticity to enable us to work with the States.

Senator CLEMONS.—I have no objection to that. But as a necessary corollary we should issue regulations prescribing the particular form of roll, which may be varied from time to time.

Senator KEATING.—Yes, the rolls may be varied in conjunction with the States rolls.

Proposed substituted clause agreed to.

Clause 16, Proposed substituted clause 30—

“(1) The Governor-General may arrange with the Governor of a State for the preparation, alteration, and revision of the Rolls, in any manner consistent with the provisions of this Act, jointly by the Commonwealth and the State, to the intent that the Rolls may be used as Electoral Rolls for State elections as well as for Commonwealth elections.

(2) When any such arrangement has been made, the Rolls may contain, for the purposes of such State elections—

(a) the names and descriptions of persons who are not entitled to be enrolled thereon as electors of the Commonwealth, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as Commonwealth electors.

(b) other particulars in addition to the prescribed particulars;

and for the purposes of this Act those names, descriptions, and particulars shall be deemed not to be upon the Roll.”

Senator MILLEN (New South Wales).—I wish to indicate an amendment that I propose to submit. The substituted clause provides that the Commonwealth and State authorities may, by a joint arrangement between the respective Executives, prepare joint rolls, which can be used both for Commonwealth and State elections. But, in

order to do that, there would have to be upon those rolls some individuals who are electors for both Commonwealth and State, some electors for Commonwealth and not for State, and some who are electors for State and not for Commonwealth. Thus there may be three classes of electors. I do not think the clause makes it quite clear that these three classes shall be indicated. It only provides that two of them shall be indicated. I propose to move an amendment to make it clear that if these joint rolls are adopted the three classes of electors shall be distinguished. I also wish to propose an amendment to limit this joint arrangement to those States in which the qualification of electors is similar to the qualification for the Commonwealth.

Senator DOBSON.—That would cut out Victoria.

Senator MILLEN.—I do not mention any State, but I think that the joint arrangement ought to be limited to States in which the franchise is the same as our own. The amendment which I first intend to ask the Senate to adopt is, after the word "State," to insert the words "in which the qualification of an elector is similar to that of the Commonwealth." The effect of the amendment would be to limit the arrangement for joint rolls to those States in which the qualification of an elector is similar to that of an elector in the Commonwealth; and the proposal may be considered quite apart from the other to which I referred. The present proposal raises the question as to whether the joint rolls should include electors whose qualification is different to that in the Commonwealth. It seems to me that if we were to permit this we should create a great deal of confusion, and possibly end in disfranchising, either for State or Commonwealth purposes, a large number of electors.

Senator GUTHRIE.—Suppose the only difference was that, while in the one case the qualification was six months' residence, in the other it was three months' residence?

Senator MILLEN.—The difference between the qualifications may be nominal; but, technically, it may prove sufficient, in certain instances, to debar a man from the exercise of both Commonwealth and State franchise—sufficient to prevent a man from being an elector for the State, although an elector for the Commonwealth. The difference being so slight, it is not too much to ask the States to bring their elec-

toral machinery into conformity with our own. If the difference were a great one, I might say that the gap, perhaps, was too great to be bridged over. If there be different qualifications, an elector, seeing his name on the roll, may probably not take the trouble to ascertain whether it is there for both purposes. At the last election quite a large number of electors in New South Wales, who thought that, because they held a State right they were entitled to vote for the Commonwealth Parliament, only found that such was not the case when they presented themselves at the polling-booth. This confusion will become largely intensified, and much more general, because, if men see that their names are on the Commonwealth rolls, they will assume that they are there for Commonwealth purposes. It may be said that such ignorance would show negligence on the part of the elector in making himself acquainted with the electoral laws, but we have to take electors as we find them. Outside the State of Victoria, where the suffrage is limited to males of twenty-one years of age, the difference between the Federal qualification and that of the States is quite nominal.

Senator DOBSON.—Is the nominal difference a sufficient reason for this amendment?

Senator MILLEN.—It is, coupled with the confusion likely to arise if there be a joint roll, on which a name may be entered for one purpose and not for another. I propose this amendment in the interests of the electors. And, in my opinion, we are entitled to say to the States that, if, in the interests of their Treasury, they request us to have joint rolls, we in the interests of the electors, may ask the States to remove little anomalies likely to lead to confusion on the part of the elector. I speak with a lively recollection of the difficulty, uncertainty and confusion which occurred at the last election. After this lapse of time, honorable senators may be inclined to discount the difficulties which then arose, but they must remember how every candidate and newspaper raised protests against the state of affairs which I do not want to see repeated. The Bill, as it stands, tends to increase the uncertainty, and I ask honorable senators whether any objection can possibly be raised to the amendment?

Senator DOBSON.—But the States would be asked to make the change by the Electoral Officer.

Senator MILLEN.—As the Bill stands, the joint rolls could be proceeded with while the anomalies remained. At present, the Bill permits joint rolls on a varying franchise, with a later provision for an indication of the purpose for which the elector is enrolled. But with the amendment, the name would be on the roll with the knowledge that it was there for both State and Commonwealth purposes. The amendment is clearly in the interests of simplicity, and however it may be received, I feel it my duty to submit it. I move—

That after the word "State," line 2, the words "in which the qualification of an elector is similar to that of the Commonwealth," be inserted.

Senator KEATING (Tasmania—Honorary Minister).—I thoroughly recognise that Senator Millen's object is to safeguard, as far as possible, this provision for joint action, and to prevent the elector from being misled. But I really see no necessity for the amendment. After all, we simply propose, by this substituted clause, to confer a power, which may or may not be exercised, and which, of course, will only be exercised where it can be with advantage. For instance, the qualification of an elector for the Commonwealth may vary from the qualification in a particular State, but the points at variance may be practically immaterial so far as carrying out the purpose of the clause is concerned. It is desirable when conferring a power like this—to be exercised only in certain contingencies, which, perhaps, in some cases do not at present arise—that we should make the provision as elastic as possible. Already in substituted clause 29, it is provided that the rolls may be in the prescribed form and contain certain particulars, and "such other particulars as are prescribed." In any case in which it was sought to exercise the power, the form of the rolls to be used would be prescribed, and then it would be open for those who were prescribing the particular forms of rolls to deal with the particular circumstances of that case and the necessities arising from them. Of course, as honorable senators know, the regulations must be laid before each House of the Parliament. I can understand that it may be urged that very often regulations do not receive from honorable members that attention which

they should. But I consider that a regulation in connexion with electoral administration—the preparation of the rolls—would invite just as much attention as did the regulations framed under the Public Service Act.

Senator MILLEN.—The honorable and learned senator will recognise that the natural tendency of a Minister's mind is to leave as much as possible to regulations.

Senator KEATING.—In a case like that under notice such a provision is inescapable, because in substituted clause 30 we give a power which may or may not be used, but which will only be used in conformity with the particular circumstances that will present themselves at the time it is used. When the exercise of that power is called for it is desirable that the regulations prescribing the forms of the rolls shall be such as will meet the particular necessities of the case. Senator Millen has referred to the case of persons whose names were not found on the Commonwealth rolls at the time of the last elections, but who were qualified to be enrolled. But I would remind honorable senators that this provision, and the procedure which we are now attempting to establish, will to a very large extent minimize the risk of any qualified man not finding his name upon the roll.

Senator MILLEN.—My argument was that a man's name might be on the roll for one purpose, but not for both purposes.

Senator KEATING.—I intend to deal with that point. Suppose that the power proposed to be given by the provision is exercised, both the Commonwealth and the State will work towards a common end, and in so doing the likelihood of a man's name being incorrectly enrolled or placed on the rolls with imperfect additions will be less likely to occur, because each authority will, so to speak, act as a reciprocal check upon the other. I think that to a very large extent the risk of a man being enrolled for the exercise of one franchise when he was entitled to exercise two franchises will be considerably minimized when the two authorities are focussing their efforts. The variations or differences between the State and Federal franchises may very conceivably be so immaterial as not to in any way affect the principle. In such a case it would be desirable that the Governor-General should have power to deal in that State as in other States where the qualifications were precisely similar.

Senator MILLEN.—But technical differences, however slight, might operate to disfranchise a man.

Senator KEATING.—It does not necessarily follow that the Governor-General would exercise the power given to him by the provision, but if it were couched in mandatory terms there might be some force in that objection. It is desirable that as far as possible this power should be given in the widest terms possible. It may or may not be exercised, and I take it that it will never be exercised unless it be for the mutual advantage of a State and the Commonwealth. In my speech on the second reading, I pointed to a statement in the report of the Select Committee on electoral administration, as to the sum of money which might have been saved to South Australia by printing a joint roll for the State and the Commonwealth. Similar information could be given in regard to Victoria. The saving would be not merely to the State concerned, but to the Commonwealth and the State. We have already passed a provision dealing with the form in which the roll may be compiled, and the particular details referred to by Senator Millen can, I think, be properly prescribed in the regulations to meet the circumstances of each case.

Senator STANFORTH SMITH (Western Australia).—I think it is inadvisable to limit the scope of the powers proposed to be conferred upon the Governor-General by this provision. Senator Millen has said that there may be technical differences between a State franchise and the Commonwealth franchise, and that such differences, although their effect may be very trivial, may operate to disfranchise a man. It must be remembered that the power given in substituted clause 30 is purely permissive, and that it is not at all likely that the Governor-General would extend the exercise of the powers to those portions of Australia in which the qualifications for the suffrage were extremely divergent. Suppose that some slight differences in the qualifications had been overlooked by this Parliament, and that both the State concerned and the Commonwealth desired that a joint roll should be compiled, it might not be possible for some reason or other to make the necessary alteration, and the Governor-General would be prohibited by the amendment from taking a step which would save considerable expense to the taxpayers. In that way, great hardships would be inflicted.

Under the Commonwealth law, it is allowable for a person who has been enrolled for three months to vote, but in the case of some States the term is longer. That difficulty can be got over. At the Premiers' Conference, held in Hobart last February, the subject of the differences between the franchises was discussed. It was suggested that in the case of Victoria it would be possible to so compile the rolls as to show by the use of different type those persons—women—who were ineligible to vote in a State electorate, so that at a State election it could be seen at once whether certain persons, whose names were on a roll, were entitled to vote or not, and *vice versa*. It will be far better to leave this matter to the discretion of the Governor-General, because it is not likely that the provisions of the substituted clause would be extended to those parts of Australia where the electoral qualifications are so divergent, or where the differences are such that they cannot be reconciled by any compromise.

Senator GUTHRIE (South Australia).—I should very much like to support the idea underlying Senator Millen's amendment. He suggested that the Commonwealth Parliament ought to give the lead to the States as to what their franchise should be, with a view to securing uniformity with the Commonwealth franchise. He must remember that all the States are not in the happy position of New South Wales, with a nominee Upper House, for which no electoral rolls are required. In the case of other States, the electors for the Upper House are required to possess a strong property qualification, and, therefore, it would be impossible to assimilate the rolls for those Houses with the Federal rolls. I am satisfied that if the amendment were carried, the Upper Houses in the States would complain very loudly about this Parliament interfering with a view to bring their franchise into line with the franchise for the Senate.

Senator MILLEN.—Is it necessary to have one roll or two rolls in South Australia?

Senator GUTHRIE.—It is necessary to have a roll for each House. No person can be enrolled for the Legislative Council unless he has a property qualification as a householder of the annual value of £25, or as a freeholder of the value of £50, or as a leaseholder of the value of £20 per annum, with at least five years of the lease to run.

Senator MILLEN.—Is a man whose name is on a roll for the Legislative Council entitled by reason of such enrolment to vote at an election for the House of Assembly?

Senator GUTHRIE. — Not unless he makes an application, whereupon he is entitled to vote at an election for either House. I should be only too glad to assist the honorable senator to assimilate the State and Federal rolls, if he could see his way clear to give every elector in South Australia who is entitled to vote at a Senate election the right to vote for a member of the Legislative Council.

Senator MILLEN.—It is not necessary to do that.

Senator GUTHRIE. — Then I take it that the honorable senator, in his remarks, was referring to only the rolls for the Lower House in each State.

Senator MILLEN.—Exactly.

Senator GUTHRIE.—I take it that the honorable senator is not prepared to give a lead to the States in extending to the electors for the Senate of the Commonwealth the right to vote at an election for the Upper House of their State.

Senator MILLEN. — Certainly not, where a property qualification exists.

Senator GUTHRIE.—If we leave out of consideration the Upper House, we have only the rolls for the Lower House to deal with. There is only a slight difference between the qualification of electors for the Lower House in South Australia and the qualification for electors for the Commonwealth. Last year the position was this: South Australia had to print at the expense of her taxpayers a roll for the State for the purposes of her State elections. Then the Commonwealth had to print—not in Adelaide, but in Melbourne—a set of rolls for the whole of South Australia, containing absolutely the same names as were included in the rolls for the State elections, with one slight difference—namely, that the State rolls had an extra column showing whether the elector on the roll had been registered for six months. Under the South Australian law persons are not entitled to vote until they have been on the roll for six months, and to indicate that fact the date of registration is placed against the name. If that slight addition were made to the Federal rolls there could be no misunderstanding. A man would go to the nearest post-office and consult the roll. If he had not been three months on the roll, he would not be en-

titled to vote for the Commonwealth; if he had not been six months on the roll, he would not be entitled to vote for the State. This clause provides that the rolls are to be in a prescribed form. It would be very easy for the Government to prescribe for the South Australian rolls that the date of registration should be placed against the name of the elector. That would make the Commonwealth rolls available for State elections. As to the preparation of the rolls there can be no difficulty. In South Australia we prepare our rolls as follows: When the census is taken every ten years, in addition to the census paper an electoral application form is delivered. The person who wishes to vote makes his application, and his name is placed on the roll just as he is enumerated in the census. In the interim between censuses application forms are kept at every post-office and by every electoral registrar throughout the State. A person can get a form, fill it up, send it in, and get his name placed on the roll. Nothing can be simpler. When the Commonwealth came into existence, other means were adopted for compiling the rolls. The police called at the houses of the people, and from their lists the rolls were prepared. Nor is there any difficulty in regard to the revision of the rolls. Indeed, the Commonwealth has practically adopted the South Australian system. I see no necessity for Senator Milten's amendment. We cannot compel the States to accept our franchise for the Upper Houses. I think that the Government in making this proposal have made the best arrangement possible to get near to uniformity with the States in the preparation of rolls. Consequently I shall support it.

Senator MILLEN (New South Wales).—The Legislative Council rolls which Senator Guthrie has mentioned would not be interfered with in the matter we are discussing. The only rolls affected in his State would be those for the House of Assembly. At present, a South Australian elector has to get on three rolls—that for the State Legislative Council, that for the State House of Assembly, and that for the Commonwealth. The whole question which we have to consider is not the special franchise for the Legislative Council, but the franchise for what is called the popular House, which is based upon manhood or womanhood and residence. Senator Guthrie sets at rest any doubt I may have had as to the efficacy of my proposal, when he admits that a

man can get on the roll for the House of Assembly in South Australia and for the Commonwealth, quite irrespective of any property qualification which may entitle him to vote for the Legislative Council. That however, is merely a side issue with which we are not concerned.

Senator KEATING (Tasmania—Honorary Minister).—I wish to refer to a point which may have escaped Senator MilLEN's attention—the effect of the word “similar.” I take it that the idea underlying his amendment is to deal with cases where there is no doubt about a man being qualified to be upon both rolls in a State. Take the South Australian instance, where an elector has to be on the State rolls six months before he can vote. Suppose a man had been resident nine or ten months in the Commonwealth, but only one month in South Australia. In that case he would be entitled to be an elector for the Commonwealth, but not for the State. If we pass this amendment a number of cases like that might be affected. That is a phase of the situation that seems to have escaped attention. I ask the Committee to pass the clause as it stands.

Senator WALKER (New South Wales).—Do I understand that if in the case of the Commonwealth the period of residence required was three months and the period required for a State was six months, it would prevent any similarity?

SENATOR KEATING.—It would.

Senator WALKER.—I am afraid I cannot support the amendment.

Amendment negatived.

Senator MILLEN (New South Wales).—I have already placed in the hands of the Minister an amendment, which does not affect the principle involved in this proposed substituted clause, but which would, I think, set it out in a more definite fashion. By the rejection of my last amendment, we have adopted the principle that general rolls may be arranged for between States and Commonwealth. The clause goes on to say that if those joint rolls are prepared there shall be an indication against the name of an elector if he is not enrolled for Commonwealth purposes. To make that abundantly clear, I think that we should set out that these joint rolls shall indicate either by initial or by some other means to which of the three classes the elector belongs. It ought to be indicated whether the elector is qualified for the dual purpose, or is only

a Commonwealth elector, or only a State elector; whereas only two of these classes are indicated.

Senator KEATING.—Substituted clause 29 provides that there shall be given “such other particulars as are prescribed.”

Senator MILLEN.—Why should the two classes be provided for in the clause, and the Minister left to indicate the third class by regulation? There appears to me to be a want of balance in the Bill; and either the whole should be left to regulation or the whole defined by legislation. The fact that the Bill indicates two out of the three classes furnishes the strongest argument in favour of the position I take. It appears to me that the draftsman assumed that he had provided for the three classes, and probably, he indirectly did so, but not in that clear and definite way which is desirable. There ought to be a provision that electors may be enrolled who are not State electors, if that fact be clearly set out. The amendment which I intend to move provides that the three classes shall be clearly indicated; and I point out that Mr. Garran, to whose admirable paper I have already referred, adopted this very principle when he outlined the scheme, because, if I remember aright, he suggested that the letter “C” might be placed opposite the names of the Commonwealth electors, and the letter “S” against the names of the State electors, and that where both of these letters were absent it would be assumed that the qualification was both State and Commonwealth.

Senator KEATING.—That was not to be brought about by Commonwealth legislation alone, but by a combination of Commonwealth and State legislation.

Senator MILLEN.—The Minister just now referred me to substituted clause 29, under which he said, the omission could be remedied by regulation.

Senator KEATING.—The regulations will be made with the advantage of negotiations with the States.

Senator MILLEN.—Surely it is not asking too much that we should follow up the provision made in substituted clause 29, and say that electors, who are not State electors, may be enrolled, provided the fact is clearly set out?

Senator GUTHRIE.—Would the date of registration not give the information.

Senator MILLEN.—I should not like to express a definite opinion, because I am not so familiar with the South Australian Electoral Act as, perhaps, I ought to be.

Senator PLAYFORD.—The whole matter can be provided for by regulation.

Senator MILLEN.—That interjection raises the whole question whether, having dealt with two-thirds of the matter by legislation, we should leave the complementary third part to be dealt with by regulation.

Senator PLAYFORD.—There will have to be regulations as to what letters shall be fixed, and we need not go into these details here.

Senator MILLEN.—But why provide in the Bill for some details and leave others to be dealt with by regulation? Is there any uniformity or common sense in such a plan? I move—

That after the word "persons," line 12, the following words be inserted:—

"who are not entitled to be enrolled thereon as electors of the Commonwealth;

(b) who are not entitled to be enrolled thereon as electors of the State;

and shall clearly discriminate and show:—

(a) the persons so enrolled who are electors both for Commonwealth and State;

(b) the persons so enrolled who are State electors only;

(c) the persons so enrolled who are Commonwealth electors only."

Senator KEATING (Tasmania—Honorary Minister).—I have no doubt that if the power conferred by the proposed substituted clause is ever exercised, it will be with due regard to the conditions referred to by Senator Millen.

Senator MILLEN.—Infinite trust in the Government!

Senator KEATING.—There is something more. The Bill does certainly provide that certain persons shall be designated in a certain way, so as to show their qualifications or want of qualifications, but the possession or want of those qualifications relates to the Commonwealth franchise, which is within our own domain. This provision can never come into operation unless some agreement has been arrived at with a State, in which case it will be necessary for the State to make the complementary provision, in order to designate who are and who are not State electors.

Senator MILLEN.—Why should the State make a double distinction if we only make one?

Senator KEATING.—The State will make the distinction which is complementary to this provision. We may in this Bill provide that anything which pertains to the Commonwealth franchise shall be shown on the rolls, but it is not for us to declare what shall or shall not be placed on the State roll as affecting the political status of particular individuals in a State.

Senator GIVENS.—It is not for one party to declare, but for both to declare in agreement.

Senator KEATING.—Exactly.

Senator GIVENS.—We do declare in part by this substituted clause.

Senator KEATING.—In this Bill we legislate only in so far as the Commonwealth franchise is affected, leaving the State, which makes the agreement, to provide what State information the roll shall contain. When I referred to the fact that substituted clause 29 provides that "rolls may be in the prescribed form," I was averting to the fact that a form will not be prescribed until some arrangement has been made with a particular State, when the necessary particulars arising out of the circumstances of the case will be provided for.

Senator GUTHRIE (South Australia).—In my opinion, the *modus operandi* proposed by Senator Millen will prove cumbersome, because it means that it will be necessary to get the six States to unanimously agree to the very letter of the amendment.

Senator TRENWITH.—We have the right to make the conditions on which we shall agree to a common roll.

Senator GUTHRIE.—And the probability is that that will necessitate an alteration of the law in the six States.

Senator TRENWITH.—State legislation would be required in any case.

Senator GUTHRIE.—Not necessarily. If the electoral law of a State is elastic enough to allow the returning officer, with the consent of the Executive, to prescribe the form of the roll, there will be no need for legislation.

Senator TURLEY.—All the States have the form prescribed by law.

Senator GUTHRIE.—Not necessarily. In South Australia there is a form which, with economy, gives the whole of the particulars; and, so far as the Legislative Assembly of the State is concerned, the roll could be used to-morrow without trouble.

Senator MILLEN.—That roll would have to be altered by reason of this substituted clause.

Senator GUTHRIE.—Not a single letter of it. Any person with three months' residence is entitled to the Commonwealth vote, and, with six months' residence, to a State vote.

Senator MILLEN.—My amendment would not affect that roll.

Senator GUTHRIE.—I think it would. I understand the honorable senator to propose that the letter C shall be placed opposite the names of those who are entitled to vote for the Commonwealth, and that the letters C and S shall be placed opposite the names of those entitled to vote for both Commonwealth and State.

Senator MILLEN.—Or no letters in the latter case.

Senator GUTHRIE.—I think the amendment would complicate matters very much.

Senator MILLEN.—I merely referred to Mr. Garran's suggestion as one of the methods which might be adopted.

Senator GUTHRIE.—My suggestion is that every person who has resided six months in the State shall have no indication opposite his name, but that the man who has not been there six months shall have the date of registration affixed.

Senator MILLEN.—That applies only to South Australia. No other States, so far as I know, allows a man's name to be placed on the roll until he is qualified to vote.

Senator GUTHRIE.—I am informed that in this respect, Western Australia is in the same position as South Australia. In New South Wales, where is the necessity to indicate whether the name is there for State or Commonwealth purposes, seeing that the fact that the name is there gives the right to vote for the Commonwealth?

Senator MILLEN.—Not always, because a longer residence is required to qualify for the State, and the name is not necessarily that of an elector for both State and Commonwealth.

Senator GUTHRIE.—That is a strong argument why we ought to try to negotiate with the States, and where there is want of uniformity, remedy the defect by means of regulations, instead of by a hard and fast clause in a Bill.

Senator CLEMONS (Tasmania).—I believe that a majority of honorable senators have quite decided that, on its merits, the amendment of Senator Millen is a good one, and the only difference of opinion is as to whether the initiative in this legislation should be taken by the Commonwealth or by the States. I think it is agreed by most honorable senators that Senator Millen has attempted to draw a very clear distinction in his amendment, which will make everything quite plain. The only argument which has been advanced against his proposal—and I do not think it is one of much importance—is that the table would be bulky and lengthy. So long as the chief object is secured, I do not think that the table will be too bulky from our stand-point. I believe that the inclusion of one column will cover all that is required. If we go so far as to introduce one column, it will not matter how many different paragraphs it may contain. It will be an effort to bring into harmony conflicting methods in the States and the Commonwealth. Senator Keating can say nothing more against the amendment than that it is quite sufficient for us to go to a certain extent in the direction of producing that harmony, and to leave the States to pass complementary legislation. I cannot see why we should not go to the furthest extent which we deem desirable. I think that the amendment is a very good one.

Senator KEATING (Tasmania—Honorary Minister).—The rolls, if they come into existence under this amendment, will not be the rolls of the Commonwealth or the rolls of the State, but the rolls of both the Commonwealth and the State. So far as the Commonwealth is concerned, the proposed substituted clause as it stands provides that where the name of a person appears on a roll, and he is not a Commonwealth elector, that fact shall be indicated. It is manifestly the duty, in fact it is the prerogative of the States in connexion with the rolls, which they hold jointly with ours, to make a corresponding provision, and it is not for us to legislate to that extent. With regard to those persons who are both State and Commonwealth electors, there is no necessity for making any mark. There are only two other classes to be considered, namely, those who are Commonwealth but not State electors, and *vice versa*.

Senator PLAYFORD.—There is no class of that sort, because all State electors are Commonwealth electors.

Senator KEATING. — It is suggested to me that it may exist.

Senator MILLEN.—Any State can reduce the age at which a person is entitled to the State franchise.

Senator KEATING.—So far as those who are State but not Commonwealth electors are concerned, we say that they shall be indicated by a mark. Surely it is within the proper domain of the State which wishes to co-operate with the Commonwealth to enact what it desires to have in regard to the class who may be Commonwealth but not State electors. Seeing that this is only a permissive provision, and one which cannot come into operation except in agreement with a State, we ought not to say to the States that we have already imposed the condition with which they shall have to comply in order to take advantage of this legislation.

Senator CLEMONS.—I believe that the States look to us to impose that condition.

Senator KEATING.—I think not. In any case, I believe that the States will have to pass complementary legislation, and, as a matter of respect for the rights of the States in their own domain of legislation, and about which they are all properly jealous, we might very well leave them to take such action. The provision with regard to prescribing the form of the rolls can be given effect to in each case according to the particular necessity.

Senator MILLEN (New South Wales).—The last remarks of the Minister make it abundantly clear that he does not object to what I am proposing, but that, in his opinion, a portion of the legislation ought to be provided by the States.

Senator KEATING.—Because I think it is within their rights.

Senator MILLEN.—The Minister conceded that something will have to be done before we can give effect to the provision for joint rolls. The only point is whether we, instead of making a partial proposal to the States, should not state fully what we think ought to be the rules to be observed, and the form to be adopted in preparing the joint rolls. The Minister thinks that we ought not to take that course. But suppose that the States make a proposal which we are not prepared to accept, it will delay negotiations still further. I did not suggest, as Senator Guthrie has said, that there should be five columns, because, in my opinion, one column will be quite sufficient. The entry

of the initial will not take up any more room than is occupied by the date of enrolment on his own State roll. I would remind the honorable senator that the principle of publishing the date of enrolment does not prevail except in South Australia, and in, I believe, Western Australia.

Senator TRENWITH (Victoria). — I believe that the Minister is unwise in resisting the amendment. It is a comparatively small proposal, but, if accepted, it will lead to that which is very desirable, namely, uniformity. Otherwise, we might have joint rolls with one State in which a distinct indication of this character existed, and joint rolls in another State in which there was no such indication. As it is admitted to be a thing which in itself it is desirable to provide for, I think it is wise to make it a condition of the joint roll. I urge the Minister to withdraw his objection to the amendment.

Senator KEATING.—Any State may object to the Commonwealth prescribing the form of its roll.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes	...	...	12
Noes	...	...	11
			—
Majority	...	...	1

AYES.

Baker, Sir R. C.	Stewart, J. C.
Clemons, J. S.	Trenwith, W. A.
Gray, J. P.	Turley, H.
Higgs, W. G.	Walker, J. T.
Macfarlane, J.	
Matheson, A. P.	<i>Teller:</i>
Millen, E. D.	Givens, T.

NOES.

Croft, J. W.	Keating, J. H.
Dawson, A.	Pearce, G. F.
de Largie, H.	Playford, T.
Dobson, H.	Story, W. H.
Drake, H. G.	<i>Teller:</i>
Guthrie, R. S.	Henderson, G.

Question so resolved in the affirmative.

Amendment agreed to.

Proposed substituted clause, as amended, agreed to.

Clause 16, Proposed substituted clause 31—

“(3) Except as provided in this section or as prescribed, he may have his name placed on any one polling place or subdivision roll for the division.”

Senator MILLEN (New South Wales). —I ask Senator Keating to consider whether

or not the words "or subdivision" in sub-clause 3 are not only unnecessary, but are likely to be confusing. He will observe that a previous sub-clause absolutely lays it down that if there is a subdivision the elector can only have his name on the roll for that subdivision. This sub-clause appears to give the elector an option. I admit at once that the option is only apparent, because it is destroyed by the words "except as provided in this section." The clear purport of the provision is that he shall have no option, if a subdivision roll exists, and yet it says that he may be on any subdivision roll.

Senator KEATING (Tasmania—Honorary Minister).—It may amount to a repetition of a previous sub-clause. Of course it is complementary to or consequential upon the provision in paragraph *d* of substituted clause 25, in connexion with the establishment of polling-place areas. But I do not think it is absolutely necessary to use the words "or subdivision."

Amendment (by Senator MILLEN) agreed to—

That the words "or subdivision" be left out.

Proposed substituted clause, as amended, agreed to.

Proposed substituted clauses 32 and 33 agreed to.

Clause 16, Proposed substituted clause 34—

"Supplemental rolls, setting out additions since the last print, shall also be printed at such times as the Minister directs."

Senator DE LARGIE (Western Australia).—I move—

That after the word "printed" the words "at intervals of not less than twelve months and" be inserted.

In Western Australia, especially on the gold-fields, a very large percentage of the electors are constantly moving about, and, in order that supplemental rolls shall be printed at least every twelve months, this amendment is necessary. It will meet the requirements of many nomadic persons, not only on the gold-fields, but in other parts of the State. If a longer interval than twelve months were allowed to elapse before the supplemental rolls were printed, a very large percentage of the voters might find themselves disfranchised.

Senator MILLEN (New South Wales).—An amendment which I intend to submit to the Committee will come in at the same point as Senator de Largie's, and is some-

what in the same direction. But I propose to adopt the words of the existing Act, and to insert: "Immediately previous to a general election, and at such other times."

Senator GIVENS.—What would be meant by "immediately"?

Senator MILLEN.—They are the words of the present Act. I should prefer a definite time.

Senator GIVENS.—Senator de Largie provides a definite time.

Senator MILLEN. — The difficulty is this. You might have a roll printed to-day, and in nine months' time there might be an election. There would then be nothing to compel the reprinting of the roll. I presume that Senator de Largie has in view the circumstances of Western Australia. But there might be no necessity to reprint the rolls for twelve months' in more settled districts, and it would be a waste of money absolutely to oblige the officers charged with the Administration of this measure to reprint rolls in every State, in order to suit the circumstances of one. My amendment would compel the Minister to have the rolls brought up to date immediately before an election. Whether we can fix a period, I do not know, but it seems to me that we could not. Suppose we said, "within two months." An election might be sprung upon us to-morrow. As far as we can meet the case, we should do so. At this stage, I merely indicate my amendment. If that of Senator de Largie is carried it will not be necessary for me to move it. But if it is not carried I shall proceed with mine.

Senator HENDERSON (Western Australia).—I think that the reasonableness of Senator de Largie's amendment must appeal to every honorable senator. The reasons given by Senator Millen prove that we ought to fix once and for all a time when statutory rolls shall be forthcoming. A general election might take place at any time.

Senator CLEMONS.—There is a limit in the Act.

Senator HENDERSON.—It is a limit which seems to me to operate very inconveniently to the elector, and has done so on more than one occasion. If we had our supplemental rolls brought up to date every twelve months, we should be nearer to meeting the case than we are under present circumstances. I have no objection to supplemental rolls being printed immediately prior to a general election; but if we allow

our rolls to get into a backward state, as we have done, and are likely to do if we do not take care, there will be all the more difficulty in bringing them up to date at a time when they are required.

Senator DE LARGIE (Western Australia).—I think that Senator Millen's suggestion is an improvement upon my amendment. I can see the necessity for some instruction being given to the Minister as to bringing out supplemental rolls just before a general election. Under the clause as it now stands, and my amendment, there is no such instruction. It leaves the matter to the Minister. I should prefer an indication in the Act from which the Minister could not get away. I hope the Minister will be prepared to accept Senator Millen's proposal, in which case I shall be willing to withdraw my amendment.

Senator KEATING (Tasmania—Honorary Minister).—I am informed that there are serious objections both to Senator de Largie's amendment and Senator Millen's suggestion, and that either would defeat to some extent the objects which both honorable senators seem to have in view. But I should like to have time to look into the matter further.

Senator CLEMONS (Tasmania). — I wish to ask the Minister to look into this matter carefully before determining to accept an amendment. It is provided in section 53 of the principal Act that these supplemental rolls shall be printed immediately after the holding of a revision court and before a general election. It is certainly desirable to have them printed as near as possible to a general election. We have adopted another method of revising the rolls, instead of having revision courts, but I have been unable to find out by a perusal of Part VII. at what period the revision is to be made under the new Bill.

Senator KEATING.—It is continuous.

Senator CLEMONS.—I understand that the removal of names from the rolls, and the addition of new names, may be going on day by day at all times. Ought we not to have some means of ascertaining from that process when it would be desirable to have the supplemental rolls printed? Of course it is always desirable to have them printed as near as possible to a general election, but it appears to me that by means of the process prescribed for the continuous revision there might be a

means of determining when it was necessary to print new ones.

Progress reported.

ADJOURNMENT.

ORDER OF BUSINESS.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator CLEMONS (Tasmania). — I wish to know what business the Government propose to take next week, and whether we are to sit continuously? I hope they will not bring honorable senators here to find that we shall only sit a few hours.

Senator MILLEN (New South Wales). —I should like to say, with reference to Senator Clemons's remarks, that it is only fair to the Government to recognise that the portion of the time not devoted to public work last week was not otherwise appropriated at the desire of the Government, but to meet the convenience of many honorable senators. I do not think that it was the desire of the Government to curtail the time devoted to business.

Senator CLEMONS.—It certainly did not meet the convenience of honorable senators from Tasmania.

Senator MILLEN.—The convenience of honorable senators who were not present was not affected. What was done was to meet the convenience of those who were here.

Senator PLAYFORD (South Australia—Minister of Defence).—Next week we shall continue the consideration of the Electoral Bill until it has passed through Committee. When a Bill gets into Committee, I like to finish it while honorable senators have the details in their minds. After that we shall proceed with the concluding stages of the Copyright Bill, and then take the Representation Bill, the Commerce Bill, and the Secret Commissions Bill. There is plenty of work to keep us fully employed.

Senator CLEMONS.—Will the measures be taken in the order mentioned?

Senator PLAYFORD.—Yes, unless some unforeseen circumstances arise which make it desirable to take the Bills in some other sequence. The order may be varied to some extent.

Senator WALKER. — What about the motion regarding the Orient Steam Navigation Company's contract?

Senator PLAYFORD.—I had overlooked that matter, which will be in the hands of my colleague.

Senator KEATING.—We will take that on Wednesday.

(Question resolved in the affirmative.)

Senate adjourned at 3.55 p.m.

House of Representatives.

Friday, 13 October, 1905.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

LEAVE OF ABSENCE.

Motion (by Mr. WATSON) agreed to—

That leave of absence for one month be given to the honorable member for Perth, on the ground of public business.

Motion (by Mr. SYDNEY SMITH) agreed to—

That leave of absence for one month be given to the honorable member for Balaclava.

IMMIGRATION.

Mr. HIGGINS.—I desire to ask the Prime Minister a question without notice. General Booth is reported in a newspaper account to have said to an interviewer in London—

If I sent 1,000 families to Australia they would probably take with them £30,000. Those we wish to send out are men of small means and strong arms. Canada wants workers, but Australia is hampered by her industrial Labour Party.

Is the Prime Minister aware if General Booth has ever communicated with the leaders of the Labour Party in Australia on this subject? If he has not, can the honorable and learned gentleman say from what source the General has obtained such a curiously perverted opinion of the attitude of the Australian Labour Party? Will the Prime Minister, in justice to that large party, even though he may differ from them in regard to their methods, and in the interests of the Commonwealth, see that the true attitude is put before the London public?

Mr. JOSEPH COOK.—What is the true attitude?

Mr. DEAKIN.—I am unaware of the source of General Booth's opinion, nor do I know whether he has communicated with the leaders of the Labour Party here.

Mr. WATSON.—He has not done so, to my knowledge.

Mr. DEAKIN.—I am not acquainted with any resolution passed by any section of the Labour Party which should afford ground for the opinion which has been expressed, and, in the course of any communications with the General, I shall call his attention to these facts.

Mr. WATSON.—We desire to know what his proposal is?

Mr. BRUCE SMITH.—Does the Prime Minister consider it an objection that the proposed immigrants are capitalists to the extent of £30 each?

Mr. DEAKIN.—The honorable and learned member doubtless expects no answer to that question. The advantages of capital in any country are manifest, and its possession is no less advantageous to those who wish to start in a new country. While I believe that character and industry are the best sources of individual wealth, I regard it as desirable that those who come here, intending to settle, should be possessed of some small amount of capital, to assist them in the initial stages of making homes for themselves.

LOTTERY ADVERTISEMENTS.

Mr. MAUGER.—I wish to know from the Postmaster-General if he is aware that one of his predecessors prevented the advertisements of a German lottery from being sent through the post? Is he also aware that the prospectus and tickets issued in connexion with this lottery are again being sent to every citizen of Victoria? Will he take steps to stop the distribution of this matter?

Mr. AUSTIN CHAPMAN.—I am aware that those advertisements are being sent through the post, but every precaution is being taken to protect the public, and I hope to be able to do even more, now that I am in possession of the information with which the honorable member has supplied me. I am in accord with many of the actions of my predecessor, and can safely promise to follow in his footsteps.

TRADE MARKS BILL.

Mr. ROBINSON asked the Attorney-General, *upon notice*—

Whether he will lay upon the table of the House a copy of all communications sent to him by the Chamber of Manufactures of Victoria and by the Central Council of Employers with reference to Part VII. of the Trade Marks Bill,

and particularly the opinion of Mr. L. F. Cussen, as to whether the Union Label or Trade Union Mark is a Trade Mark within the meaning of sub-section (18) of section 51 of the Commonwealth Constitution?

Mr. DEAKIN.—My honorable and learned colleague desires me to say that he has no objection.

VANCOUVER MAIL SERVICE.

Motion (by Mr. AUSTIN CHAPMAN) proposed—

That the House will, on Tuesday next, resolve itself into a Committee of the Whole to consider the following motion :—

That the House approves of an extension of the arrangements entered into on the 30th October, 1903, by the Commonwealth Government for the carriage of mails between Australia, Fiji, and Canada, by the steamers of the Canadian-Australian Royal Mail Line, upon the following terms :—

(a) That the period of the contract be further extended from 1st May, 1905, to 31st July, 1906, with a proviso that if neither party gives not less than three months' notice of termination prior to the latter date, the contract shall continue until the 31st July, 1907.

(b) That the amount of subsidy payable by the Commonwealth be at the annual rate of £23,863 12s. 3d. for the period from 1st May to 31st July, 1905, and at the annual rate of £26,626 16s. from the 1st August, 1905, the difference between the two amounts being the Commonwealth proportion of a total increase of £6,000 per annum.

Mr. JOSEPH COOK (Parramatta).—As this is merely a formal stage, I shall reserve what I have to say on this proposal until we get into Committee. I hope, however, that the Government will not continue to devote the greater part of our sittings to business like this, and then, after only an hour or two's discussion of the Estimates, complain, as they did last night, that several Departments have not been rushed through.

Question resolved in the affirmative.

AMENDMENTS INCORPORATION BILL.

Motion (by Mr. DEAKIN) proposed—

That leave be given to bring in a Bill for an Act to incorporate amendments in amended Acts.

Mr. JOSEPH COOK.—Is it competent for the Prime Minister to move this motion without having received the consent of the Attorney-General to transact his business

for him? It may be that the Attorney-General would like to take some other course, and, in his absence, it is impossible for us to know what his intentions are. No doubt it would be very convenient, from the Attorney-General's point of view, for the Prime Minister to act for him whenever he may be absent; but I should like to know if that would be in order?

Mr. SPEAKER.—It is customary to recognise the right of Ministers to deal with each other's business at any stage.

Question resolved in the affirmative.

Bill presented and read a first time.

PARLIAMENTARY WITNESSES BILL.

Bill received from the Senate, and (on motion by Mr. FULLER) read a first time.

ESTIMATES.

In Committee of Supply (Consideration resumed from 12th October, *vide* page 354*):

DEPARTMENT OF HOME AFFAIRS.

Division 20 (*Administrative Staff*), £8,776.

Mr. ROBINSON (Wannon).—Some temporary obscurement of your vision last night, Mr. Chairman, prevented me from getting an early opportunity to reply to the reflections of the honorable member for Parramatta on the attendance here of Victorian members. His attacks were most unfounded and uncalled for.

Mr. WATSON.—They were characteristic of him.

Mr. ROBINSON.—The honorable member has been absent from the Chamber for a fortnight or more, and yet he presumes to lecture some of the Victorian representatives upon their non-attendance to their parliamentary duties. He also urges that the Federal Capital should be forthwith established in order that all honorable members may be placed on an equal footing. It appears that there is no satisfying New South Wales upon the Federal Capital question. The honorable member for Corangamite, the honorable member for Flinders, and myself recently made a proposition that the Federal Parliament should meet in Sydney. We did this with the object of putting an end to the complaints of New South Wales. But every representative

of that State voted against the proposal. Now that a site has been selected in some portion of New South Wales which very few honorable members have ever seen, the people of that State are still dissatisfied and their Parliament is placing every obstacle in the way of a settlement. The representatives of New South Wales apparently desire that the Federal Capital Site shall be bounded on the east by the Pacific Ocean, on the west by the Desert Railway, on the north by the Day of Judgment, and on the south by the Bottomless Pit. Even if they obtained such a site they would probably have many complaints to urge. Honorable members from New South Wales are rapidly reducing this Parliament to the level of the State Parliament, and we could not possibly descend any lower. They talk as if they were the only persons who were subjected to any inconvenience in attending the meetings of Parliament in Melbourne; but I would ask if they are in any worse position than the representatives of Queensland, Tasmania, and Western Australia. Equality of conditions, so far as the personal convenience of honorable members is concerned, could be secured only by fixing the meeting-place of the Federal Parliament in a locality such as the Macdonell Ranges. I strongly protest against the action of the honorable member for Parramatta, who, after several weeks' unexplained absence from this House, made an unwarrantable attack upon the representatives of Victoria.

Mr. LIDDELL (Hunter).—I think it is about time that the Home Affairs Department should be done away with altogether, because it appears impossible to obtain any satisfaction from the officials connected with it. If a post-office has to be built or a rifle range constructed, it is comparatively easy to secure the approval of the Minister, and the necessary appropriation of money; but, whilst at first everything seems to be proceeding smoothly, month after month passes by and nothing is done. It is eventually found that the matter has been hung up in the Department of Home Affairs. Apparently, one Minister will not assume any responsibility for the actions of another Minister, with the result that it is difficult to obtain any satisfaction whatever. Near West Maitland, in the electorate which I represent, there is a city in embryo, called Kurri Kurri, in the centre of one of the finest coalfields in the world. The town has a population of 2,200 per-

sons, and is rapidly growing. The township allotments recently sold by the State Government realized £35,000, and there is no doubt that a great future lies before the town and district. I am continually receiving letters from my constituents, who ask me how it is that I cannot obtain a proper post-office for them. They have been waiting for some time for proper provision to be made in this direction, and they want to know why it is that I cannot aid them in obtaining their rights, whilst the representative of a neighbouring electorate, who happens to be a member of the Labour Party, can obtain for his constituents a magnificent brick structure. When the Reid Government were in power, they appeared to appreciate what was right and just, and there was little difficulty in securing what was required.

Mr. GROOM.—What request of the honorable member has been refused?

Mr. LIDDELL.—I cannot say that anything has been absolutely refused, but "hope deferred maketh the heart sick," and the people of Kurri Kurri have been waiting for months past for reasonable post-office accommodation. At present the whole of the post and telegraph business is carried on in the verandah of a small store.

Mr. WATSON.—Where is the brick post-office in the adjoining electorate to which the honorable member has referred?

Mr. LIDDELL.—At Wallsend.

Mr. WATSON.—Ah! Wallsend is a city.

Mr. LIDDELL.—Wallsend is decadent, whereas Kurri Kurri is growing, and will before long have a population of many thousands. The coal measures in the neighbourhood of Wallsend and Newcastle are gradually "petering" out, whereas in the district in which Kurri Kurri is situated, the coal measures, which belong to the Greta system, are without doubt the finest in the world. I have been almost daily in communication with the head of the Department, but I cannot induce him to realize the importance of Kurri Kurri and the justice of its claims. If he would only visit the district, he would be at once convinced that my representations are correct. I believe that tenders have been called for a wooden structure, instead of a substantial stone and brick edifice.

Mr. GROOM.—I think that that was done on the recommendation of the late Postmaster-General.

Mr. LIDDELL. — Then even his gigantic intellect was incapable of grasping the necessities of the situation. In the end, a weatherboard building will prove much more expensive than a substantial structure. In the first place it would be very liable to destruction by white ants, and in the next place the cost of renovation and repairs would be much greater than if the building were constructed of brick and stone. I would ask the Minister to give his careful consideration to this matter, and not to rely solely upon the reports of his officers. I do not suggest that the Minister has been conferring favours upon members of the Labour Party that he has not extended to members on this side of the Chamber, but at the same time it is very annoying to have one's attention called to the fact that works are being carried on in an adjoining electorate, whilst the requirements of his constituents are being ignored. I would point out that another important town in my district, Cessnock, is rapidly growing, and that it would be advisable to secure a site for a post-office before the price of building allotments becomes largely increased. A number of suitable sites are now in the market, and I trust that the Minister will give his attention to this matter.

Mr. GROOM.—I shall make inquiries at once.

Mr. JOSEPH COOK (Parramatta).—I desire to say a few words in reply to the honorable and learned member for Wannon. Yesterday I made some remarks concerning one or two representatives of Victoria, and I was encouraged by no one more than the honorable and learned member for Wannon. For instance, when I was referring to the attendance of the Attorney-General in this Chamber, the honorable and learned member for Wannon interjected, "Why, I saw him here for a quarter of an hour one day." This morning we find him protesting against my remarks, and indulging in criticism which is little short of an anathema. It occurs to me that for an outsider to say anything derogatory to a Victorian representative is very much like the proverbial person interfering in the quarrel between a man and his wife. Whilst the parties themselves do not mind criticising each other to the full, the moment that any outsider takes a hand they fall upon him very heavily indeed. The remarks of the honorable and learned member for Wannon were utterly out of place and en-

tirely uncalled for. My observations did not relate to him, and he ought to have known that. I believe that he does know it. They were addressed to one or two Victorian representatives, and I have not a word to say in qualification of them. In reference to the matter which has been mentioned by the honorable member for Hunter, I wish to say that if there is a place in Australia which should command the sympathetic attention of the Government, it is the magnificent coal-field which is now being developed in the Hunter district. It possesses one of the finest coal seams in the world, and for that reason population is bound to gravitate there before very long. I know that other enterprises are being undertaken there with an alacrity which should put the Government to shame. It is absurd to erect a wooden post-office at Kurri Kurri. There is no danger of its coal seam petering out. Its position is entirely different from that of a gold-field, the future of which may be in doubt. In a hundred years' time Kurri Kurri will be a prosperous and thriving city. If ever there existed a justification for erecting a substantial building, it is to be found in the case of that township. I trust that the Postmaster-General will not consider merely its immediate requirements, because those requirements will be continually increasing. Kurri Kurri is destined to be far more important than any other town in the Hunter district. In view of that fact, I contend that a substantial building and adequate postal accommodation should be provided there.

Mr. LONSDALE (New England).—It happen to be a native of the Hunter district, and I say that there can be no doubt as to its future. Its advance is assured by reason of its immense coal seams. At the same time, I am not quite sure that it would be wise to erect a substantial post-office at Kurri Kurri immediately. Settlement increases so rapidly in places where huge coal deposits are worked that if we put up an elaborate building now, it will probably become out of date within a comparatively brief period. Consequently, I am disposed to think it would be better to erect a temporary structure.

Mr. LIDDELL.—Surely the honorable member must be aware that palaces are being erected all round this spot.

Mr. LONSDALE.—I know that at Kurri Kurri hotels have been erected which are quite as large as those to be found in places

boasting a population of from 10,000 to 20,000. Indeed, the great majority of the hotels in Melbourne are not equal to them. I have every desire to help the Hunter district, but I think that we should act with judgment. I have always set my face against the wasteful expenditure of money. I agree with the honorable member for Hunter that much better postal accommodation should be provided at Kurri Kurri, but I am not quite sure that in the interests of the Commonwealth it would be wise to erect a palatial building.

Mr. LIDDELL.—We want only a substantial building.

Mr. LONSDALE.—Probably any building which may be erected will prove to be inadequate for the business which will be transacted there four or five years hence. In looking through the Canadian Estimates, I have been impressed by the fact that we are spending far more money in certain directions than is the Dominion Government. During the course of the Budget debate I suggested that it would be wise to send an officer of intelligence and some breadth of view to Canada for the purpose of ascertaining how the public money is being expended in the different provinces. I maintain that we should cut our coat according to our cloth. Upon all these new mining fields we know that speculators rush to secure land, and that the State is subsequently called upon to pay a very high price for it. I would suggest to the Minister the wisdom of early securing sites for the various public buildings which may be required. Leaving this subject, may I express a hope that an early settlement of the Federal Capital question will be arrived at? Whilst I did not approve of the site that was selected, I have to stand by the statement of the leader of the Opposition that we are not likely to get a better one. I have met many persons in New South Wales who have very severely criticised the action of this Parliament in its choice of a site. An idea is prevalent in that State that the Commonwealth has not treated it fairly.

Mr. FISHER.—It is all the other way about.

Mr. LONSDALE.—That is a matter of opinion. I have no desire to discuss provincial questions. I have never been a provincialist, and I say that after questions have been decided by Parliament—whatever our personal opinions may be—we must bow to the will of the majority. When

people have approached me upon the question of the Federal Capital dispute, I have had to point out that this Parliament undoubtedly acted within its right, and that the action of the New South Wales Legislature has created a great difficulty. Had the latter exhibited more wisdom a settlement of this difficulty might have been reached very much earlier. By withdrawing Dalgety from the list of sites which it was prepared to offer to the Commonwealth it adopted a course of action which this Parliament could not possibly indorse. It practically administered a slap in the face to the Commonwealth Parliament, which was calculated to create a feeling of irritation.

Mr. WATSON.—The New South Wales Parliament should have offered to discuss the question amicably.

Mr. LONSDALE.—Yes; and under any circumstances it should have included Dalgety in the Bill which it passed. An opportunity would then have been afforded for a conference between the State and the Federal authorities, and a satisfactory arrangement might have resulted. Returning to the question of the erection of public buildings, I hold that we should not allow any wasteful expenditure. It seems to me that it would be wise for the Department to lease buildings in new townships until it is seen whether they are likely to develop. At Tingha, a township in my own electorate, a private building has been leased for years—long before Federation was established—for the purposes of a post-office, and I understand that the rent already paid would have been more than sufficient to erect a suitable office. I am informed that a State building in the township—I believe it is a school—is about to be vacated, and as the post-office has become dilapidated, it would be wise for the Minister to cause inquiries to be made by the inspector for the State, with a view to the Commonwealth securing its use. Occasionally, expensive public buildings are erected in decaying townships, with the result that in a few years these offices are left on our hands and become useless. We should pay due regard to economy in these matters.

Mr. AUSTIN CHAPMAN.—Hear, hear; our policy is progress and prudence.

Mr. LONSDALE.—I hope it is. My desire is that there shall be no waste of public money in my own or any other electorate. I hope that the Ministry will give

the claims of my constituency more consideration than did their predecessors, and I shall attempt—although only by fair means—to secure just treatment for it.

Mr. McWILLIAMS (Franklin).—The suggestion made by the honorable member for Hunter is one that I intended to put before the Committee at the first opportunity. Whenever it appears probable that a new township is likely to assume large proportions, I think that the Commonwealth, at the earliest opportunity, should secure whatever land it may require.

Mr. GROOM.—But we have to pay for all these sites out of revenue.

Mr. McWILLIAMS.—It is better that the Government should step in at a time when the land may be secured at a low rate than that it should wait until values have increased by perhaps 600 per cent. or 700 per cent. That mistake has been made by the States Governments.

Mr. FISHER.—Would it not be a good idea for the States to reserve land for public buildings in all townships?

Mr. McWILLIAMS.—I have always advocated that policy. As a member of the State Parliament of Tasmania, I took care to see, whenever a new township was proclaimed in my electorate, that sufficient land was reserved not only for public buildings but for the purposes of a recreation reserve. Whatever land is required for Commonwealth purposes should be obtained, if possible, at bedrock prices.

Mr. FISHER.—I go further, and say that it should be a condition of a grant to any land-holder that on the survey of a township on his property he shall reserve the land necessary for public buildings.

Mr. McWILLIAMS.—That is a matter which rests in the hands of the States Governments.

Mr. GROOM.—The Government are considering the desirableness of asking States, when proclaiming townships, to set apart sufficient land for public buildings.

Mr. McWILLIAMS.—As to the second point raised by the honorable member for Hunter, I am inclined to think, from what I have heard, that the Kurri Kurri coal-field is likely to prove one of the greatest that has yet been discovered in the Southern Hemisphere. Unquestionably the township will make rapid progress, and will double its population within the next few years. That being so, it would be foolish to erect a wooden post-office, which, in the course of a few years, would become obsolete, and

have to give way to a more extensive structure. Unfortunately our public officers are so bound by red-tape that they erect public buildings in a township of 2,500 inhabitants which is not likely to grow, on precisely the same scale as they would lay out buildings for a town having the same population, but likely to rapidly expand. The officers of the Department ought to exercise their common-sense, and when they find that a town is likely to grow rapidly, they should take care to make proper provision for expansion. It is false economy to erect cheap wooden buildings in districts where it is evident that more substantial and extensive structures will be required in the course of a few years. To my mind, we should erect offices that may be enlarged as the necessities of the district require, and before adopting the suggestion made by his predecessor in regard to the Kurri Kurri Post-office, the Minister should make further inquiries, and see whether it would not be desirable to put up a more substantial building.

Mr. BROWN (Canobolas).—In view of what has been said this morning, I wish to enter my emphatic protest against the way in which the leader of the Opposition and some of his followers appear to regard the business of this Parliament. Incidents like that which occurred last night tend to bring the Legislature into disrepute, and to cast a stigma on those who are honestly endeavouring to attend to the serious work of the House. If honorable members turn to this morning's issue of the *Age*, they will find that it devotes far more space to the make-believe bickerings between the acting-leader of the Opposition and some of his followers—

Mr. SYDNEY SMITH. — The honorable member has no right to make that statement.

Mr. BROWN.—I leave it to the Committee to say whether my statement is not correct. The *Age* this morning devotes nearly half-a-column to what was really a make-believe attack by the leader of the Opposition. The report is headed "Stir in Parliament"; "Attack on Victorian Members."

Mr. LONSDALE.—It was not a make-believe attack, and the honorable member knows it.

Mr. BROWN.—I do not know anything of the kind. In another part of the same newspaper appears a report of an explanation made by the honorable member for

Dalley in connexion with the debate on the question of Home Rule. Notwithstanding that the honorable member made his explanation in what appeared to me to be a spirit of levity, far more space is devoted to it than—

Mr. SYDNEY SMITH.—I rise to a point of order. I say that the honorable member is not in order.

Mr. PAGE.—What cheek! Who is in possession of the chair?

Mr. SYDNEY SMITH.—I am at present.

Mr. PAGE.—How long has the honorable member been the censor of political morals?*

The CHAIRMAN.—Order!

Mr. SYDNEY SMITH.—The honorable member cannot charge me with having said anything of a personal character. I rise to prevent these personal differences.

The CHAIRMAN.—The honorable member knows very well that it is out of order to interrupt another honorable member, and to proceed to discuss what he is saying before stating the point of order raised. The honorable member must begin by stating his point of order.

Mr. SYDNEY SMITH.—I think, Mr. Chairman, that you ought to reprove those who interrupted me. When I rose to state my point of order I was met by the interruptions of the honorable member for Maranoa.

The CHAIRMAN.—The honorable member is not acting fairly to the Chair.

Mr. SYDNEY SMITH.—You are not acting fairly to me.

The CHAIRMAN.—Order! The honorable member should not make such an assertion. I caused the interruption of which he complains to cease, and I now ask him to state his point of order.

Mr. SYDNEY SMITH.—I was proceeding, Mr. Chairman, to put it, when you interrupted me. My point of order is that the honorable member for Canobolas has no right to say that the personal explanation offered last night by the honorable member for Dalley was made in a spirit of levity. I hold that he is not in order in dealing with a matter that has no bearing on the Estimates now under consideration.

The CHAIRMAN.—I gather from the remarks of the honorable member for Macquarie that he desires to raise a point of order, to ascertain whether the honorable member for Canobolas should be allowed to discuss something which occurred in the House, with which this Committee has absolutely nothing to do. I was about to stop the honorable member

for Canobolas when the honorable member for Macquarie rose, and, in fact, had called "Order!" so that the question would have been settled without his intervention. The honorable member for Canobolas will be in order in traversing any of the statements which have been made in Committee with regard to the Estimates of the Department of Home Affairs, but he will not be in order in discussing a matter which occurred in the House, and has not been referred to the Committee.

Mr. BROWN.—I am referring simply to what appears in the newspaper this morning.

The CHAIRMAN.—If I allowed a discussion on any matter merely because it had been referred to in the newspapers, any honorable member could discuss at length the mining news, the finance column, or anything else published in the journals of the day. The honorable member's opportunity for referring to the matter on which he wishes to speak will be when Mr. Speaker is in the chair.

Mr. BROWN.—I shall take that opportunity. I think those who wish to preserve the best traditions of parliamentary government should protest against the exhibition which we have had in this connexion.

Mr. KELLY (Wentworth).—It does not come well from the honorable member for Canobolas to lecture honorable members on the manner in which they present their views on important public questions. He spoke of an exhibition; but the worst exhibition to which we have been treated in this connexion has been the speech which he has just made. He tells us, because we advocate the claims of a particular district, that we have no regard for the serious business of Parliament, and, to bring home to us the real seriousness of parliamentary procedure, inflicts on the Committee one of his tedious speeches. The reasons put forward by the honorable member for Hunter for improving the postal facilities of Kurri Kurri are, I think, unanswerable. Less than two years ago there was hardly anybody living in the township, but to-day, owing to the discovery there of one of the finest and richest coal seams in the world—a seam 28 ft. wide, with hardly any bands of foreign matter in it—there is a population of over 2,000, which is increasing at a rapid rate. That being so, it would be opposed to common sense, and to ordinary

business principles, to make inadequate provision for postal business there. If we erect buildings now which will have to be replaced by larger buildings a year hence, the taxpayers will suffer loss, and in their interests I ask attention to the claims of this district for proper consideration.

Mr. TUDOR (Yarra).—I regret very much that, in considering these Estimates, we have not before us the report of the Public Service Commissioner on the debate in Parliament on the classification scheme, so that we might know how the suggestions made by honorable members are to be dealt with. Once the Estimates are passed the information will be of little value to us. The honorable member for Maranoa last night gave the State salary, the Commonwealth salary prior to classification, and the Commonwealth salary after classification, of a number of public servants who have received very large increases. While I am prepared to admit that many of our officers are not too highly paid, I think that others receive more than they would get in private employ. I cannot be accused of being desirous of cutting down salaries, because I have always advocated the payment of a fair living wage for every class of work by both private firms and Government Departments. It was interjected last night that the salaries which are being paid by the Commonwealth are less than the corresponding salaries of States officers. That perhaps is true, but it is well known that many of the higher officials in the employment of the States receive much larger salaries than should be paid to them, and the Commonwealth has been forced to follow a bad example in this matter. I know that both the secretary to this Department and the Public Service Commissioner are trying to act fairly towards the public servants; but, as I pointed out when the classification scheme was before the House, if we allow the term "assistant" to be adopted, the will of Parliament in regard to the minimum wage will be defeated. We find that there are now assistant letter-carriers, and other assistants, who are getting as little as £60 per annum. I believe that honorable members are opposed to the payment of such small salaries, and I should like to know the decision of the Cabinet in regard to the matter. With regard to what has been said about the needs of Kurri Kurri, I think that the Department should be very careful when

considering applications for public buildings in such townships. It often happens in new settlements that, after the post-office has been built, the town is moved a mile or two away, and then a new post-office is required. In a case like this, the Department should be careful not to prematurely erect substantial and expensive buildings, and Parliament, in considering such matters, should be as careful of the public funds as if it were dealing with its own money.

Mr. SYDNEY SMITH (Macquarie).—I have never, during my parliamentary career, known an attempt to be made by a Government Department to do injustice to a member because he sat in Opposition. With regard to the Kurri Kurri post-office, it is hardly fair to put the whole responsibility upon the Minister of Home Affairs. I believe that the matter was under consideration prior to my becoming Postmaster-General, and a sum of £600 had been placed on last year's Estimates for the erection of the building. The smallness of the amount was due to the fact that at the time the Department hardly knew what developments would take place. It is now anticipated that there will be a large population settled permanently at Kurri Kurri; but the Department think it wise to erect a temporary post-office in the first instance, keeping available a sufficient area of land—I believe they possess there a quarter of an acre—to allow of any extensions the requirements of the place may demand. As all these works have to be paid for out of revenue, great economy must be observed in every instance. I am a strong advocate of the erection of permanent buildings, capable of being extended to meet increasing requirements, but in the present case the wooden structure provided for will meet the immediate necessities of the case, and as the population increases, and larger premises have to be built, it can be utilized for residential or other purposes. The honorable member for Hunter deserves credit for the energy he has displayed in bringing the needs of his constituents under the notice of the Government. I think that he will admit that, on the whole, he has received fair treatment, but I could not see my way to spend a large sum upon the erection of a post-office at Kurri Kurri. We have to deal with these matters from the public standpoint, and we recognise that if large sums are spent upon the erection of expensive

buildings in the larger centres of population, it will be impossible to meet the pressing requirements of the settlers in outlying localities, who have the strongest claims upon our consideration. I set my face steadily against providing town clocks in connexion with post-offices. Not only is a large initial outlay involved in the purchase of such time-pieces, but the buildings in which they are placed have to be specially constructed; moreover, the upkeep of the clocks entails considerable expense. My colleagues and I took the view that town clocks, if desired, should be provided by the people themselves. When it is considered that in New South Wales alone there are 6,800 official and non-official post-offices, it will be seen that any attempt to provide clocks upon a large scale would prove enormously expensive, and would cripple the resources of the Department to an extent which would render them unable to meet legitimate demands for postal and telegraphic facilities. My late honorable colleague, the honorable member for North Sydney, and myself, had under consideration the adoption of standard plans for post-office buildings, with a view to expediting the work of construction and saving expense. We thought that well-considered plans, adaptable to various circumstances, could be used in a large number of cases with great advantage to the Department and to the general public. I have no doubt that this matter will receive the attention of the present Government. In regard to the question of the Public Service Classification, brought under notice by the honorable member for Yarra, I think it is due to the Committee that the Government should declare their intentions. They should take the responsibility of making a specific proposal with regard to the Classification, instead of inviting honorable members to do as they please with it.

Mr. GROOM.—The Government with which the honorable member was connected promised to afford honorable members an opportunity to discuss the scheme.

Mr. SYDNEY SMITH.—Yes; but the intention was that the scheme should be submitted to the Cabinet and carefully considered, and that the determination of the Government in regard to it should be announced to the House. The Commissioner has made certain recommendations, and we have a right to know what the Government intend to do with regard to them. So far they have practically declined to express

any opinion on the subject, and have merely told honorable members that they could discuss the scheme as they pleased. We should not be left in any such uncertain position. Another matter to which I desire to refer is the question of dealing with the transferred properties. I do not blame the present Government for having failed to arrive at a settlement of this very difficult question, but I would urge upon them the importance of dealing with it as promptly as possible, in order that we may know where we stand in regard to our finances. According to the statement of the Treasurer, the balance available to us at present amounts to only £480,000, out of which we shall have to provide for the interest on the cost of the transferred properties, for a sinking fund, and for the administration of several new Departments, including that of the High Commissioner, quarantine, and the Commonwealth Statistician. The States are clamouring for a settlement, and they are naturally anxious that some arrangement should be arrived at, because they have to meet the interest charges on the loan moneys expended upon the buildings which we are occupying. If it becomes necessary for us to provide £300,000 or £400,000 per annum for the payment of interest on the loans expended upon transferred properties, we shall be face to face with a very serious situation. Our revenue is decreasing, and our expenditure is growing, and the sooner we grapple with the problem which lies before us the better. The expenditure contemplated under the Bonuses for Manufactures Bill may also absorb a considerable amount of money. That measure is on the business-paper, and the Government have not yet declared their intentions with regard to it. If we are called upon to expend £250,000 by way of bonus to encourage the production of iron, it may become necessary to revise the whole of our Estimates. I am aware that since this matter was previously discussed a very important development has taken place in New South Wales. The Government of that State have entered into a contract with Mr. Sandford for the supply of a certain quantity of iron and steel rails. It is high time that the Ministry informed the House of their intentions regarding the Bills which have been submitted to us. Upon a previous occasion, I pointed out that whilst this Parliament had constructed certain public works in Queensland out of revenue, the Government of that

State had paid the amount involved into its own Treasury out of loan funds.

Mr. GROOM.—That practice has now been stopped.

Mr. SYDNEY SMITH.—I am glad to say that since attention was directed to the matter the practice has been discontinued. Personally, I regret that friction should exist between the States and the Commonwealth. I cannot understand why the Federal and State authorities should not work together upon the most amicable terms. I trust that the time is not far distant when we shall all join in giving effect to a policy which will be beneficial to the whole of Australia.

Mr. WILKINSON (Moreton).—In looking over some tables which I received from Queensland a few days ago, I found that there are unexpended loan balances amounting to £26,000 or £27,000 which were appropriated for works in Departments which have since been transferred to the Commonwealth. I think that it would be wise for the Government to approach the Queensland Government with a view to ascertaining if a portion or the whole of this money could not be devoted by the Commonwealth to the purposes for which it was originally borrowed.

Sir JOHN FORREST.—I expect that they want all the money they have.

Mr. WILKINSON.—But the British creditor advanced that money upon the distinct understanding that it was to be devoted to carrying out specific works.

Sir JOHN FORREST.—They will reappropriate it for some other purpose.

Mr. WILKINSON.—How can they reconcile any such action with the purposes for which the money was originally borrowed?

Sir JOHN FORREST.—The British investor lends money on the consolidated revenue of the country.

Mr. WILKINSON.—It seems to me that a creditor would be more ready to advance money to a State if he knew that it was to be devoted to carrying out reproductive public works than he would otherwise be. However, I have no desire to pursue this matter further. While I am at one with those who desire economic administration, I think that it is possible to carry that idea a trifle too far. I agree with the honorable member for Hunter that a place which is of small importance to-day may be one of very great importance to-morrow, and *vice versa*. In these matters

a wise discrimination should be exercised, and where the stability of a town is pretty well assured, provision should be made for its expansion. This would obviate the necessity, after the lapse of a few years, for tearing down temporary buildings and erecting in their stead buildings more in accord with the public requirements. We are all anxious to see large estates cut up and made available for closer settlement. I can point to many places which, a few years ago, were cattle runs or sheep walks, but which to-day are thriving centres of population. The prosperity of these districts is built upon a very solid foundation, because the industries carried on there are not likely to peter out. In such localities, it would be wise if the Government exercised reasonable forethought by acquiring suitable sites for any public buildings which may be required in the future. In the interests of economy, it has been suggested that the Works Department should be amalgamated with some Department other than that of the Home Affairs. I do not favour that idea. We must recollect that there are many services which the Constitution empowers the Commonwealth to take over, which will eventually come under the Department of Home Affairs. For example, before long I hope to see an Agricultural Bureau established, as well as a Meteorological Department and a bacteriological laboratory. These institutions are necessary to assist our primary producers. When these services are taken over by the Commonwealth there will be a considerable increase of work in the Department. The tendency of the future must be to increase rather than lessen the number of our services. That fact, however, need not materially add to—indeed, I think it will rather reduce—the cost of administering the affairs of the Commonwealth as a whole. I wish now to say a word or two upon a matter which comes, strictly speaking, under the Public Service Commissioner. I refer to the regulation which provides that telegraph messengers, upon attaining eighteen years of age, must leave the Public Service unless a vacancy exists in some higher division. I am aware that it is impossible to find openings in the Commonwealth service for all the youths who are engaged as telegraph messengers. I am referring to a matter which arises under a regulation framed by the Commissioner. Quite recently a notification was issued, presumably by the Commissioner, that tele-

graph messengers who desired to qualify for a higher position in the service were required to submit to an examination. Several messengers whom I know underwent this examination, and were notified that they had passed, but they have since received an intimation that their services will not be required after next month. Three of the best years of their lives have thus been wasted. They accepted the position of telegraph messengers, believing that if they were able to pass an examination entitling them to promotion they would be able to secure permanent employment in the service, and gradually rise to higher positions.

Mr. LONSDALE.—But if there were only ten vacancies and twenty applied, only ten could be appointed.

Mr. WILKINSON.—Quite so; but the number of vacancies should be distinctly stated, and it should be intimated that the appointments will be given to those who head the pass-list.

Mr. MAUGER.—The mistake we made was in fixing the retiring age of telegraph messengers at eighteen years. After that age is reached they are fit for nothing else.

Mr. WILKINSON.—That is the point I was about to make. These lads enter the service, believing that a career is open to them, and when they are sent adrift on reaching the age of eighteen years, it is too late for them to serve an apprenticeship at some trade. The result is that they have either to endure the drudgery of clerical work, or accept the wages of a labourer. Young fellows who have received more than the average education—who have not hesitated to avail themselves of technical colleges and night schools—are left in this unfortunate position. Some discrimination ought certainly to be exercised. Another point relating to the Estimates now under discussion is that complaints are still being made as to the circumlocution of the Department in dealing with the claims of district returning officers, and also as to the inadequacy of the payment they receive. I do not know that I have ever been guilty of acting as a roads and bridges member and parading before the House the wants and requirements of my constituency. Those are matters which I bring before the responsible Minister, and I am pleased to say that, no matter what Ministry is in power, when I can show that I have a good case, I receive fair treatment. It is only when that is

denied that such matters should be brought before Parliament. But there is evidently good ground for inquiry in regard to the position of these officers. Complaints are being received from all parts of the Commonwealth, and it seems to me that their grievances ought to be removed. If there is one branch of the service in which we should endeavour to secure efficient officers it is that relating to the election of members of the Parliament. I do not think that the actions of those who occupy these positions would be influenced in any way by the remuneration they received, but by parsimoniously limiting their power to employ other capable men to assist them we may force them to engage inefficient assistants, and undesirable results may accrue. Another point that I wish to bring under the notice of the Minister relates to the importance of the establishment of a Meteorological Bureau. We have had sad experience in Queensland of the need for this institution, especially since the abolition of the State Department.

Mr. GROOM.—I may mention that, since the honorable member put a question to me on the subject, I have had further communications sent to the States Governments, but, so far, have had only one reply.

Mr. WILKINSON.—I know that the Minister has the matter at heart. No one recognises more than he does the importance of the question to Australia, and particularly to Queensland, which formerly possessed one of the best Meteorological Departments in Australia, and had certainly a very able gentleman at its head. I am sorry we have lost the services of that gentleman. Although he may have been in some respects eccentric, it cannot be denied that he is highly capable in the particular line which he has made his life-study. It is, at all events, gratifying to know that the measures necessary to be taken for the establishment of a Commonwealth meteorological bureau are in the hands of a sympathetic Minister.

Mr. LEE (Cowper).—While it is not my desire that the Minister should adopt a cheese-paring policy in dealing with the services of his Department, I trust that he will closely inquire into any new expenditure that may be proposed. As to the erection of a post-office at Kurri Kurri, I would point out that a building that might meet the present day requirements of the township would be altogether inadequate a few years hence. Kurri Kurri

possesses one of the largest coal-seams in the world, and is likely to become a great industrial centre. Its position is different from that of a gold-field, that may be exhausted in the course of a few years. It has, apparently, an inexhaustible supply of coal, and the facilities for placing this coal on the market are such as to insure the stability of the town. In time to come, a large post-office will be necessary, but a temporary building is all that is required at the present time. As to the remarks made last night by the deputy leader of the Opposition, in reference to the attendance of honorable members, I wish to say that I consider he was perfectly justified in drawing the attention of Parliament to the position of the representatives of Victoria. At the present moment, there are certain Victorian representatives sitting on the Government side of the House, and I think that the deputy leader of the Opposition was perfectly justified in apprising the people of Victoria of the way in which their members are attending to their public duties.

Mr. MAUGER.—It was not that to which exception was taken.

Mr. LEE.—The honorable member took exception to the remarks of the deputy leader of the Opposition, when he was not referring to him.

Mr. JOSEPH COOK.—All that I said was that we attended to our duties as well as did some of the representatives of Victoria.

Mr. LEE.—That is so. The honorable member for Canobolas was certainly not justified this morning in condemning the remarks of the honorable member. I do not think that the deputy leader of the Opposition needs to be instructed by the honorable member as to the way in which he should address the House, nor do I think that he will pattern his remarks on the honorable member's model. To return to the question of public buildings, I would point out that some of those which come under the control of the Department of Home Affairs require to be improved. Unfortunately, however, the volume of correspondence necessary before one can succeed in having these improvements made, is most unreasonable.

Mr. GROOM.—That state of affairs does not now exist.

Mr. LEE.—It exists to such an extent that one has to make four or five applications for the carrying out of a work that should at once receive attention.

Mr. GROOM.—Will the honorable member give me a specific instance?

Mr. LEE.—I shall furnish the honorable and learned gentleman with more than one instance in which repeated applications have been necessary when one should have sufficed. There is a great deal of red-tape in connexion with other Departments, but I shall deal with that matter when the Estimates relating to them are before us.

Mr. MAUGER (Melbourne Ports).—I am extremely sorry to have to allude to an incident of a personal character, which took place in the Committee last evening. I refer to the statement made in regard to my attendance.

Mr. JOSEPH COOK.—What did I say?

Mr. MAUGER.—The honorable member said—as I think the *Hansard* report will show—that while my attendance, so far as the record is concerned, is very good, I merely pass through the Chamber, and am not seen again.

Mr. JOSEPH COOK.—No.

Mr. MAUGER.—The honorable member's remarks bear that interpretation.

Mr. JOSEPH COOK (Parramatta).—Will the honorable member allow me to explain? I am glad of the opportunity to put this matter right as between him and myself. I was referring to the Attorney-General's frequent absences from the Chamber, to his frequent lecturing of honorable members when he came here, and to his desire to sit late at night. I had some reason for feeling a little sore because of what I regarded as the scurvy treatment which I had received the night before.

Mr. KING O'MALLEY.—Hear, hear. It was bad treatment.

Mr. JOSEPH COOK.—I think that I should have been treated with more consideration and courtesy. The honorable member for Melbourne Ports was interjecting at the time, and therefore I singled him out, saying that, although no doubt at the end of the session his name would be on top of the list of attendances—because it is well known that he is always here—it did not follow that he spends more time in the Chamber than do some of us who come from a distance. I do not think that those remarks conveyed any reflection upon him. I went on to say, further, that if he cared to, he could simply register his attendance, and then go away to look after his private business. I did not say that he does so, though I did say that of the Attorney-General, who, it is a notorious fact,

comes in at one door of the Chamber and goes out at the other merely for the purpose of registering his attendance. That is a public scandal on the part of a man who is paid a high salary to attend to his parliamentary duties.

Mr. HUME COOK.—The point is, does he do his work?

Mr. JOSEPH COOK. — No; not his work in the House.

Mr. HUME COOK.—He does it well—as well as any other honorable member does his work.

The CHAIRMAN.—The honorable member for Parramatta is rather exceeding the limits of an explanation, and he has made an observation in regard to the action of another honorable member that I do not think he should have made. He has said that the action of the Attorney-General is a public scandal.

Mr. JOSEPH COOK.—I referred to his absences from the House.

The CHAIRMAN.—I think that that remark should be withdrawn. Does the honorable member withdraw it?

Mr. JOSEPH COOK.—Of course. I did not intend to reflect on the honorable member for Melbourne Ports, who, I freely admit, spends as much time in this Chamber as does any other honorable member; and I am sorry that he has taken my remarks as referring to him in the same sense as I intended them to refer to the Attorney-General. The ground of my contention was that it is not fair for honorable members who live in Melbourne, and thus have to suffer no inconvenience in attending Parliament, to expect us to sit late at night.

Mr. WILSON.—All the representatives of Victoria do not live in Melbourne.

Mr. JOSEPH COOK.—I am speaking of those who do, and particularly of those who have charge of public business. If they would allow us to get away at a reasonable hour, I should not object; but it is unfair for men who do not come here until a late hour at night to then try to dragoon us into continuing to sit under circumstances which are little less than physical torture. After a racking train journey, we have had quite enough by the time 11 o'clock at night comes, and to sit longer means physical, mental, and moral demoralization. The sooner that we get to the Federal Capital, where the sacrifices required of honorable members will be

equal, the better it will be for all concerned.

Mr. KNOX (Kooyong). — We seem to have drifted into a general Budget discussion on this Department. I am sorry that the honorable member for Parramatta endeavoured to show that the representatives of Victoria do not attend to their duties here.

Mr. JOSEPH COOK.—I absolutely deny that I have done anything of the kind.

Mr. KNOX.—I think that, if the honorable member will refer to an interjection made by me last night, he will find that he did draw attention to that fact.

The CHAIRMAN. — The honorable member's denial must be accepted.

Mr. KNOX.—Apart from the parliamentary usage, my regard for the honorable member would make me accept his denial. There is a practice which obtains in all our mines which, in view of what has been said, might, perhaps, be adopted here, honorable members each being given a ticket.

The CHAIRMAN. — The honorable member is discussing a matter which is not connected with the administration of the Department of Home Affairs

Mr. KNOX.—If the time at which each member entered the Chamber, and the time at which he left, were recorded, it would be seen that the representatives of New South Wales do not spend more time here than do the representatives of Victoria.

The CHAIRMAN. — The honorable member must not continue to debate this question.

Mr. KNOX.—I wish to enter my protest against the unnecessary introduction of the subject last night. It is absolutely incorrect that Victorian members do not attend here as they should.

Mr. JOSEPH COOK.—I have already denied that I said that they do not. Does the honorable member accept my denial? If he does not, there can be no more between us.

Mr. KNOX.—I wish to refer to the proposal to expend £5,000 on establishing a Commonwealth Statistical Bureau. At the present time there are statistical bureaux under the control of the States, and surely it is not proposed that the Commonwealth shall establish an absolutely independent agency for the collection of statistics. It would be a monstrous waste of public money to do so. I am desirous of securing uniformity in this matter, and therefore I should like to know exactly what

the Minister's proposals are. I find that our contribution towards the cost of the new edition of *The Seven Colonies* is only £500. Why, then, is it proposed to vote £5,000? Unless the Minister secures the co-operation of the States, there must be an unrighteous duplication of expenditure on the collection of statistics. His efforts should be directed to utilizing the existing agencies. No doubt, eventually, they will be transferred to the Commonwealth, although I understand that at present some of the States wish to keep the control of their Statistical Bureaux. It would, however, be most wasteful to establish an independent Commonwealth Statistical service. Five thousand pounds would be absolutely inadequate for that purpose, and the expenditure seems to me altogether unnecessary if we are going to avail ourselves of the work done by the States Departments. I agree with what has been said by previous speakers that, as our expenditure is now approaching very closely to our one-fourth share of the Customs and Excise revenue, it behoves us to exercise great economy. We are not acting justly to the electors of the Commonwealth in publishing financial statements which take no account of our obligations in regard to the transferred properties. The question of our liabilities in this regard is very largely involved in the consideration of the best method of dealing with the States debts. The whole subject requires to be dealt with in some business-like way, in order that a definite proposition may be submitted for the consideration of the States. I have a proposal on the business-paper for the appointment of a committee of members who would be able to take into consideration the whole of these large financial questions, and evolve a scheme which would place matters upon a practical basis. I hope that an opportunity will be presented to honorable members to express their approval of that proposal, and that we shall very soon reap some benefit from the labours of the proposed committee. I am aware of the proposal of the Treasurer with regard to the adjustment of balances as between the Commonwealth and the States, which has many features to commend it, but it must be remembered that we have to obtain the approval of the whole of the States. The proposal is a very good one, so far as the Commonwealth is concerned, but it is possible that it may present quite a different

Mr. Knox.

aspect to the States Governments. I trust that the Minister will be able to give us some information as to the intentions of the Government with regard to the treatment of the transferred properties. We are proceeding to deal with a mass of unnecessary legislation, to the neglect of grave questions of practical finance. Furthermore, I should like some assurances with regard to the £5,000 for which provision is made in connexion with the Statistical Department. I am not a Department trotter, but transact all my business by letter, and I must confess that my representations have met with prompt consideration. It is only just that I should pay this well-deserved tribute to Ministers and their officers, but I desire to direct attention to a departmental practice which is the cause of some irritation. Within a day or two after a letter has been received the Department send out a reply to the writer, intimating that his letter has been received, and, after giving a full digest of his communication, informing him that it will receive attention. This is a small matter, but to the ordinary business man, who has to go through numbers of letters per day, it is irritating to receive communications of that formal and unsatisfactory character. Why cannot the practice be adopted of acknowledging the receipt of a letter, and intimating that a reply will be forwarded upon a certain date. Quite a large staff of clerks must be engaged in writing these elaborate acknowledgments, which are quite unnecessary. I trust that, in the interests of economy, the Minister will give his attention to this matter.

Mr. BROWN (Canobolas).—The recent passage-at-arms between the deputy leader of Opposition and one of his supporters, the honorable and learned member for Wannon, appeared to be conducted in a spirit of levity which did not reflect credit upon this House.

Mr. KELLY.—I desire to know whether the honorable member is in order in making that statement.

The CHAIRMAN.—I do not see that there is anything disorderly in the remarks of the honorable member, but I feel sure that if they are regarded as offensive he will withdraw them.

Mr. BROWN.—I do not wish to be offensive, and if those honorable members who are primarily concerned consider that my remarks are objectionable, and not properly descriptive of the incident referred

to, I shall withdraw them. I wish, however, to enter my protest against the adoption of methods of conducting business, which appear to me to be undignified. I take exception to certain proceedings of this morning and last evening, which reflect anything but credit upon the House. I do not wish to set myself up as a censor of the conduct of honorable members. I can appreciate humour, but when remarks of an offensive character are made I do not think that due regard is paid to the dignity of the House. The deputy leader of the Opposition should set an example to other honorable members. The press is the principle vehicle by which the public are made acquainted with our proceedings, and I desire to refer to the reports published in this morning's newspapers of what took place last evening. Several important speeches were delivered by honorable members, notably by the honorable member for Maranoa, in reference to the large increases in the salaries of public servants, and by the honorable member for North Sydney, who, speaking in the light of the experience gained by him as a member of the late Administration, made a valuable suggestion relating to the transfer of the Electoral Office to the Post and Telegraph Department. The last-named honorable member placed his suggestion before the House in order that honorable members and the public might be prepared for a proposal on his part in the direction indicated by him when the Electoral Bill came before us. During the evening a few minutes were occupied by a personal interchange between the deputy leader of the Opposition and one or two other honorable members. The *Argus* this morning devotes five lines to the address delivered by the honorable member for North Sydney upon a most important subject, whilst the report of the miserable interchange of personalities to which I have referred occupies about half a column. The *Age* devotes ten lines to the speech of the honorable member for North Sydney, and nearly half a column to the personal matter alluded to. That indicates the relative importance which the daily press attaches to these matters. As the newspapers are the vehicle through which the public gain their information, they naturally conclude that the time of this Parliament is devoted chiefly to personal exchanges between honorable members, whilst the serious work of the country is neglected. The honorable member for Wentworth has inferred that my objection is

probably prompted by the fact that the press do not give publicity to my views. Personally, I am indifferent to what publicity they accord them; but I know the course of action which I should adopt if I desired to gain public notoriety. If I were prepared to indulge in exhibitions of temper, to make inane interjections of a personal character, to vainly attempt to be humorous, I could achieve all the advertisement that anybody could desire. The newspapers are not to be blamed for the way in which they present their reports of our proceedings.

Mr. JOSEPH COOK.—I rise to a point of order. I can conceive of nothing that is more derogatory to the dignity of this Chamber than for the honorable member to be allowed to meander on in this fashion, making all sorts of charges against other honorable members.

The CHAIRMAN.—As far as I have heard him, the honorable member for Canobolas is discussing the effect of certain statements which have been made during the course of this debate. So long as he does that, he will be in order. At the same time, I think that general remarks upon a matter of this kind could be made more appropriately in the House.

Mr. BROWN.—I had practically concluded my remarks upon this subject. I merely wish to add that if this House desires the public to respect it and to regard it as worthy of the traditions from which it has sprung, honorable members will refrain from indulging in personalities.

Mr. DAVID THOMSON (Capricornia).—The honorable member for Hunter desires to secure the erection of a substantial post-office at Kurri Kurri, which he regards as the greatest coal-mining district on earth. The Government have offered to erect a wooden structure, which would, doubtless, be of an up-to-date character, and which, in my opinion, would be adequate for all purposes. Upon the other hand, I represent the biggest gold mine upon earth, and yet I have seen fowl-houses which are better than is the post-office at Mount Morgan. That building is constructed of wood, and is perched upon a hill. There are steps leading up to it, and it is only strong individuals like myself who can reach it without great exertion. Anybody who is familiar with Mount Morgan knows that at the present time the sum of £250,000 is being expended in the improvement of the big mine

there. The township possesses a population of 10,000, and yet its post-office is scarcely good enough for a fowl-house. All we ask is that the building shall be removed to the corner of a street. The Mount Morgan residents themselves are anxious to obtain a new structure, but I can see no prospect of their wishes being complied with. They blame me for their inability to obtain a new building, though I have done my best to secure one. I appeal to the Government to improve the existing structure and to make it conform more to the requirements of a town of such magnitude. I am sure that the revenue which is derived from it is much greater than that which will be obtained from any post-office at Kurri Kurri. The township of Mount Morgan is the principal centre of a mining, agricultural, and pastoral district. I hope the Minister will see that something is done in the direction that I suggest, without delay. Coming to the question of economic administration, I claim that we are building up a very large staff of civil servants, whose salaries are out of all proportion to the work which they perform. A great number of these officers would not earn nearly as much if they were in private employ as they are being paid by the State. I believe in paying good wages to everybody, but it is undeniable that in many instances the salaries which are paid to civil servants, and the increments which they receive, are out of all proportion to the value of the services which they render. Some of them regard anything less than an increase of £40 or £50 as unworthy of notice, whilst in the lower grades of the service men welcome an increase of £10 as a perfect God-send. I am glad that the warning-bell has been tolled in connexion with extravagance in our public service. There is no doubt that a great many officers are underpaid. I believe that everybody should be provided with a living wage. I trust that this matter will be taken into consideration at a later period, especially in view of our ever-decreasing revenue. Recently, we have heard a good deal in reference to the Federal Capital dispute. Personally, I do not think that the Commonwealth should do anything more than it has already done. I fail to see how any good can result from the projected conference between the Attorney-General and Mr. Wade, the Attorney-General of New South Wales. I notice, in these Estimates, an item of £1,000 in connexion with the site for the Capital, and I should

like to know what that expenditure is intended to cover.

Mr. ROBINSON.—More picnics.

Mr. DAVID THOMSON.—The honor- and learned member for Wannon, who interjects "more picnics," is one of those who never goes outside of Victoria. I maintain that the parliamentary visits of inspection which were undertaken to the various capital sites did not partake of anything in the nature of picnics. Upon one occasion, I recollect, we had to drive seventy miles through rain. That was no picnic, I can assure the honorable and learned member. I do hope that the Minister of Home Affairs will keep down the expenditure in his Department as much as possible. If the honorable member for Hunter is not satisfied with the erection of a wooden post-office at Kurri Kurri, he should get no post-office at all. As to the incident which took place last night, I may say that, although many disgraceful scenes have occurred in this House, I have never figured in one of them. These scenes have increased since the late Government went into opposition. The representatives of New South Wales appear to desire to dominate the whole Parliament. They have been fighting from the first, and the honorable member for Parramatta seems to be always in the van. One can understand the younger members of the House transgressing when such an old parliamentarian is ready to accuse honorable members of not attending to their duties, and thus to create discreditable scenes. I have only to say, in conclusion, that I trust that the erection of a new post-office at Mount Morgan will be undertaken without delay.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I shall not occupy the time of the Committee at any length in replying to the various questions that have been raised during the debate. As regards the determination of the site of the Capital, I can assure honorable members that the Government are doing everything within their power to expedite the solution of the difficulty. In reply to the question asked with reference to the valuation of transferred properties, I may say that the matter was considered at the last Hobart Conference, and that it was agreed that a valuation should be made. In pursuance of that agreement, preliminary conferences between the Commonwealth and States authorities are now being held to

determine the basis of valuation, so that the work may be carried out at the earliest moment.

Mr. JOSEPH COOK.—Has the basis of valuation been determined?

Mr. GROOM. — Not yet. As I have said, preliminary conferences are taking place between the Commonwealth and States authorities to determine the basis of the valuation of transferred land and buildings generally. The principles on which the valuation of the transferred technical properties in the Department of Defence, and also in the Postmaster-General's Department, shall be made are also under consideration. Coming to the question of the Statistical Bureau, to which reference was made by the honorable member for Kooyong, I may say that the intention of the Government is that as soon as the Bill now before Parliament has been passed, a Commonwealth Statistician shall be appointed, and that the services of a small number of officers shall be obtained to assist him. It is likewise our intention to utilize to the full the States Departments if a transfer will not be consented to, and also to utilize the services of all the Customs officers who, at a cost of over £11,000 per annum, are now being employed to collect statistical information. The desire is to consolidate and bring all these forces under the one Department, so that the compilation of the statistics of the Commonwealth shall be centralized. The honorable member for Maranoa has referred to increases which have been made in the salaries of certain officers. It is perfectly true, as he stated, that the salaries paid in some instances to officers taken over from the States are in excess of those which they obtained while in the States service. No one will find fault with the honorable member for criticising anything that tends to extravagant expenditure; and from that point of view he was perfectly justified in raising any question in regard to which he considered an explanation desirable. To suggest, however—and the honorable member did not make this suggestion—that because of those apparent increases the Commonwealth has been guilty of extravagance is to disregard the true situation. What we have to do is first of all to estimate the value of the offices to which these officers have been appointed—to ascertain the class of work to be performed—and then to determine what are adequate salaries to fix.

When the offices in question were created applications were invited, and appointments were made. In making any comparison between the expenditure of the Commonwealth and that of the States, with a view to determine the question of extravagance, it is necessary, not only to have regard to the respective salaries paid, but to compare the work done by Commonwealth officers with that which is done by officers holding corresponding positions in the service of the States.

Mr. PAGE.—Do not the States officers work the same number of hours?

Mr. GROOM.—Even assuming that they do, I think I shall be able to show the honorable member that the Commonwealth has not been guilty of extravagance. As a matter of fact, in some instances the responsibilities of the Commonwealth officers are much greater, and the duties are heavier than are those of officers occupying corresponding positions in the service of the States.

Mr. McWILLIAMS.—The ability of the States to pay has also to be considered.

Mr. GROOM.—Quite so. I propose to refer, by way of illustration, to one or two specific cases. The honorable member for Maranoa mentioned the case of Mr. Lewis, chief clerk of the Department of External Affairs. That officer receives a salary of £360 per annum, but the officer discharging corresponding duties in New South Wales receives £550 per annum, while the corresponding officer in Victoria receives a salary of £560. The next clerk, Mr. Quinlan, receives £310; but in New South Wales the corresponding officer receives a salary of £450 per annum, whilst in Victoria a salary of £350 is paid.

Mr. TUDOR. — What State Department corresponds, in the opinion of the honorable and learned gentleman, with the Department of External Affairs?

Mr. GROOM.—I presume that the Chief Secretary's Department does so.

Mr. PAGE.—The Chief Secretary's Department in each State has ten times as much work to do as that which falls to the Department of External Affairs

Mr. GROOM.—I am prepared to refer to other cases in which the honorable member will admit that the work is the same. The honorable member has mentioned the case of Mr. Collins, accountant to the Treasury. It is true that that gentleman received a comparatively small salary while

in the employ of the State; but he is a most competent officer.

Mr. PAGE.—Are not all our officers supposed to be competent?

Mr. GROOM.—That is so.

Mr. LONSDALE.—We have to consider not the officer, but the office.

Mr. GROOM.—Mr. Collins, as I have said, is at present accountant to the Treasury. In New South Wales the officer occupying that position receives £750 per annum, while in Victoria a salary of £700 per annum is paid, as against the £480 per annum which Mr Collins receives. I do not think that the honorable member will contend that the work done by the Commonwealth Treasury is of less volume or of less importance than is that carried out by the States Departments.

Mr. PAGE.—Quite so; but I do not think that it is heavier.

Mr. GROOM. — Even assuming that there is only equality of labour involved, the honorable member will recognise that Mr. Collins is receiving a much lower salary than is paid to officers discharging corresponding duties in the States Departments.

Mr. McWILLIAMS. — The States Treasuries have three times as much work to do.

Mr. GROOM.—I am speaking only of the work done by the accountant.

Mr. McWILLIAMS.—His work cannot be as heavy as is that of the accountant of one of the larger States.

Mr. GROOM.—Even if that be so, we are paying him £270 per annum less than is received by the accountant to the Treasury in New South Wales. Then let us take, by way of illustration, the position of the Crown Solicitor of the Commonwealth, who receives only £800, as against £1,300 per annum paid to the Crown Solicitor of New South Wales, and £1,000 received by the Victorian Crown Solicitor. I do not wish to unduly occupy the time of honorable members, but I could show, if necessary, that in nearly every instance Commonwealth officers are paid salaries lower than are those received by States officers discharging corresponding duties. We may well lay down the principle that if an officer is doing important work, and doing it well, he is worthy of his hire. I am sure that the honorable member for Maranoa would not lay down a rule that should be applied to one division and not to another.

Mr. SYDNEY SMITH.—If we wish to obtain good men we must pay them well.

Mr. GROOM.—That is so; but we have to be careful that we do not pay excessive salaries to those occupying the higher positions in the service. I think the Committee will agree that the honorable member for Maranoa is perfectly justified in protesting against the payment of excessive salaries, but when he compares the remuneration given to Commonwealth officers with that received by States officers discharging corresponding duties, he will recognise that our payments are not excessive. My contention is that our officers are being paid according to the importance of the work they are doing.

Mr. TUDOR.—I think that nine out of ten of the higher officers of the States are overpaid.

Mr. GROOM.—It may be so. I have shown that Mr. Collins is receiving £270 per annum less than is paid to the accountant of the Treasury of New South Wales, and therefore it cannot be said that his salary is excessive. The honorable member for Maranoa was perfectly justified in ventilating this question, but, in justice to the officers, it is necessary to make the comparison to which I have referred.

Mr. DAVID THOMSON.—He made no attack on the officers.

Mr. GROOM.—The honorable member made that perfectly clear. He said that he was here to conserve the interests of the taxpayers, and that in that capacity he wished to obtain an explanation with respect to these matters. Another point mentioned by the honorable member related to paragraph b, under the heading of "Total Cost of Department." This paragraph deals with the Public Works staff, and the honorable member complained that whilst the expenditure under this head last year amounted to £6,125, the Committee were asked this year to vote £9,048. It is quite true that the paragraph would lead one to believe that an increase had been made. As a matter of fact, however, the apparent increase is due merely to an arrangement made in the Department itself. That is to say, certain new works and additions are now being transferred to "other" expenditure, and by reason of that change it has become necessary to increase the "other" expenditure. Although it would appear that there is an increase in reality there is not. In the Department of Home Affairs certain increases have been made

under the classification, but taking the Department as a whole there is an absolute decrease in the expenditure. As regards the Public Service Classification, to which the honorable member for Macquarie referred, the position may be briefly explained. The classification was discussed in this House, and I made an announcement at the time that the criticism offered by members would be submitted to the Commissioner for report before the Government recommended the adoption of the classification.

Mr. PAGE.—The leader of the Opposition said that he would do the same.

Mr. GROOM.—That is the course we have adopted. As soon as the debate closed I submitted the criticism of honorable members to the Public Service Commissioner, and his report is now before the Cabinet. With regard to the alleged delays in carrying out works, I can assure honorable members that they are not the fault of the Department of Home Affairs. Owing to the fact that the Appropriation (Works and Buildings) Act became law at a much earlier stage of the session than is usual, many works have already been put in hand which otherwise could not have been proceeded with, and we are in a more advanced stage than we have hitherto arrived at in any preceding year since the inauguration of Federation. As to the payment of electoral officers, referred to by the honorable member for Canobolas, that matter came before my predecessor. In going through the papers, I have found that he made special inquiries from the Divisional Returning Officers, that he held conferences, and that he examined the officers of the Department; and he left a minute, embodying the result of his investigation. I see no reason for going back on his decision, which was, that these officers should be given an allowance of £10, in addition to their ordinary remuneration, to cover out-of-pocket expenses, provided that they would send in a statutory declaration, showing the amount which they had spent. I think that all the documents have now come to hand, and that the officers have been paid in accordance with the promise made. I cannot find that the Department of Home Affairs has been responsible for any delay in connexion with the erection of the Woollahra Post-office, to which the honorable member for Wentworth referred. That delay was caused by certain difficulties occurring in connexion with the acquisition of the site.

I shall have the complaint of the honorable member for Hunter, in regard to the Kurri Kurri post-office investigated, and I make the same promise in regard to the Mount Morgan post-office. The honorable member for Coolgardie asked that instructions should be given for the preparation of a correct index in connexion with Mr. Coghlan's statistical publication, and for the verification of certain information in that volume. I shall have those matters attended to, and will endeavour to arrange that the index next year shall be absolutely correct.

Mr. DAVID THOMSON.—Why is £1,000 provided for the Federal Capital Site?

Mr. GROOM.—That amount is asked for to meet any contingencies which may arise. For instance, there may be a reference to the High Court, in which case a certain amount would have to be expended.

Mr. WILKS (Dalley).—Last night I put a pertinent question to the Minister of Home Affairs in regard to a matter of policy, to which he has not referred. I pointed out that, in the interests of the Commonwealth, the supervising staff of the Public Works Branch should be fully manned, and properly equipped, and the Minister of Trade and Customs interjected that he was quite in accord with me. I wish to know from the Minister what he intends to do in regard to this matter? If nothing is done, the branch, although expensive to the community, will be ineffective. I make no reflection on the officers themselves, but I know that it is impossible for them to make their inspection thorough. The Minister, in replying to the criticism of salaries made by some honorable members, tried to establish an analogy between the States Departments and the Commonwealth Departments, but that defence is a weak one. Even in regard to the Treasurer's Department, where it might be thought most likely to succeed, it does not hold good. The accountant of the Commonwealth Treasury has not nearly so many Departments to supervise as have the accountants of the State Treasury. For instance, the Commonwealth has no Lands Department, no Justice Department, and no Education Department. I am not cavilling at the amounts paid, but I think that the salaries should be fixed for the various offices, and not for the various officers. Unless a man is competent, he should not be appointed to a

position, and when he is competent, he does not need fulsome compliments on his ability. The Minister of Home Affairs took up the wrong position in arguing that the Committee should agree to a certain salary because of the ability of the officer to whom it is paid. Each officer should receive only the salary which has been fixed as the proper remuneration for the duties of his office.

Mr. HUME COOK.—Who is the best judge as to what is the proper remuneration? Is not the Public Service Commissioner?

Mr. WILKS.—That is the work which the Public Service Commissioner was appointed to do. I have no wish to hear officials referred to personally in this Chamber. Our business is to see that the various offices are properly graded. I understand that the honorable member for Canobolas, this morning, gave us a dissertation on the want of dignity of certain honorable members, and referred particularly to the honorable member for Dalley. If he takes the opportunity to speak on the subject on the adjournment, I shall make a feeble attempt to reply to him, because if any one should be ready to defend the actions of the honorable member for Dalley it is myself.

Mr. JOSEPH COOK (Parramatta).—I agree with the honorable member for Dalley that in every case salaries should be fixed according to the work which has to be done; but, if I remember rightly, the salaries attaching to these offices were fixed before any appointments were made.

Mr. GROOM.—Yes; but the Public Service Commissioner has revised some of the salaries.

Mr. JOSEPH COOK.—If the Minister had made that clear there would have been no misunderstanding.

Mr. McWILLIAMS (Franklin).—The honorable member for Maranoa opened up a very important subject in referring to the increases proposed in connexion with the salaries of some of our public servants. I hope that the Committee will seriously consider all proposals to increase salaries. During the last three years, it has been almost impossible to obtain fair criticism of the Estimates, because they have been prepared by the Opposition and presented by the Government, and, consequently, any one who has had the temerity to say anything against them has had two barrels levelled at him. The Treasurer expects to have a surplus of £460,000, but

that will disappear when we make arrangements to pay for the transferred properties. I agree with the honorable member for Dalley that there is no comparison whatever between the work done by some of our Federal officials and that done by officials holding similar positions in the service of the States. The Commonwealth revenue is all obtained through the Customs Department, so that our Treasurer has to deal only with that branch of finance. We have no Lands Department, no Mines Department, and no Police Department.

Mr. PAGE.—The Treasurers of the States have more anxiety than our Treasurer has.

Mr. McWILLIAMS.—They have ten times as much anxiety; and what is true of the Treasurer applies to the permanent head of the Department, to whom 95 per cent. of the credit for the arrangement of the information in the Budget speech is due. In grading our Public Service, however, we have at all times tried to go one better than the States of New South Wales and Victoria, and have not paid sufficient regard to the revenue of States like Queensland, Tasmania, and South Australia.

Mr. GROOM.—The fixing of salaries is the business of the Public Service Commissioner.

Mr. McWILLIAMS.—Every increase of salary granted to the public servants of the Commonwealth will involve a corresponding reduction in the salaries of State officials.

Mr. SYDNEY SMITH.—If we do not secure good men, our expenditure will soon increase.

Mr. McWILLIAMS.—That reason is always advanced in support of higher salaries. I do not wish to see salaries reduced beyond a proper scale. I believe that if good men are required they must be well paid; but whilst we are considering these Estimates we must pay due consideration to the States finances. It will be a bad day for the Federation when we cease to adopt that course. In Tasmania the public servants, who are quite as worthy as are the officials of the Commonwealth, have either had their salaries reduced or have been deprived of their annual increments owing to the increasing expenditure of the Commonwealth; and I would urge honorable members to be just to the States servants when they are disposed to be generous to the public servants of the Commonwealth.

Mr. LIDDELL (Hunter).—I desire to thank the Minister of Home Affairs for the favorable reception he has accorded to my request. I take exception to the remarks of the honorable member for Capricornia, who expressed the view that I should be satisfied with the post-office building which it is proposed to erect at Kurri Kurri. I point out that I am merely voicing the wishes of the residents of that town who belong to the very class which the honorable member claims to specially represent. I endeavour to the best of my ability to place before this House the claims of my constituents, irrespective of whether they belong to the working class or to any other, and the attitude assumed by the honorable member for Capricornia appears to me to be absolutely unwarranted. There is no reason why the claims advanced by him on behalf of a gold mining community should be treated with any more consideration than those put forward by myself on behalf of a community of coal miners. It is well known that gold-mining settlements are of an unstable character, whereas individual coal-mining enterprises have been in many cases carried on for hundreds of years. There is no question as to the stability of the coal-mining industry in the district which I represent.

Proposed vote agreed to.

Division 21 (*Electoral Office*)—£4,048.

Mr. LONSDALE (New England).—It appears to me that there is too great a disparity between the salary paid to the senior clerk in the Electoral Office and those paid to the two clerks immediately under him, who together receive £396 per annum, or less than £200 per annum each. It has been stated that these officers have been rated according to the value of the work they perform, but I cannot understand why there should be such a great difference in the rates of pay.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The officers referred to have been graded by the Public Service Commissioner according to the value of the work performed. The position of the senior clerk is a very important and responsible one, whereas the clerks immediately below him occupy comparatively junior positions. The whole of the circumstances connected with the work of the office were carefully investigated by the Commissioner, and the salaries were fixed by him.

Mr. PAGE (Maranoa).—I cannot understand why the Chief Electoral Officer should

be paid only £500, whilst the Commonwealth Electoral Officer for the State of Tasmania, who has under him only one clerk, at a salary of £185, should receive £520 per annum.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The Tasmanian officer referred to is not only the Commonwealth Electoral Officer for that State, but also the Public Works Officer, and Deputy Public Service Inspector.

Mr. PAGE.—The salary paid in respect of work performed for other branches should be charged to them.

Mr. GROOM.—All the branches referred to come under the Department of Home Affairs.

Mr. PAGE.—But that is no reason why the whole of the salary received by the officer in question should be debited to the Electoral office.

Mr. GROOM.—As a strict matter of bookkeeping the salary should no doubt be split up, but it is desirable to group the amounts in the way now provided for, in order that a proper idea may be formed as to the value of the whole of the work performed by the officer.

Mr. PAGE.—Why is the course adopted in Tasmania not also followed in other States?

Mr. GROOM.—Because in Queensland a postal official has been doing the work; in South Australia a State official, Mr. Otto Schomburg, has been employed; and in Victoria a postal official for the time being has been acting as electoral officer. These officers have been only temporarily appointed.

Mr. TUDOR.—I presume that permanent appointments will be made?

Mr. GROOM.—Yes. The whole matter requires to be looked into, and placed upon a definite footing. The Electoral Act contemplates the appointment of a Chief Electoral Officer, and of officers in the various States. In some instances, it may be necessary to appoint permanent officials, but in the smaller States no such need will arise. I can assure the honorable member that I am looking carefully into the organization of the Department, with a view to placing it upon a permanent footing.

Mr. PAGE (Maranoa).—The explanation of the Minister is satisfactory, so far as it goes, but I should like to know when the Electoral office is to be placed upon a satisfactory footing. This Parliament has been in existence for upwards of four years,

and yet our Electoral office is to-day in the same disorganized state that characterized it when the Act was passed. The effectiveness of Parliament as a representative institution depends largely upon the Electoral Department, and we should have a thoroughly efficient organization and staff. In my electorate a state of chaos exists, so far as the principal executive officers are concerned, and it is high time something was done to effect an improvement.

Mr. KELLY (Wentworth).—I desire to know whether provision has been made in the Estimates for the expenses which will have to be incurred in connexion with the proposed redistribution of seats.

Mr. GROOM.—Yes; provision is made under the heading of "Miscellaneous" for £21,000 to meet expenses in connexion with the administration of the Electoral Act.

Mr. JOSEPH COOK (Parramatta).—If I remember aright, that amount represents one-third of the sum which it is estimated will be required to defray the cost of the next general election, and also the general administration of the Department. Instead of voting a lump sum of £60,000 for one year, the amount is split up into three annual votes of £20,000 each. The amount now provided for would cover, amongst other things, the cost of the proposed redistribution. The actual cost of a general election is, I think, about £50,000.

Mr. GROOM.—The last general election cost £46,000.

Mr. JOSEPH COOK.—I hope that we shall very speedily have placed before us proposals for the redistribution of seats. We have lately been devoting our attention to a Bill which, according to the express announcement of Ministers, is intended to remove the determination of the number of representatives for each State from the Executive, and place the responsibility upon this House. The Attorney-General made it clear that that was the purpose of the Bill, but that is precisely what the Bill does not provide for. Are honorable members aware that, in the form in which the Bill has been introduced in the Senate, it contains no provision for anything beyond the presentation of the certificate of the Chief Electoral Officer, and that it is still open to the Executive either to take action to determine the number of representatives to which each State is entitled, or to leave things as they are. There is nothing in the Bill which directs the Minister to do anything.

Mr. GROOM.—The intention of the Bill is clear.

The CHAIRMAN.—Order! The honorable member cannot discuss a Bill which is before another branch of the Legislature.

Mr. JOSEPH COOK.—I am speaking generally. I cite that Bill as an instance of the way in which the affairs of this Department are being administered. After all the flourish of trumpets on the part of Ministers as to the great changes which they intended to make, and the iniquity of allowing the Executive to take these matters upon their own shoulders, they have left things exactly as they were. That evidences the greatest carelessness on the part of those who are responsible for the drafting of the Bill. It does not contain a single provision under which it is mandatory for the Executive to take any action whatever. Unless some amendment be made in another Chamber, the measure will be a dead letter. With regard to the Chief Electoral Officer, I understand that that position has not yet been filled.

Mr. GROOM.—The Chief Clerk is performing the duties of the office for the time being.

Mr. JOSEPH COOK.—I think that a permanent appointment should be made without delay. I am under the impression that Ministers are disposed to underestimate the importance of this office. A salary of £300 or £400 per annum used to be paid to the Chief Electoral Officers in the various States, and there is no comparison between the work of the Chief Electoral Officer of a State and that of the Chief Electoral Officer of the Commonwealth. My own idea is that we should obtain the services of one of the very best officers we can for the proper discharge of these important duties. Personally, I know of no more important functions than those which have to be performed by the Chief Electoral Officer of the Commonwealth. It is a position requiring the highest skill, the greatest resource, and the keenest and soundest judgment, if matters are to work smoothly and satisfactorily. I trust that one of our best officers will speedily be appointed to the post, so that we may have efficient service at the head of this important branch.

Mr. SYDNEY SMITH (Macquarie).—I wish to raise a very important matter in connexion with these Estimates. As honorable members are aware, during the first session of the Commonwealth Parliament

we passed a Public Service Act which was intended to give the Public Service Commissioner power to grade all the officers of the service. He has classified a large number of them, but I venture to say that very few honorable members are aware of the fact that, whilst the Public Service Commissioner has the right to deal with the salary of every other officer in the Department of Home Affairs, he has no control whatever over that of the Chief Electoral Officer. His salary is fixed by the Government.

Mr. GROOM. — What is the honorable member's authority for that statement?

Mr. SYDNEY SMITH.—If the Minister of Home Affairs says that I am in error I will withdraw my statement at once. But I am under the impression that the office of the Chief Electoral Officer of the Commonwealth is a Ministerial one.

Mr. GROOM.—Only if it is so created by the Public Service Commissioner under the Public Service Act.

Mr. SYDNEY SMITH.—Has it been so created?

Mr. GROOM.—No.

Mr. SYDNEY SMITH.—I know that in connexion with Mr. Lewis's appointment, it was a Ministerial office for a certain period.

Mr. GROOM.—Mr. Lewis was never in the Commonwealth Public Service. He was only temporarily employed.

Mr. SYDNEY SMITH.—I understood that his salary was fixed by the Cabinet.

Mr. EWING.—There was no Public Service Commissioner when Mr. Lewis was appointed.

Mr. GROOM.—The position has never been classified or graded by the Public Service Commissioner, and it has never been made an administrative office under the Public Service Act. The officer to whom the honorable member refers was an exempt officer.

Mr. SYDNEY SMITH.—I thought that my statement was substantially accurate. I intend to raise this question in regard to all Ministerial offices. There is a very important principle underlying it. The Public Service Commissioner has graded every other permanent officer in the Department of Home Affairs. The salary of the Chief Electoral Officer, however, is fixed by the Cabinet. If we are going to give the Commissioner power to grade subordinate officers of the services, I contend that he should be clothed with equal

power to classify the higher officers. Otherwise, after selecting men suitable for the subordinate positions, he may find all his efforts nullified by a wrong appointment to the office of Chief Electoral Officer.

Sir WILLIAM LYNE.—Does the honorable member think it would be wise to place that officer under the Public Service Commissioner, seeing that he may come into conflict with the Commissioner in his recommendations?

Mr. SYDNEY SMITH.—If the Public Service Commissioner is not to have the power to grade the office, an officer may be appointed at a higher salary, who would undo everything that the Commissioner had done in connexion with the Department.

Mr. PAGE.—Did not the honorable member, when Postmaster-General, fix the salary of the Deputy Postmaster-General of New South Wales?

Mr. SYDNEY SMITH.—The House fixed it.

Mr. GROOM.—The honorable member fixed the salary for the new appointment.

Mr. SYDNEY SMITH.—I took the responsibility of recommending the Committee, when passing the Estimates last year, to fix the salary at £920 per annum, but I object to the Cabinet having the power to fix salaries in this way. The matter is one that should be under the control of the Public Service Commissioner, but, unfortunately, the law will have to be amended to enable that to be done. According to the Minister of Home Affairs, every officer in the Electoral branch, with the exception of the Chief Electoral officer, has been graded by the Commissioner. I take the view that the whole of the work of a Department might be seriously interfered with if the head of it were allowed, simply because he had a number of political friends, to secure a higher salary than would be given an officer who could bring no such influence to bear. I know that the Minister of Home Affairs is not responsible for this state of affairs. I am simply pointing out that the law needs to be amended.

Mr. GROOM.—Under section 16, certain officers are defined as being members of the administrative division, and only such other persons as may be recommended to the Governor-General by the Public Service Commissioner may be included within it.

Mr. SYDNEY SMITH.—In the opinion of the present Attorney-General and his

predecessor, the fixing of the salary of the Deputy Postmaster-General does not come within the province of the Public Service Commissioner.

Mr. GROOM.—Because he is an administrator.

Mr. SYDNEY SMITH.—I object to that position. Let me point out, by way of illustration, that if a man in New South Wales, which has twenty-six representatives in this House, were to be appointed as the head of a Department, he might be able to bring more influence to bear in regard to the salary to be paid him, than could a man who was appointed from Western Australia, which has only seven representatives.

Mr. PAGE.—The honorable member recommended the appointment of the present Deputy Postmaster-General of New South Wales.

Mr. SYDNEY SMITH.—I did not. The appointment must be made by the Public Service Commissioner, and the salary is fixed by appropriation. I had merely to ask the House to fix the salary of the office, and, that having been done, it became my duty to request the Public Service Commissioner to fill the vacancy. The successful working of the service depends upon our securing the appointment of heads of Departments whose qualifications are such as to satisfy the Commissioner that the work of the men under them will be properly supervised.

Sir JOHN FORREST.—To make sure that they will be under the thumb of the Commissioner.

Mr. SYDNEY SMITH.—No; but even that would be better than that the head of the Department should be controlled by political influence. It is undesirable that the salaries of heads of Departments should be fixed by the Cabinet. I have only to repeat that if it is necessary that subordinate offices shall be graded by the Commissioner, it is equally important that the same course shall be followed in regard to the higher offices of the service.

Mr. PAGE (Maranoa).—I think that the criticism to which the Government have just been subjected comes with ill-grace from the honorable member for Macquarie.

Mr. SYDNEY SMITH.—I did not blame the Government. I simply pointed out that the law needed to be amended.

Mr. PAGE.—Why did not the late Government amend it?

Mr. FULLER.—They were not long enough in office.

Mr. PAGE.—I find that for the year 1904-5 an appropriation of £920 was made in respect of the office of Deputy-Postmaster-General of New South Wales, while in the Estimates now before us a sum of only £800 appears in respect of that office. It will thus be seen that the Government has made a reduction of £120. No one more warmly defended the payment of a salary of £920 to the Deputy Postmaster-General of New South Wales than did the honorable member for Macquarie; but if it be wrong now to pay such a salary, it was wrong to do so last year.

Mr. SYDNEY SMITH.—I could not help myself.

Mr. PAGE.—I agree with the general principle enunciated by the honorable member. If the subordinate offices are to be graded by the Commissioner, every office should be graded by him. The honorable member spoke of political influence, but it is evident that there are other influences at work. In the Victorian branch of the Post and Telegraph Department an officer was appointed over the heads of fifty men who had sixteen years additional service to their credit. This man was selected simply because he was recommended by an official in a high position.

Mr. MAHON. — The honorable member would surely recognise merit as well as seniority?

Mr. PAGE.—But surely the honorable member does not say that fifty mail officers in the Department are dunderheads?

Mr. MAHON.—That might be so.

Mr. PAGE.—It is interesting to observe how ready an ex-Minister is at all times to come to the assistance of another. If there are fifty incompetent mail officers in the Victorian branch of the Post and Telegraph Department, I can only say that the honorable member for Coolgardie failed in his duty when Postmaster-General. He ought to have removed them.

The CHAIRMAN. — The honorable member will not be in order in dealing with questions affecting the internal administration of the Post and Telegraph Department.

Mr. PAGE.—I referred to the position of the mail officers only to illustrate my point. I have nothing further to add.

Mr. KNOX (Kooyong).—The duties of Chief Electoral Officer are discharged by

the Chief Clerk in the Department of Home Affairs. I do not wish for a moment to suggest that that gentleman is not absolutely competent to discharge those duties; but I hold that as our electoral arrangements are at the very basis of the satisfactory representation of the people in this House, the occupant of that office should be not only a man of experience, but one who is absolutely independent of Ministerial control. Although the Commissioner is probably doing only that which he is required by the law to do, it seems to me that there is rather a disposition to rate men irrespective of their past experience, and in many cases square pegs have been expected to fit into round holes. I do not think that in any office is experience and knowledge of special administration more necessary than in that of the Chief Electoral Officer, and I hope that when a permanent appointment is made a man of large information and great experience will be secured for the position. I do not wish to say anything against the late occupant, but I think that he laboured under considerable disability because of his lack of experience. I hope that in regard to any future appointment the only consideration will be the fitness and capacity of the applicants. I regard this position as so important that I should like to see it made free from Ministerial control, and his emoluments voted by Parliament, which should not be subject to alteration by the Public Service Commissioner. In this matter, I take a different view from that of the honorable member for Macquarie. I regard the Chief Electoral Officer as holding a position which should be almost as independent as that of a High Court Judge.

Proposed vote agreed to.

Division 22 (*Public Service Commissioner*), £9,758.

Mr. PAGE (Maranoa).—As something has been said about the operation of political influence, I should like to draw attention to a case in which it seems to me that either official or social influence must have been used. In this case, a letter-sorter was promoted, over the heads of 140 others, to a position in the mail branch here in Melbourne.

Mr. THOMAS.—Perhaps because of his special ability.

Mr. PAGE.—Is it likely that one man would be conspicuously better than 140 others in regard to the sorting of letters?

Many of those over whose heads he was promoted were his seniors by lengths of service ranging from ten to fourteen years. I do not believe in political influence, because I think that merit alone should carry promotion in the Public Service. But, as I have stated frequently, social or official influence is much worse than political influence, because it cannot be checked, whereas if a member of Parliament does anything that he should not do he can be brought to book. I know that political influence is dead, so far as the Commonwealth Public Service is concerned, and I am not sorry, because I have no favours to ask on behalf of any one; but I am desirous that our public servants shall all have a square deal, and that neither social nor official influence shall be of any avail in securing promotion.

Mr. TUDOR (Yarra).—The case alluded to by the honorable member for Parramatta was a most glaring one, but I believe that the Public Service Commissioner only indorsed an anomaly which had been created before his appointment. Some of these cases may have happened after the transfer of State officers to the Commonwealth, and before the Public Service Commissioner was appointed. I agree with the honorable member for Maranoa that the Public Service Commissioner is largely in the hands of his officers, who can, if they like, push forward subordinates to whom they take a fancy, while those who have the courage to speak out are kept back. Eight or nine weeks ago, I moved for a return showing the amount of overtime worked by certain Customs officers in bonds in Melbourne. The information for which I asked is not yet to hand. If it were, I should be able to prove that certain officers who have been jumped over the heads of others are being allowed to draw pretty nearly £100 a year in overtime. No doubt it will be said that the Department has been too busy to make up this return; but I hope that it will be ready when the Estimates of the Minister of Trade and Customs are brought forward for discussion. I think that I shall then be able to prove that certain favorites in the Department have been pushed ahead to the detriment of other men. Until social and official, as well as political, influence is eliminated, we shall not have a perfect service.

Mr. LONSDALE (New England).—I would point out that the Public Service

vice, found that a number of persons had been appointed to positions to which large salaries were attached, and in making his classification he allowed these salaries to remain as they were. Hence, a large number of anomalies have arisen. I agree that no influence should be brought to bear to secure the promotion of public servants, and the only way in which that can be prevented is by keeping the Service under the control of an officer in whom we can have confidence. Of course, human nature is not infallible, but I have no doubt that the Public Service Commissioner tries to do what is right and fair so far as the members of the Public Service are concerned. I would not contend that seniority alone should be considered in making promotions, because men who have held certain positions for years may not be worthy of promotion to higher positions. Where possible, all promotion should be solely in accordance with merit. It is only under that system that men can be encouraged to do their best to improve their positions. I know that in many cases the Public Service Commissioner has altered the methods of the Service for the better, and has tried to give persons who are lower down in the Service opportunities of promotion which they would not have had in the service of the States. In days to come, large numbers of these men will, in consequence, find their positions very largely improved. I agree with the honorable member for Macquarie, however, that all the officers in the Service should be under the control of the Public Service Commissioner. If the position of Deputy Postmaster-General was worth £920 six or twelve months ago, it should be worth that amount now. The duties performed by these officers are very important, since they control the whole of the postal business of the States, and it is only proper, therefore, that they should be paid large salaries. I hold the view that the power to interfere with salaries should be taken out of the hands of the Minister. One Minister might reduce a salary, and his successor might still further decrease it. I think that we have pursued the right course in placing the administration of the Public Service under the control of a Commissioner. There will always be complaints, because we cannot expect public servants to form an absolutely fair estimate of the value of the work they

Mr. Lonsdale.

consider that he is better than another, who is, perhaps, in receipt of a higher salary, and therefore it is necessary to bring some outside judgment to bear in estimating the value of the work. I think that the law, which I regard as rather harsh, has been somewhat strained in the case of the telegraph messengers, who, although they entered the Public Service with a full knowledge of the conditions under which they were to be employed, still feel the hardship of having to leave at the age of eighteen.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I am afraid that the honorable member for Maranoa left upon the minds of honorable members an impression that the Public Service Commissioner was to blame for having put one officer over the heads of 140 others. The honorable member wanted to know whether, now that political influence had been removed from the Departments, social influences were not being permitted to influence appointments and promotions. I desire to point out that the Commissioner had nothing whatever to do with the appointment in question, because it was made by the Public Service Commissioner of Victoria three months prior to the transfer of the Department to the Commonwealth.

Mr. SYDNEY SMITH (Macquarie).—I desire by way of personal explanation to refer to the question of the salary of the Deputy Postmaster-General of New South Wales. The Government to which I belonged took the responsibility of submitting the salary that had been previously fixed, and the House agreed to it. Although I was not required by law to consult the Public Service Commissioner with regard to the matter, I felt that the principle adopted in regard to other officers should also apply to the Deputy Postmaster-General, and I obtained the opinion of the Public Service Commissioner. He expressed the view that £920, as fixed by Parliament, was the proper salary to attach to the position, and I was perfectly prepared to accept his decision, because I recognised that he had a much better knowledge than I possessed of the nature of the duties to be performed, and the value of the work. It should not be left to the Ministerial head of the Department to fix any salaries, but the whole responsibility in that regard should be thrown on the Commissioner. I shall take another opportunity to bring this

matter under the notice of honorable members, because I consider that an important principle is involved, and that serious consequences may ensue unless some definite understanding is arrived at. I was very glad to hear the explanation of the Minister of Home Affairs with regard to the officer referred to by the honorable member for Maranoa. I felt sure that the Public Service Commissioner would not do any injustice.

Mr. TUDOR.—He allowed the anomaly to remain.

Mr. SYDNEY SMITH.—I question whether he had the power to remove it.

Mr. KELLY (Wentworth). — I notice that, under the head of "Contingencies," the amount appropriated last year for temporary assistance was very largely exceeded, and I should like the Minister to explain how that occurred.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The amount spent upon temporary assistance was increased, owing to the fact that certain officers whose services were required, and whose permanent appointment had been provided for, could not be definitely installed in their positions until some time after the date originally fixed. The expenditure upon temporary assistance was thereby increased, but the amount paid away in salaries to permanent officials was reduced to a corresponding degree.

Proposed vote agreed to.

Division 23 (*Public Works Staff*)—£12,048.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—It is due to the honorable member for Dalley that I should say something in regard to the suggestion that we should have a complete Public Works staff. This matter was very carefully considered by my predecessor, and also by the Conference of Premiers. The desire of the Department has been to, as far as possible, work in harmony with the States, and to thus avoid the necessity of incurring double expense. The Commonwealth works extend over the whole of the States, and frequently have to be carried on in very remote localities. The States officials have to be on the spot, and double expense would be incurred if we also had to send our own officers all over the place. Arrangements have recently been made with the States officials which have resulted in a better understanding. Our works are now being proceeded with under

more satisfactory conditions than previously, and I can assure honorable members that there is no urgent necessity for making any change such as has been suggested.

Proposed vote agreed to.

Division 24 (*Works and Buildings*)—£94,921.

Mr. McDONALD (Kennedy). — I should like to direct attention to the item of £2,521 for post and telegraph repairs and maintenance. I understand that an amount of £260 has been appropriated for the purpose of carrying out certain repairs at the Cloncurry post-office. I consider that such repairs should never have been authorized, because the building has been almost eaten down by white ants, and will probably prove quite inadequate after the construction of the railway which is now approaching completion. If that expenditure had been held over for a few months, the Government would probably have been able to save it, because within the next year or so they will be compelled to build a new office altogether. The present structure is practically beyond repair. It has been eaten out by white ants, the accommodation provided is utterly inadequate, and the bulk of the business is transacted upon the verandah.

Mr. GROOM.—I will withhold the authorization and make inquiries for the honorable member.

Mr. McDONALD.—My principal complaint is that the Department have expended this money without first instituting careful inquiries into the matter.

Mr. PAGE (Maranoa).—I wish to know whether the item "Post and Telegraphs, £5,836," in the State of Queensland covers the amount paid in applying the condenser system to telegraph lines?

Mr. GROOM.—No; it provides only for works and buildings.

Mr. PAGE.—Then where is provision made for the maintenance of the telegraph and telephone lines?

Mr. GROOM.—That matter is included in the Postmaster-General's Department.

Mr. HUTCHISON (Hindmarsh).—In this division there is an item of £80 for rent of buildings in South Australia. I should like to know whether that amount is intended to provide any accommodation for members of this Parliament in Adelaide?

vision for the rental of an office for the Public Service Inspector.

Mr. HUTCHISON.—In Western Australia the room provided for the use of members of the Commonwealth Parliament is located in the same building as the office of the Public Service Inspector. But, in South Australia, members of this Parliament are furnished with no accommodation whatever. By the courtesy of the State Legislature, they are allowed to occupy a room belonging to members of the Legislative Council. But as that room is also used by members of the Council itself, it is very inconvenient for honorable members of this Parliament to receive visitors there. Some members of the Legislative Council have even gone to the length of resenting our use of the room, and I should like to ask the Minister whether some better arrangement cannot be made in that connexion?

Mr. GROOM.—I will look into the matter, and see if that can be done. I cannot make a definite promise at once.

Mr. McDONALD (Kennedy).—I would point out that in this division there is a sum of £25,332 for rent. I should like some explanation of this expenditure. In connexion with State politics, I know that whenever it became necessary to rent any building for public purposes, the general idea was that the Government were pretty good game, and were mulcted in rents very much in excess of those charged to private individuals. If it is necessary to expend such a large sum as £25,000 in rent, I think it is about time that we considered the advisability of erecting buildings of our own. I need scarcely point out that the amount represents interest upon nearly £750,000 at 3 per cent.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—I would point out to the honorable member that many of the items included in this division relate to rents which we are paying to the various States. Upon the whole, that is the most satisfactory arrangement into which we can enter. In Victoria, for example, we are required to pay certain rents for administrative offices, as it is not considered necessary to erect permanent buildings for our own use during the comparatively short time that we may remain in Melbourne. It is purely a business arrangement, and in each instance due precaution is taken that the Commonwealth shall pay rent only in

tifiable.

Mr. PAGE (Maranoa).—The Chief Secretary of Queensland has informed me that the Commonwealth can secure accommodation for its electoral officers in Brisbane, at the Treasury Buildings.

Mr. GROOM.—We have accepted the offer of the State Government.

Mr. PAGE.—I am very glad to hear that. As the Minister is a native of Brisbane, and is more familiar with that city than I am, I should like him to tell me where the Commonwealth offices are located there? I do not think I should be able to find them, even with the aid of a microscope. I know that a lot of publications, such as *Hansard*, which are forwarded to Brisbane, are now lying in the cellars of the Customs House there. That is not a very desirable state of things. When the honorable member for Hume was Minister of Home Affairs, he assured honorable members that an office would be provided in each of the State capitals in which they could transact their public business. So far, no such accommodation has been provided in Queensland. The Government of that State, however, have very generously given us the use of the parliamentary buildings. A more generous offer could not well be imagined. Most of the representatives of Queensland in this Parliament have availed themselves of it. My home is nearly 1,000 miles from Brisbane, and when I am in that city I have either to walk the streets with any constituent who desires to consult with me, or take him to the State Parliament House. I hope that the Minister will at least make arrangements for the use of a room in Brisbane in which honorable members may store their papers.

Proposed vote agreed to.

Division 25 (*Governor-General's establishment*)—£6,000.

Mr. McDONALD (Kennedy).—The expenditure under this division seems to be well maintained. I notice that the proposed votes in regard to Government House, Sydney, and Government House, Melbourne, are again very heavy. I had something to say last session in relation to the division, and must once more take strong exception to it. Whilst the Marquis of Linlithgow held office as Governor-General a Bill was submitted to this House by which it was proposed to increase the salary of his office by £8,000 per annum. The measure

that the Government of the day was severely snubbed, and had to allow a private member to move an amendment which wrought a complete change in its object. In spite of that fact we are once more asked to provide £6,000 for the upkeep of Government Houses at Melbourne and Sydney; and when we add to this the amount paid to the Secretary of the Executive Council and his officials, we find that the £8,000 by which it was proposed to increase the salary of the Governor-General is made up. In this way an attempt is being made to flaunt the will of the House. Last year I took exception to the proposal to expend £100 on china and glass for Government House, Sydney, and I notice that scarcely any portion of that vote has been expended. There was also an item of £250 on last year's Estimates for the provision of china and glass for Government House, Melbourne, but, although it was agreed to, I observe that the money has not been expended. As the Committee were against me last year, I suppose that it would be useless for me to again attempt to test the question, and I shall, therefore, content myself by entering my protest against this heavy expenditure.

Proposed vote agreed to.

Progress reported.

ADJOURNMENT.

PERSONAL EXPLANATION: CONDUCT OF BUSINESS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. BROWN (Conobolas).—I wish to make a personal explanation. In this morning's issue of the *Age* there appears a report of the debate which took place last night on the motion relating to Home Rule, in which it is stated that—

Mr. Brown intimated his intention of moving as an amendment that the following words be added to the motion:—

But the sad history of Ireland since the act of union shows that no British Parliament can understand or effectively deal with the economics and social conditions of Ireland.

That statement is not in accordance with fact. The records of the House show that the words in question form part of the motion submitted by the honorable and learned member for Northern Melbourne, and that in the course of my speech I suggested that they should be deleted. The official re-

ports of the debate, and the proper time I would move that the paragraph in question be left out. I trust that notice will be taken of this correction. There is another matter to which I desire to refer. In the course of the debate on the Estimates this morning, I proceeded to quote from the *Age* by way of illustrating the point I was making in reference to the proceedings in the House last night. The Chairman, however, intimated, very properly, that I could not deal with the matter at that stage. As the honorable member for Dalley has taken some exception to my remarks, I propose to complete the observations which I then offered. It was not my wish to take exception to the action of the honorable member in questioning the authenticity of the statement made by the honorable member for Southern Melbourne, in the course of the debate on the motion relating to Home Rule for Ireland, that the Marquis of Linlithgow was not a member of the Orange institution. Suffice it to say that if that distinguished gentleman is a member of the institution in question he is none the less a worthy citizen. A number of my friends and acquaintances belong to the Orange institution, and I find them in every respect honorable and worthy men. My only desire was to question the propriety of the course pursued by the honorable member for Dalley. I have no desire to set myself up as a censor of the conduct of honorable members in this House, but I think I am entitled to express my regret that the incident in question should have occurred. Whilst I appreciate the honorable member for Dalley's keen sense of humour, I think that on the occasion in question he allowed it to run away with his discretion. The incident is reported in this morning's issue of the *Age* under the headings "Irish Home Rule," "Was Lord Linlithgow an Orangeman?" "Wagers in Parliament," "The Speaker to hold the Stakes." Three parts of a column are devoted to the debate on the motion relating to Home Rule, but two-thirds of the report relate to the personal explanation made by the honorable member for Dalley. In the course of the debate yesterday we had two or three very instructive addresses. The honorable member for Wentworth dealt with the motion from the stand-point of an opponent, and quoted a number of pertinent extracts that he had collected from reports and addresses of prominent men

in the Home Rule movement. In reply to that speech, we had a very instructive and able address by the Prime Minister, who lifted the subject out of the rut into which it had been dragged, and placed it on a higher plane.

Mr. JOSEPH COOK.—The debate was never dragged into a rut. I never knew a debate to be maintained on a higher plane.

Mr. BROWN.—That may be the honorable member's opinion, but I am entitled to give expression to my own. Notwithstanding the importance of these addresses, only one-third of the report that appears in the *Age* is devoted to them, the remaining part being given to a description of the funny business indulged in by the honorable member for Dalley. The same remark will apply, although in a less degree, to the *Argus* report. On page 9 of this morning's issue of that journal, a column and a quarter is devoted to a general report of the debate on the motion, but on the cable page the remarks by the honorable member for Dalley appear under the heading, "A Sporting Wager," "Novel offer in Parliament." It appears to me that such proceedings are derogatory to our parliamentary institutions. For that reason, I take exception to them. The bit of by-play to which so much prominence is given occupied only a few minutes, but by affording so much space to it, and curtailing the report of the real solid work of the afternoon, an unfair presentment of our method of transacting business was placed before the country, and naturally it will be thought by the people outside that the greater part of our proceedings are merely frivolous. If we wish to secure respect for parliamentary institutions, we must respect them ourselves, by dealing with the business of the House in a proper way.

Mr. WILKS (Dalley).—The honorable member for Canobolas has had a good deal to say about the honorable member for Dalley, and it is only right, if no one else will do so, that I should rise to speak on his behalf. He appears to the honorable member for Canobolas to be quite unaccountable for his actions, and there are occasions when I would not accept responsibility for them. The honorable member for Canobolas, speaking with laborious dignity from the Labour corner, has given us a lecture on deportment and manners. I hope that any future lectures of the kind will first be rehearsed in the

caucus of the party of which he is a member. He has also taken upon himself the censorship of the press, and from the rare atmosphere of Canobolas has dictated to the newspaper proprietors what they should or should not publish. I trust that any similar remarks that he may feel bound to make will be addressed directly to the editors or proprietors of our newspapers. The honorable member for Canobolas found fault with the honorable member for Dalley for trying to establish the fact that he was not guilty of making an untrue statement in regard to a matter of consequence. To the honorable member for Canobolas it was of no consequence that the honorable member for Dalley should be charged with having made such a statement. Apparently, the honorable member for Dalley was expected to sit quiet after the honorable member for Southern Melbourne had practically accused him of telling an untruth, or, if I were in order, I should say an absolute lie. But the honorable member for Canobolas is such a stickler for what is proper, that I will not use that expression. Not only is the honorable member a Chesterfield of debate; he is also a modern Jeremiah. I have never heard his equal for lamentations. Will he permit me to remind him of some words of the original Jeremiah?—

Oh that my head were waters, and mine eyes a fountain of tears, that I might weep day and night—

for the levity of the honorable member for Dalley. O, ye sacred frogs! how I lament that the honorable member for Canobolas was offended at the slight appearance of frivolity on the part of the honorable member for Dalley. He forgets how difficult it is for any one to be humorous in Parliament, especially when sitting on the Opposition benches. But in the calendar of the Labour Party it is a crime to be light-hearted. One must be dignified, and no doubt it will not be long before the honorable member for Canobolas rivals in dignity the honorable and learned member for Parkes. I trust that to-morrow morning the *Argus* and *Age* will give a column or two to the lecture of this Chesterfield of the Labour corner. Personally, I sometimes wonder at the newspapers publishing so much. If I were a reporter, I should very often not report anything at all—except myself at the treasury of the newspaper office on pay days. So far as Mr. Speaker is concerned, no one has

a greater veneration for the dignity of his office than has the honorable member for Dalley, and I presume that yesterday, when he rushed to make the wager which has been referred to, he was ready to place his stake in the hands of Mr. Speaker, because, in so doing, he was taking less risk than by employing any other honorable member as stake-holder.

Mr. JOSEPH COOK (Parramatta).—I also wish to make my acknowledgments to the honorable member for Canobolas for the kindly advice which he has given me to-day.

Mr. TUDOR.—As this is an important declaration, we should have a quorum to hear it.

A quorum not being present,

Mr. Deputy-Speaker adjourned the House at 4.41 p.m.

House of Representatives.

Tuesday, 17 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

PETITIONS.

Mr. McWILLIAMS presented a petition from the Women's Christian Temperance Union of Tasmania, praying for the enactment of legislation to prohibit the sale and consumption of alcoholic liquors in the military camps, canteens, and army transports of the Commonwealth.

Mr. DEAKIN presented a petition from certain residents of the Territory of Papua—adults of European descent and potential electors—praying that in the Papua Constitution Bill there be embodied provision for the exercise by the people, without class or divisional embargo, of the principles and privileges of elective representation on the Papuan Council and Trial by Jury.

Petitions received.

Mr. GLYNN presented a petition from the South Australian Chamber of Manufactures, praying the House not to pass Part VII. of the Trade Marks Bill.

Petition received and read.

COMMONWEALTH DEFENCE.

Mr. JOSEPH COOK.—The Vice-President of the Executive Council is reported to have said, when speaking in the Sydney

Town Hall last night on the question of defence—

The Deakin Government had not been long in office, but he hoped that in the near future a scheme would be placed before the people which would meet with their approval.

Have the Government in contemplation the inauguration of yet another scheme of defence for the Commonwealth?

Mr. DEAKIN.—My honorable colleague will be here to-morrow, and can then make clear anything that may be dubious in that statement. To me it seems very simple. It is known that our whole system of defence is being given very careful consideration.

Mr. JOSEPH COOK.—Again?

Mr. DEAKIN.—This task is most necessary at the present time, and the Government announced, on accepting office, that they proposed to undertake it.

Mr. JOSEPH COOK.—I thought that what was contemplated was a mere elaboration of the scheme already adopted.

Mr. DEAKIN.—The honorable member may call it what he pleases, but the system requires remodelling, to make it more effective than it is at present.

TRADE MARKS BILL.

Mr. WILKS.—I should like to ask the Attorney-General a question without notice; but, seeing that he is absent, as usual, I will address it to the Prime Minister. Is it a fact that the delay which has occurred in connexion with the Trade Marks Bill has been occasioned by the anxious waiting of the Government for the results of the Western Australian elections? If not, will the Prime Minister inform the House when it is intended to proceed with this important measure?

Mr. DEAKIN.—The Bill will be proceeded with very shortly.

PAPERS.

MINISTERS laid upon the table the following papers:—

Copy of draft agreement between the Postmaster-General of the Commonwealth and the Union Steam-ship Company of New Zealand Limited, relating to the Canadian-Australian mail contract.

Papers relating to preferential trade with South Africa and with Canada.

Ordered to be printed.

CAPITAL SITE.

Mr. CHANTER.—Is the Prime Minister in a position to inform the House whether, as the result of the conference

between the Attorney-General and the Attorney-General of New South Wales, a question relating to the Federal Capital Site will be submitted to the High Court?

Mr. DEAKIN.—Not until the matter has been considered by the Cabinet.

SEIZURE OF HATS.

Mr. JOHNSON.—I wish to know from the Minister of Trade and Customs if the hats seized by the Customs were invoiced as Panama hats, also if they were Panama hats? Was the seizure made by the authority of the Minister, or did the officials of the Department act on their own responsibility? Is it true, as alleged in the press, that a serious blunder has been made in this matter, and that a similar consignment of hats has been disposed of at the retail price of 3s. 6d. each?

Sir WILLIAM LYNE. — No serious blunder has been committed. I ask the honorable member to give notice of his other questions.

Mr. HUTCHISON.—Is the statement which appears in to-day's newspapers true, that the Crown Law authorities have not advised the prosecution of Messrs. Henty and Co. for fraud in connexion with the importation of 1,000 Panama hats, on the ground that, as an indenting company, they were only technically in the wrong? If the statement is true, does it mean that merchants who indent goods may contravene the Customs law without rendering themselves liable to any further penalty than the risk of the seizure of their goods by the Customs?

Sir WILLIAM LYNE.—I should like the papers in the case to speak for themselves.

SUGAR BOUNTY.

Mr. R. EDWARDS.—Can the Prime Minister tell the House how soon the Sugar Bounty Bill will be introduced? The delay which has occurred is causing much anxiety amongst the growers, and, if the matter is not dealt with soon, will seriously affect the crop of 1907, as men will not plant new ground until they are assured of the continuation of the bounty.

Mr. DEAKIN.—I stated some weeks ago that I hoped that the Bill would be submitted before the end of this month, and have every reason to suppose that the hope will be realized.

IMMIGRATION.

Mr. MALONEY. — Does the Prime Minister consider that our own Australian unemployed and settlers' sons and daughters should be provided for before any large number of even desirable immigrants are welcomed here?

Mr. DEAKIN.—I am in favour of absolute equality of treatment. Necessarily, those who are in Australia will have the first opportunity, as they have the first right, to take advantage of any conditions that may be offered.

TELEPHONE AND TELEGRAPH TUNNELS, ADELAIDE.

Sir LANGDON BONYTHON. — I should like to know whether the Postmaster-General has arrived at any decision with regard to the representations made by the South Australian Government on the subject of having the telephone and telegraph wires in the city of Adelaide placed underground?

Mr. AUSTIN CHAPMAN.—Representations have been made, and consideration is being given to the matter. I hope to be able to give the honorable member information on the subject very shortly—perhaps to-morrow.

UNDERPAID POST-OFFICE EMPLOYEES.

Mr. STORRER.—I desire to ask the Postmaster-General whether he has had brought under his notice a statement made at a conference of letter-carriers, recently held in Adelaide, that temporary hands were employed in the Postal Department at 3s. 6d. per day?

Mr. AUSTIN CHAPMAN.—I noticed the statement referred to in this morning's newspapers. It is on all-fours with the allegations made with reference to the employés in contract and non-official post-offices in Victoria. I am having full inquiries made. I have already ascertained that some sweating has been going on, and I want to find out who is responsible for it. There is no desire, on the part of the Government, to continue that kind of thing, and when the inquiry is completed, I shall endeavour to bring about a more satisfactory state of affairs.

HONORABLE MEMBERS.—Hear! hear.

Mr. TUDOR asked the Postmaster-General, *upon notice*—

1. What amount of revenue was received at the North Brighton (Victoria) Post-office during the last twelve months?

2. How many "allowance" Post-offices in Victoria exceed the amount of revenue which should make them "official" offices?

Mr. AUSTIN CHAPMAN.—In reply to the honorable member—

1. £215 10s. 9d. was received for the year ended 30th June, 1905.

2. During the year 1904, the number of "allowance" offices where the revenue of £400 per annum was exceeded was twelve.

DISABILITIES OF BLIND TRAVELLERS.

Mr. WILKINSON (for Mr. CROUCH) asked the Prime Minister, *upon notice*—

1. Whether his attention has been drawn to the inconvenience and annoyance suffered by blind persons who travel from one State to another contrary to the right of free intercourse to Commonwealth citizens however afflicted secured by sections 92 and 117 of the Constitution?

2. Will he make representations to the State Governments as to the present illegality of the State Acts which prohibit the passage of Commonwealth blind citizens from one State to the other?

3. Will he cause notices of the intent and effect of the above sections of the Constitution to be sent to ship-owners and others who, whilst desirous of not interfering with blind persons, are afraid of infringing such State Acts?

Mr. DEAKIN.—The answers to the honorable member's questions are as follow :—

1, 2, and 3. Representations as to the inconvenience to which blind people are subjected in travelling from State to State have been made to the Government. The question whether the State laws purporting to restrict such travelling are contrary to the Constitution is now being dealt with by the Attorney-General. On receipt of his opinion the Government will consider what action is necessary.

MEMORIAL TO QUEEN VICTORIA.

Debate resumed from 10th October (*vide* page 3309), on motion by Mr. DEAKIN—

1. That, in the opinion of this House, the Commonwealth of Australia should join with Great Britain, Canada, New Zealand, the Cape Colony, Natal, Newfoundland, and other parts of the Empire, in the erection of a memorial in honour of the personal worth and beneficent reign of the late Queen Victoria.

2. That this House is prepared to approve of a grant of £25,000 for that purpose.

3. That the foregoing resolutions be transmitted by Address to His Excellency the Governor-General.

tend to move an amendment, but before doing so I desire to say that I consider that the present is an inopportune time for the Government to ask the House to vote £25,000 for the erection of a memorial to Her late Majesty Queen Victoria. When honorable members ask that facilities shall be provided to meet the urgent requirements of the public they are told that no money is available. One Minister stated only last evening that a new and elaborate scheme of defence was under consideration, and yet when honorable members ask for a few paltry pounds in aid of rifle clubs in outlying places, which will probably be the first to require defence in the event of an attack being made upon us, they are met with the reply that no money can be spared.

Mr. DEAKIN.—We are endeavouring to make more money available for that very purpose.

Mr. McDONALD.—And yet it is proposed to waste £25,000 in erecting an effigy.

Mr. JOSEPH COOK.—An effigy?

Mr. McDONALD.—Yes, that is practically what is intended. The memorial to which we are asked to contribute is already in course of erection.

Mr. DEAKIN.—Not that part with which we are concerned.

Mr. McDONALD.—If the portion of the memorial in which we are interested is to be no better than those of which I have seen illustrations, the £25,000 proposed to be appropriated will be wasted. The utmost difficulty is experienced in obtaining money for the purpose of extending post and telegraph facilities, and in otherwise providing for the convenience of settlers, and thereby promoting the development of the country, and yet the Government are prepared to waste £25,000 upon a useless structure. If the Prime Minister were sincere in his desire that this money should be voted, I could readily understand his submitting the motion. We know, however, that he was a member of the Barton Government, which was afraid to bring this question before the House. A motion was placed on the business-paper, but the Government were not prepared to submit it to a vote. Sir Edmund Barton, when he attended the Imperial Conference held at the time of the coronation ceremony, promised to submit a motion on the subject, and yet, although he occupied

office for some considerable time afterwards, honorable members had no opportunity presented to them to consider and dispose of the matter. The present Prime Minister afterwards occupied the position of head of the Government, and failed to even place a motion on the business-paper. The Watson Government, who carefully avoided all mention of the subject, were apparently of opinion that the £25,000 proposed to be devoted to the erection of the memorial could be applied to much better purposes.

Sir JOHN FORREST.—Probably they feared the opposition of the honorable member.

Mr. McDONALD.—Probably my opposition, then, would not have been of any more avail than at present, but I should certainly have entered my protest against any such extravagance on the part of the Government. The Reid Government placed a motion on the business-paper, but they were cunning enough not to proceed with it.

Mr. JOSEPH COOK.—Will the honorable member say why the Watson Government did not submit the motion?

Mr. McDONALD.—Probably because they considered that the money could be more usefully spent.

Mr. JOSEPH COOK.—Was that the reason?

Mr. McDONALD.—I was not in a position to know what reason influenced the minds of the Government, but that is my opinion. I do not blame the Reid Government for having failed to proceed with the motion. I presume that the motion will be carried, but I would remind honorable members of the complaints which are made from time to time as to the extravagance of the Federal Government, the extent to which the States Treasuries are depleted, and the straits to which the States Treasurers are reduced in their efforts to make ends meet. The passing of this motion will involve Queensland in an expenditure of about £5,000, and I feel sure that if the Government of that State had an opportunity of so doing they would refuse to contribute that amount. Indeed, I have been assured upon very good authority that they are entirely opposed to the proposed expenditure. Under the circumstances, I contend that it is not wise for us to sanction it. Why are we asked to incur it? Is it because sufficient voluntary subscriptions were

not forthcoming? We know that in Victoria, where an attempt was made to raise a memorial fund, it was practically a failure. Similar efforts have resulted in failure in every other State, and it is well-known to the Imperial authorities that if they had not secured the promise of the Commonwealth Government to contribute this amount it could not have been obtained by voluntary subscription.

Sir JOHN FORREST.—What argument does the honorable member base upon that fact?

Mr. McDONALD.—I say that the Imperial Government can use the Ministers of the different States where they cannot use the people. As a matter of fact, this motion is only brought forward because of the pressure which is being applied by Downing-street.

Sir JOHN FORREST.—Nothing of the sort.

Mr. McDONALD.—We know that pressure has been brought to bear upon the Government upon many occasions, notably, in connexion with the exclusion of coloured aliens from Australia. After much discussion, the information was at length dragged out of the Barton Government that the reason they so strongly opposed the amendment submitted by the honorable member for Bland in favour of the direct exclusion of coloured aliens was that Mr. Chamberlain had used his influence with them to secure the adoption of the educational test. We all recollect how the leader of the Opposition upon that occasion twitted the Prime Minister, Sir Edmund Barton, with having replied to Mr. Chamberlain's overtures, "Yes, Mr. Chamberlain." Now we find that it is not Sir Edmund Barton, but the honorable and learned member for Ballarat, who is saying, "Yes, Mr. Chamberlain." In this matter the Government are quite prepared to do the bidding of the Imperial authorities. It is a noteworthy fact that whenever any similar question has been mooted, Ministers representing the various States who have lacked the courage to refuse the request of the Imperial authorities have always been able to squeeze money from the people. I very much regret that the Government have adopted the attitude that they have upon this subject. It was very pleasant to listen to the Prime Minister declaring the other evening in eloquent phrases that the erection of this monument would impart a stimulus to patriotic sentiment. But his

assertions in that respect were so much bunkum. If the honorable and learned gentleman wishes to arouse a healthy feeling of patriotism let him fill the stomachs of the poor. We have no hope of seeing this monument—even after it has been erected. The great majority of the people of England will not see it, and even those who do will take very little notice of it after the lapse of a few years.

Mr. WILSON.—I am afraid that the honorable member's remark is not applicable to the Albert Memorial in London.

Mr. McDONALD.—It is applicable to nearly all the memorials which have been erected there. As a matter of fact, beyond an occasional reference to it in history, we find that very little notice is taken of the Albert Memorial.

Mr. WILSON.—The honorable member ought to be in Trafalgar Square next Saturday.

Mr. McDONALD.—I can quite understand that any memorial will attract considerable attention upon some special occasion. I recollect that, some years ago, a few of us laid a number of wreaths upon the graves of those who fell in the Eureka Stockade at Ballarat, and, as a result of our action, some 2,000 or 3,000 persons visited the spot upon the following Sunday. But it is only when somebody arouses a special interest in any memorial that public attention is focussed upon it. I believe that Her late Majesty would condemn the proposed memorial as vehemently as any one. She would have preferred that a building should be erected which would confer a lasting benefit upon the present and future generations. Under the circumstances, I move—

That the words "in the erection of a memorial in honour," line 5, be left out, with a view to insert in lieu thereof the words "in testifying their sense"; and that the words "that purpose," in paragraph 2, be left out, with a view to insert in lieu thereof the words, "the erection of an hospital as a suitable though inadequate memorial of her beneficent reign."

I feel that the Imperial authorities arrived at a special understanding with Sir Edmund Barton upon this matter during his visit to England. Thus, we have been placed in a very awkward position. We are practically committed to this expenditure, and we cannot very well repudiate it. In view of that fact, I desire that our contribution should be devoted to the erection of an hospital. Failing that, I intend to vote against the motion

in its entirety. In dealing with proposals of this character in the House instead of in Committee, we occupy a very embarrassing position, in that we have always to adopt a sort of backward course. When we are called upon to deal with a motion in Committee those who are opposed to it can vote against it in its entirety with the knowledge that should the vote go against them they will have an opportunity to submit a further proposal. In the House, however, the position is different, and lest we should be defeated on the main question, we have at the outset to endeavour to so amend a motion as to make it conform as nearly as possible to our views. It is because of this that I have been compelled to submit the amendment. Should it be defeated I shall then have an opportunity to vote against the main question. Personally, I am opposed to the whole proposal, but the amendment will, so to speak, make a retreat possible. A similar state of affairs arose a few days ago, when the motion for the ratification of the oversea mail contract was submitted to the House. I, in common with several other honorable members, was opposed to the whole proposition, and we had to propose amendments to secure the best terms possible. We affirm the general principle of a Bill on the motion for the second reading, and have an opportunity in Committee to deal with it in detail; but when a motion is submitted to the House no such opportunity is afforded us. I trust, therefore, that the Government will in future endeavour as far as possible to submit all motions of this nature in Committee. I do not wish to labour the question. I am opposed to the motion, and regret that the Ministry should have brought it forward.

Mr. WILKS (Dalley).—The honorable member for Kennedy has made no secret of the fact that he is absolutely opposed to Australia contributing to the cost of the erection of a memorial of any kind, and yet he has insulted the House by suggesting that, since so few honorable members share that view, he may be able, by means of an ingenious amendment, to capture a few votes for a proposal that Australia shall dictate the form that the memorial shall take. The honorable member is so ardent a radical that he objects to the erection of a memorial of any kind, and yet he wishes to shelter himself behind an insulting, although ingenious, amendment. The history of the whole movement, so far as

Australia is concerned, is a most unfortunate one. Sir Edmund Barton, when Prime Minister of the Commonwealth, visited England in connexion with the coronation celebrations, and then promised to submit to the Parliament of the day a proposition that Australia should take part in the erection of a memorial to the late Queen Victoria. He neglected to carry out that promise, and so failed to discharge his duty to the House.

Mr. McDONALD.—The Barton Government brought the matter forward.

Mr. WILKS.—The motion was placed on the business paper, but was never submitted to the House. Surely the question is one that should have been promptly dealt with. If he had so keen an admiration for the progress made by the British people during the reign of her late Majesty, Sir Edmund Barton might well have brought forward his proposal at the first opportunity. The honorable member for Kennedy asserts that the late Government displayed their cunning by giving notice of the motion, and afterwards neglecting to submit it to the House. If that be so, the Watson Government were cunning to a superlative degree, because they did not even give notice of their intention to submit such a proposition to Parliament. It does not redound to the credit of the several Governments that have been in office, that this question should have been placed before us so late in the day.

Sir JOHN FORREST.—Parliament had prorogued when Sir Edmund Barton returned from England.

Mr. WILKS.—We now find that all the other colonies have contributed to the memorial fund, and that Australia is the last to be asked to do so. The memorial will involve an outlay of £1,000,000, and notwithstanding that it is proposed that we shall contribute only one-fortieth of that sum, the honorable member for Kennedy makes the impudent suggestion that we should dictate to the mother country and all the contributing colonies the form which it shall take. The proposition is an absurd one, and, if carried, would be cited as another instance of the precocity of Australians. I could understand the honorable member voting against the motion, because of his belief that the money might well be expended in a more useful direction, but he tells us, in effect, that he is opposed to it for the reason, among others, that he objects to allegorical memorials.

I myself am not struck very much with allegorical statuary. It may be that I am wanting in aesthetic taste; but let me remind the honorable member that adjacent to this building there is a monument to the Eight Hours Movement. I should like the close attention of the honorable member, as a prominent member of the Labour Party. It may be that it is owing to my lack of taste; but I take the liberty of saying that the Eight Hours Monument alongside this building, whilst it is symbolical of a great event, is not an elegant piece of statuary. Still, it was erected by the direction of the Trades Hall party of Victoria. Surely, according to the honorable member for Kennedy, the Trades Hall party in any State cannot act wrongly. His brothers in work and politics have erected near this building a monument which, to them, is a matter of great concern. Again, in New South Wales, the Trades Hall party did a most diabolical act when they erected a tablet to the memory of the Hon. Henry Copeland, who was not a member of that party, but who—he was a personal friend of mine—did excellent work in the public affairs of that State.

Mr. MALONEY.—Who paid for its erection?

Mr. WILKS.—The Trades Hall party?

Mr. MALONEY.—Then let those who believe in the erection of a Queen Victoria memorial subscribe the money for the purpose. They would not have Buckley's show of raising the amount.

Mr. WILKS.—I shall tell the honorable member who paid for the Eight Hours Monument in Melbourne. The contributions did not all come from the members of the Trades Hall party. They solicited subscriptions from every one far and near, and they were not above accepting them.

Mr. MALONEY.—The honorable member will have a contribution from me if he takes up a subscription for the proposed memorial.

Mr. WILKS.—The honorable member who is so busily interjecting, took us a trip through London the other day. He described various monuments in that city. He referred to a monument raised to the memory of the man who slaughtered more persons than anybody else, and I immediately interjected "Nelson." I have never had the good fortune to visit London, but, by drawing my bow at a venture, I hit upon the monument he was referring to. He

then took us into the field of heathen mythology, and said there was a statue of Ajax defying the lightning.

Mr. MALONEY.—No; that statue was to the memory of Wellington.

Mr. WILKS.—I understood the honorable member to say it was a statue of Ajax defying the lightning.

Mr. MALONEY.—That is the study.

Mr. WILKS.—I would suggest to the honorable member that possibly the time may come when we could well erect a statue of Australia defying her creditors. It would be a specimen of modern allegory, but still I do not see why there should not, under certain circumstances, be a statue of that character. I believe it would be just as happy a conception as the statue of Ajax defying the lightning. To my mind this idea of dictating the character of the Queen Victoria memorial is all moonshine. I can understand the honorable member being against the proposal, but I cannot understand him saying that Australia, practically the smallest contributor, should dictate to the largest contributor the character of the memorial. I am in favour of Australia making a contribution to this fund, and I regret that this Parliament has been disgraced so much by the delay in submitting this proposal for its consideration. I trust that the Prime Minister will persist with his effort until a vote is taken. I find that Cape Colony has contributed £20,000, that Canada has contributed £30,000, and that New Zealand has contributed £15,000. Our great radical friend, Mr. Seddon, in appreciation of his own race and of racial sentiment, has induced the Parliament of New Zealand to subscribe £15,000. I am not much concerned in the mere placing upon record of a recognition of the peaceful reign of the late Queen Victoria, but I consider that the proposed memorial is simply a nation's tribute to its great advancement and prosperity during that period. It is proposed from a feeling of pride of race to erect in the hub of the universe—the great market of the world—a memorial at a cost of £1,000,000, and apparently at the last stage Australia is called upon to perform her duty in this connexion. I ask the direct question whether Australia will perform her duty by standing out of the movement, or whether she is to play her part, in this expression of the pride of our race, by contributing £25,000 to this fund?

The only way I have of measuring public opinion is by drawing upon my inner consciousness as to what the sons of Britishers would like to be done. I, as a citizen, do not intend to attempt to dictate the character of the proposed memorial, but am willing to leave it to the good sense of those who are leading the movement to put our contribution to the best possible use. I am with the honorable member for Kennedy, however, in regard to the monument being of a utilitarian character. I believe that a hospital would be more appropriate than a statue; but, nevertheless, I am quite content to leave the expenditure of the money to the discretion of those who are chiefly concerned. I believe that the bulk of the taxpayers of the Commonwealth—those of British descent and inclinations—will be well satisfied if we vote £25,000 for this purpose. We, like other nations, do not allow our desires or inclinations to be governed entirely by pecuniary considerations; on the contrary, we are prone to indulge our racial sentiment irrespective of expenditure. The honorable and learned member for Ballarat has performed his duty to the Commonwealth by submitting this proposal, and I intend to emulate his example in that regard. Never before have I given a vote more readily than the one I propose to give on this occasion. At the same time, I deeply regret that the proposal was not dealt with in 1902, when it was first mooted. It is not to the credit of Australia that a period of three years should have been allowed to elapse before a definite proposal was submitted to its Parliament.

Mr. FISHER (Wide Bay).—I had not the opportunity of hearing the eloquent address with which the Prime Minister submitted this proposal, and, therefore, I suppose I am placed at a disadvantage in that respect. But if the speech of the honorable member for Dalley was delivered in support of that eloquent utterance, then I think it will be becoming to the majority of the House to decline to pass the motion. It is a cheap thing to parade our loyalty in such a fashion as we have just witnessed, but this seems to me the least appropriate way of showing appreciation of a dead person.

Mr. WILKS.—Will the honorable member oppose the motion?

Mr. FISHER.—Certainly. It is always easy, in a matter of this kind, where sentiment can be lightly introduced, and we are

the money of the taxpayers, for us to say that we are desirous of showing exceptional loyalty, but the exhibition is at the expense of our neighbours. I oppose the motion for the reason, amongst others, that this is the first opportunity the Federal Legislature has had to deal with a matter of this kind. I exceedingly regret that leading statesmen should have agreed to support the movement, which does not in any way add to the record which stands in memory of Her late Majesty. I believe, with the honorable member for Kennedy, that neither Her late Majesty, if her feelings could be consulted, nor her near surviving relatives, would desire a memorial provided in the manner proposed. There are always people who, from a mistaken notion of service to a country, are ready to expend public funds in this way. Does any honorable member really believe that a monument of the kind, voted by the representative Parliaments under the Crown, would be equal in value to a monument provided by voluntary contributions, even to the smallest amount? A monument erected with voluntary contributions by people who have pecuniary troubles and trials enough, would be a monument indeed; but a monument subscribed to by the representative Parliaments because it is the fashion—

Mr. JOSEPH COOK.—Who says that? I have not heard that argument used during the debate.

Mr. FISHER.—This proposal was brought forward at a conference of representative men from the Colonies.

Mr. KING O'MALLEY.—When they were full of champagne.

Mr. FISHER.—I ask honorable members to say whether any conference of the kind ever separated without some proposal to bind the Empire together, with the aid of the people's money? As a Commonwealth, we have a common act and part with the British Empire; we must share in its prosperity, and in its adversity, more or less. That responsibility, however, in no way binds us to contribute to a memorial such as that proposed—a memorial initiated by people who, however honorable may be their intentions, are always desirous to earn some kudos, or take some action which will have the effect of bringing them nearer to the Throne at the heart of the Empire. I have on all occasions opposed these centralization schemes—this erection of monuments

the idea of the honorable member for Barrier as an excellent one, namely, that a proposal of this kind should be so worded as to enable the people of the Commonwealth themselves to contribute. I cannot move an amendment, because there is already an amendment before the Chair.

Mr. HENRY WILLIS.—Give notice of an amendment.

Mr. FISHER.—The honorable member for Robertson seems somewhat excited over the matter.

Mr. JOSEPH COOK.—I think the honorable member for Wide Bay is making a speech which is unworthy of him.

Mr. FISHER.—I expected to hear something like that. We have now an exhibition of what is called loyalty—an exemplification of the "Crown, Beer, and the Bible" idea. If I were to lose my seat in this Parliament to-morrow, I should not sink my own ideas in a matter of this kind in order to obtain a single vote. I may be right, or I may be wrong, in the attitude I take; but a contribution of the kind is, in my opinion, unworthy of the Parliament, if the people themselves would not contribute.

Mr. JOSEPH COOK.—The people would contribute a great deal more than the sum proposed.

Mr. FISHER.—That suits my position admirably. I trust that when the honorable member for Barrier moves his amendment to submit this question to the people, asking them with the force of the Federal Parliament behind the suggestion, to erect a monument in commemoration of the greatest and longest reign in the British Empire, honorable members will give him their support. I should certainly heartily support such an amendment, because then the contribution would be truly from the people of Australia, instead of being, as proposed by the motion, a contribution by this Parliament.

Mr. KELLY.—Does the honorable member not think that we represent the people of Australia?

Mr. FISHER.—I do not deny that we do represent the people of Australia, but I am speaking comparatively, as the honorable member ought to know.

Mr. WILKS.—Why not refer every question to a referendum?

Mr. FISHER.—At present we are not discussing a referendum. What I say is

that a voluntary contribution would provide that which would be a monument indeed; whereas a contribution by such a body as this Parliament is of no value as a memorial to anybody. As I have said, this is the first contribution of the kind proposed in the Commonwealth Parliament, and, in my opinion, it draws an invidious distinction. Is every reigning head of the British Empire to have a monument, the cost of which is to be contributed to by the Commonwealth?

Mr. JOSEPH COOK.—Nonsense.

Mr. FISHER.—Will the honorable member for Parramatta say that all the reigning heads of Great Britain and Ireland have been persons to whom we would willingly raise monuments?

Mr. JOSEPH COOK.—What does the honorable member think about the matter?

Mr. FISHER.—I think they have not been such persons, and I have no hesitation in answering the question. There have been many exceptions to the good rulers.

Sir WILLIAM LYNE.—This memorial is proposed for Queen Victoria alone.

Mr. FISHER.—As I have said, the Commonwealth is requested to make its first contribution of the kind; and I ask whether the Minister of Trade and Customs would make an invidious distinction in the case of the present King? Could there be a more absurd and wrong position than that contributions of the kind are to be confined to perpetrating the memory of one particular monarch? That would be not merely invidious, but almost detestable. The greatness of monarchs is the greatness that arises largely from the exalted position they occupy—they necessarily appear to be greater than they really are as men and women. However, that is an argument I do not wish to labour. The speech of the honorable member for Dalley was extraordinary. He spoke of the speech of the honorable member for Kennedy as impertinent, and used language of the most extreme kind, because that honorable member takes up a certain attitude.

Mr. JOSEPH COOK.—The language of the honorable member for Dalley was mild compared with the language of the honorable member for Wide Bay.

Mr. FISHER.—That may be so in the opinion of the honorable member, but I think that no exception can be taken to the language I have used in fearlessly expressing my ideas. Honorable members will agree that I and others who think with me are not trying to gain political kudos.

Mr. WILKS.—Does the honorable member say that other honorable members are doing so?

Mr. JOSEPH COOK.—The honorable member for Wide Bay has already said so two or three times.

Mr. FISHER.—I have not alleged anything of the kind.

Mr. JOSEPH COOK.—The honorable member has done so.

Mr. WILKS.—The honorable member has singled himself out as not seeking to gain political kudos.

Mr. SPEAKER.—Order.

Mr. FISHER.—I have not alleged anything of the kind, nor do I think it necessary to do so. All these movements are popular, because the ordinary taxpayer does not regard a proposal of the kind as of much moment to himself. But we are making a precedent.

Mr. MALONEY.—I know a woman so poor that she cannot bury her child.

Mr. FISHER.—I do not, for one moment, contend that the existence of dire poverty would, in itself, be a sufficient reason for not contributing to a memorial of the kind. I take the higher ground, that it is unnecessary, and that if any contribution is made it should be voluntary. It was said by the honorable member for Dalley that there are already memorials to great movements during the reign of the late Queen. I am proud to acknowledge them. He referred to the Eight Hours monument. But did any Government subscribe to that? I have no objection to monuments being erected voluntarily by the public. My position is that neither Governments nor Parliaments should have anything to do with them.

Mr. WILKS.—The honorable member is not opposed to statuary, then?

Mr. FISHER.—Such an interjection is too absurd to be replied to. Monuments, the movements for erecting which were initiated by the people, and which were intended to commemorate great events or movements, are of far greater value than any monuments to particular persons can be. That, I think, is a truism. The cases which have been cited are all those of movements which the people themselves have initiated, and their voluntary contributions have paid for the memorials. Such a monument is a memorial indeed. But to appeal to Parliaments, as Parliaments have been and are being appealed to now for a contribution of this kind, is the

least satisfactory method of all; and I shall have the greatest possible pleasure in voting against the motion.

Mr. JOSEPH COOK (Parramatta).—I had not intended to speak on this motion, contenting myself to be represented by the speech made from the Opposition side of the House, in my absence, by the honorable member for North Sydney, and by that of the Prime Minister, in whose speech on the whole I very heartily concur. But I am bound to say that I heard the address of the honorable member who has just sat down with very great regret. I think that when he comes to see his remarks in cold print he will be heartily ashamed of them. He certainly takes up an attitude with reference to this subject that I should not have expected from him. I am bound to say that his speech has been a revelation to me. I gave him credit for saner sentiments on the great, supreme question that we are considering.

Mr. FISHER.—Supreme question?

Mr. JOSEPH COOK.—Yes, I say that it is a supreme question. We are asked by the motion to affirm our appreciation of the life of a great and good queen—a queen who, for sixty years, stood to this Empire as the sign and seal and embodiment of its aspirations and of its progress. The honorable member cannot point to any isolated event relating to any movement, which has a tinge of the importance and of the far-reaching influence that the life and influence of the late Queen had upon our Empire. That is my deliberate judgment. Hence I take exception to the tone of the honorable member. What was the language in which his objections were couched? He accused us who support the motion of indulging in “cheap sentiment” at the expense of somebody else. If that is not an impertinent thing to say I should like to know what is. I hope we are entitled to the same belief in our conscientiousness of motive as the honorable member would exact in his.

Mr. WILKS.—If we ask his permission we are.

Mr. JOSEPH COOK.—But it seems that we are not. All who are in favour of this proposal, or all who are in favour of anything connected with loyalty, are to be accused of indulging in “cheap sentiment” at some one else’s expense. I utterly repudiate that accusation. The honorable member also said that this motion

had been brought forward simply in order that we might be “in the fashion.” That is another unworthy statement. Because certain gentlemen met at the seat of the Empire and agreed to support the erection of this memorial, it is a “fashionable” thing to do. Another honorable member of the same party caps the statement by saying that the proposal was brought forward when those who attended the Conference were full of champagne.

Mr. MALONEY.—Champagne and turkey.

Mr. JOSEPH COOK.—In my opinion, those are disgraceful statements to make.

Mr. KING O’MALLEY.—Does the honorable member say that they did not have any champagne?

Mr. JOSEPH COOK.—I was not there, and I do not know; nor am I concerned to inquire. I would rather inquire into a matter of this kind on quite other grounds.

Mr. KING O’MALLEY.—Do not tax me for such a purpose.

Mr. SPEAKER.—Order.

Mr. JOSEPH COOK.—When we are discussing a question of this nature, I regret that such an observation should be made.

Mr. KING O’MALLEY.—It is all very well to tax other people for a matter of this sort, but I object.

Mr. SPEAKER.—The honorable member is out of order.

Mr. JOSEPH COOK.—This is a movement for the erection of a monument in which the whole Empire is concerned. I agree with the honorable member for Dalley that the matter ought to have been brought forward years ago. We are taking very tardy steps indeed in relation to it.

Mr. KING O’MALLEY.—It should be paid for by private subscriptions. I would give ten guineas towards it if honorable members opposite would do the same.

Mr. SPEAKER.—Although I have repeatedly cautioned the honorable member for Darwin, he will not discontinue his interjections. Other honorable members also carry on conversations across the Chamber, which make it almost impossible for the honorable member for Parramatta to be heard, and for the officers of the House to take a reliable note of the speech which he is making.

Mr. JOSEPH COOK.—We ought to have taken steps in this matter long ago, in common with the rest of the Empire. The erection of the monument should have been

well on the way to completion. It has been said by the honorable member for Kennedy that the motion is inopportune. He tells us, for instance, that we ought not to subscribe to the memorial when our defences are in need of additional expenditure. The leader of the honorable member's party said on the last occasion, when this subject was under discussion, that any memorial which might find expression in brick and stone would be a sinful and wilful waste of money. I take a quite contrary view. I say that there could be no more fitting form for the proposed monument than one which finds expression in the highest art of the Empire. I do not agree with those who say that a monument to commemorate the life of Queen Victoria should take the form of sympathy with the poor and suffering. The poor we have always with us, and I apprehend that the poor will not get a crust the less by reason of the making of this contribution. I do not believe that they will. What is more, I believe that if those very poor could, in any fashion, be consulted, they themselves would be as heartily in favour of this contribution as are we who are more comfortably circumstanced.

Mr. FISHER.—I think that we should be able to give them an opportunity to express their view.

Mr. JOSEPH COOK.—I am satisfied that if this matter were put directly to the people of this country they would subscribe a great deal more than £25,000, and the very poorest of them all would subscribe in the most handsome way in proportion to their means.

Sir JOHN FORREST.—They would give more than three halfpence apiece.

Mr. JOSEPH COOK.—I am reminded of criticism similar to this two thousand years ago, when it was urged that a certain box of ointment might have been sold for 300 pence, and given to the poor. Here we have precisely the same argument in connexion with an object that is both lofty and rare. We are asked, "Why is not the memorial fund devoted to the alleviation of the lot of the suffering and poor?"

Sir LANGDON BOYNTHON.—Would not a large proportion of the £1,000,000 be spent in wages?

Mr. JOSEPH COOK.—I presume a very great deal of it. My idea is that the monument should be the embodiment of the highest and best art of which the Empire is capable. It should be typical of the leading events and movements of the reign

of the Queen whom we honour. It should be a fitting expression of our loyalty and appreciation of her glorious reign. We already have hospitals dedicated to her. There is a Queen Victoria Hospital in Melbourne. I believe that there is a Queen's Hospital in London. There are Queen's hospitals dotted all over the Empire, so that there would be no characteristic distinction about a hospital as a memorial. The proposed memorial, however, should, in my judgment, be as distinctive as it will be possible to make it, and, therefore, I do not approve of the idea that the money proposed to be devoted to this purpose should be used to endow a hospital. In agreeing to the motion we need not set up a precedent. Although we contribute to this memorial, it does not follow that the Commonwealth must contribute to memorials to all the succeeding Kings or Queens who may reign over it, although, as things are going, the present King will prove himself quite worthy of a tribute of this kind. We should consider the proposal on its merits as a unique occurrence. Only one Queen has reigned for so long a period as sixty years, and when we think of her reign we remember perforce the mighty movements which have made the Empire the great monument of Christian civilization which we know it to be. To my mind, the Empire stands for more than mere sentiment. It is unique among the kingdoms and in the history of the world. Every other empire known to history has been built up on the basis of tribute from its component and conquered parts. Now, however, for the first time, we have an Empire founded upon the spontaneous loyalty of the people of every portion of it. These distinct features ought to find the most fitting embodiment which can be given to them by the artistic skill of our people, and it is in that spirit that I subscribe to this proposal. Seeing that our contribution, having regard to the total sum which the memorial is to cost, is miserably small, we should ask no questions as to the disposal of the money, believing that those at the heart of the Empire will find the most fitting expression of the object which we have in view. One has only to think for a moment of the leading characteristics of Queen Victoria's reign to make him willing to support almost any proposal for keeping green the memory of the gracious lady who presided over the Empire

for so long. To me the prominent feature of that reign was its sympathy with every form of progress, and particularly with those forms which had to do with the placing of moral ideas above basely material ones. I need not discuss this matter, because honorable members will recall for themselves the altruistic movements which characterized the late Queen's reign. For instance, those which brought about, among other things, the abolition of slavery, the amelioration of child labour, and the improvement of the conditions of the workers generally. The honorable member for Melbourne referred to the monuments which have been erected as tributes to the warriors of the Empire; but surely he has not forgotten that we should have known very much more of war but for the late Queen's attitude towards it. For that reason alone we owe her a tribute which will last for all time. We are led to believe that on many an occasion she prevented the Empire from being plunged into fratricidal struggles, and from being engaged in actions such as have brought shame on other nations. I hope that honorable members in discussing the motion will leave the realm of motive alone. The speech of the honorable member for Wide Bay did him no credit, in that he questioned the motives of honorable members who are supporting the motion, although I believe them to be as pure and as sincere as his own. It is no question of motive, but of honest belief, as to what is appropriate and best to be done. I shall subscribe entirely to the proposal of the Government, and shall support it against any other proposal that I have yet heard.

Mr. THOMAS (Barrier).—I am opposed to the motion, and shall also vote against the amendment. The honorable member for Kennedy said that we are pledged to this expenditure, because of the action of Sir Edmund Barton and the right honorable member for Swan.

Mr. KING O'MALLEY.—What has the right honorable member for Swan had to do with it?

Sir JOHN FORREST.—I am very glad to be associated with it.

Mr. THOMAS.—He was in England at the time the memorial was proposed, and perhaps without him it would not have been agreed to. If I considered that the Commonwealth was pledged to this expenditure, I would as soon vote for the pro-

posed memorial as for the endowment of a hospital; but I am altogether opposed to the voting of this £25,000. I do not think that we are here to discuss whether the reign of Queen Victoria was a good or bad one. If money has to be sent out of the Commonwealth, I would rather see £25,000 voted to free Dr. Barnardo's homes from debt than expended on a memorial such as that proposed of any King or Queen.

Sir JOHN FORREST.—We could do that, too.

Mr. THOMAS.—No doubt the memory of the reign of Queen Victoria could be perpetuated by spending money in Australia; but if we must send £25,000 to England I think that it would be better used in the way I suggest than by being devoted to the proposed memorial. Therefore, when the amendment has been negatived or withdrawn, I intend to move another amendment, which will make the second paragraph of the motion read as follows:—

That the funds for the purpose be raised by private subscription.

If the motion were carried in the form I suggest, the people of Australia would have an opportunity to show their appreciation of the virtues of the late Queen. The subscriptions should not be limited, but the pennies of the poor should be accepted as readily as the ten guineas which I believe the honorable member for Darwin has promised to subscribe.

Mr. KING O'MALLEY.—I will subscribe that amount if every member of the Opposition will contribute a like sum.

Mr. G. B. EDWARDS.—I will join the honorable member.

Mr. THOMAS.—If £25,000 were raised by private subscription, it would constitute a far higher tribute to the memory of Her late Majesty than the appropriation of such a sum by this Parliament. It is very easy for us to vote £25,000 for this purpose. It would not interfere with the finances of the Commonwealth, but would be deducted from the surplus available for return to the States Governments, which would have to go short. It would therefore be cheap and easy for us as a Parliament to show our admiration for the late Queen in the manner proposed. I think the course I propose is the best to adopt.

Mr. McDONALD.—I ask leave to withdraw my amendment.

Mr. SPEAKER.—Is it the pleasure of honorable members that the amendment be withdrawn?

Mr. JOSEPH COOK.—I object.

Mr. HENRY WILLIS (Robertson).—Honorable members of the Labour Party appear to be opposing the motion on principle. They desire that the people of the Commonwealth shall have an opportunity to voluntarily contribute the money required. The funds at our disposal are raised through Customs duties, to which the whole of the consumers of the Commonwealth have to contribute, and therefore the easiest way in which the public could subscribe to the proposed memorial would be by our devoting to that purpose £25,000 of that revenue. Therefore, the purpose of the honorable member for Barrier would be served by adopting the motion in its present form. The honorable member for Kennedy and the honorable member for Wide Bay objected to the public money being contributed in the manner proposed by the Government, but I take it that as we represent the people, and the honorable members of the Labour Party believe that the people would voluntarily contribute funds—

Mr. THOMAS.—I did not say that the public would contribute; I very much doubt it.

Mr. HENRY WILLIS.—The honorable member for Wide Bay expressed the opinion that the public would contribute freely.

Mr. FISHER.—No. I said it would indeed be a monument to the memory of Her late Majesty if the people voluntarily contributed the £25,000 required.

Mr. HENRY WILLIS.—The working classes of the Empire have never been slow to show their admiration of Her late Majesty. In many parts of England, Ireland, and Scotland, and also in Canada and Australia, one can see monuments to her, many of which have been erected by means of voluntary subscriptions, and I have no doubt the people of Australia would again rise to the occasion if they were required to do so. Their sound common sense would, however, impel them to say that it would be most convenient for the Government to pay the £25,000 out of the coffers of the Commonwealth, to which every citizen is required to contribute. I have some doubt as to the wisdom of allowing ourselves to be carried away on every wave of sentiment, and I think that if this proposal were made for the first time I should not feel

justified in supporting it. I yield to no one in my loyalty to the Empire, or my admiration for Her late Majesty, but those elements do not appear to me to be in question in the present discussion. In the Statute-book of her reign, Queen Victoria has a greater monument to her memory than could be furnished by any work in marble. The Commonwealth itself is a monument to her. Indeed, all over the Empire monuments to her wisdom and to her beneficence are to be found. The honorable member for Parramatta referred to what had been done by Her late Majesty to prevent war and bloodshed, and her efforts in that direction will be remembered to her honour longer than any work in marble could possibly endure. Those who have seen the Albert Memorial must have admired its artistic beauty and magnificent proportions. It is, indeed, a very fine monument to the memory of the Prince Consort, and an eloquent expression of the people's admiration for a Prince against whom they were so prejudiced in earlier years, and of their love of Queen Victoria. I shall vote for the motion, because I recognise that the Commonwealth was pledged in its infancy by the first Prime Minister to the proposed vote.

Mr. THOMAS.—He only pledged himself to submit a motion to Parliament.

Mr. HENRY WILLIS.—That was merely because no Prime Minister could pledge himself to contribute funds for such a purpose without the approval of Parliament. Sir Edmund Barton did not submit a motion to Parliament—he ran away without submitting it.

Sir JOHN FORREST.—He had not time to bring the matter forward. The honorable member knows that very well.

Mr. HENRY WILLIS.—I am very glad to learn from the Treasurer that the proposal would have been submitted if the then Prime Minister, Sir Edmund Barton, had been afforded an opportunity to bring it forward. Seeing that the first Commonwealth Ministry had not an opportunity of ascertaining the will of Parliament upon it, I take it that the same remark is applicable to succeeding Governments. I shall support the proposal, because the honour of Australia was pledged by Sir Edmund Barton.

Mr. HUTCHISON (Hindmarsh).—If the honorable member for Parramatta had been burning with earnestness and enthusiasm in his desire to see a monument erected

to the memory of the late Queen, he would have seen that a grant of money was passed for the purpose long ago. Personally, I am opposed to any sum being voted in the direction indicated. Whilst I entertain the greatest admiration and respect for Her late Majesty Queen Victoria, I hold that it is unnecessary for us to erect any monument to her memory. We know that she earned the imperishable title of "Victoria the Good"—a title which will be taught in every school throughout the Empire. The great benefits associated with her reign will continue to be impressed upon our children. It is not necessary for us to do anything further. I am satisfied that the Commonwealth has already done its share in perpetuating the name of Her late Majesty. We have monuments erected to her memory in all the leading States. We have streets and squares which have been called after her. Indeed, the entire State of Victoria represents one of the finest monuments to the memory of any sovereign.

Mr. SPENCE.—Queensland was called after Her late Majesty.

Mr. HUTCHISON.—That is so, although the fact is not so apparent as it is in the case of Victoria.

Mr. WILSON.—The honorable member does not believe in putting his monuments upon a cash basis.

Mr. HUTCHISON.—I do. At the same time, I differ from the honorable member for Dalley, who appears to think that anybody who is in antagonism to this motion is opposed to the erection of monuments of any description. As a matter of fact, there is nobody who entertains a greater desire to see the memory of our illustrious citizens perpetuated than I do. In South Australia, I have taken my share in work of that character. Nothing pained me more than to see so many years elapse after the death of John Macdougall Stuart, the explorer, before any monument was erected to his memory, and I felt it to be my duty to endeavour to induce the Government of South Australia to grant a sum towards that work. Similarly, I wished to see a monument erected to the founder of Adelaide, Colonel Light. I am glad to say that I succeeded in obtaining a Government grant for that purpose—and these grants were supplemented by voluntary and civic subscriptions. In this connexion, I am glad to say that no difficulty was experienced in obtaining funds from the people the very moment they were appealed to. But I am opposed to any ap-

peal being made to the people for funds for the proposed memorial, because I hold that there is no necessity for such an appeal. If £25,000 is to be spent in perpetuating the memory of the late Queen Victoria, I suggest that it should be expended in acquiring land upon which people could be settled, which might be called the Queen Victoria Settlement.

Mr. THOMAS.—What about a Queen Victoria land tax?

Mr. HUTCHISON.—In South Australia we have erected a Queen Victoria maternity home. It is an institution which we are endeavouring to extend, and which is doing good work. Seeing that we have established a Queen Victoria Maternity home, why should we not create a Queen Victoria Settlement? Having started that settlement with immigrants from the old country, why should we not—after they have succeeded and after they have repaid the amount of the purchase money—continue to perpetuate the memory of the late Queen Victoria by establishing other settlements of a similar character? I have shown that I am strongly in favour of perpetuating not only the memory of our late Sovereign, but that of all our illustrious citizens. But I am opposed to voting a sum of money for that purpose merely because the first Prime Minister of the Commonwealth may have committed us to this expenditure. That gentleman had no right to commit the people of Australia to any expenditure whatever. The most that he should have undertaken was to ascertain the will of Parliament upon the matter. Personally, I am of opinion that he made a very serious mistake, and that the money which it is proposed to expend can be spent in a much more profitable direction. From the expressions of opinion which have emanated from both sides of the House, I am induced to conclude that honorable members generally are not in accord with the views of the Labour Party upon this question. I wish it to be distinctly understood that my loyalty is as great as that of any honorable member who supports this proposal, even though I deem it to be my duty to vote against it.

Amendment, by leave, withdrawn.

Amendment (by Mr. THOMAS), proposed—

That all the words in paragraph 2, after the word "That," be left out, with a view to insert in lieu thereof the words "a fund be raised for the purpose by private subscription."

Mr. G. B. EDWARDS (South Sydney).—I cannot be accused of shirking my responsibility in connexion with this question, inasmuch as I pressed two Governments to bring it forward. At the very outset I take up the position that the first Prime Minister of the Commonwealth did not in any way commit this Parliament to the expenditure proposed. He simply agreed to submit the matter for our consideration. For my own part, I am quite prepared to accept full responsibility for supporting this motion. I have the honour to represent, perhaps, one of the poorest constituencies in the Commonwealth. At any rate, it is an electorate in which the poorer classes of the community are massed together more than they are in any other. I am satisfied that the vast majority of them desire to see this motion carried for the purpose of honouring the "great, good Queen." The proposed contribution represents about three-halfpence per head of the people of the Commonwealth. A large expenditure would necessarily be incurred in collecting voluntary subscriptions, and the method proposed—that of appropriating the amount out of the public funds—is, perhaps, the most economical that could be adopted. At the same time, if there are a number of individuals like the honorable member for Darwin, who is prepared to subscribe £10 10s. towards a fund for the purpose—and I am prepared to join with him—I should like the motion to specify that the sum of £25,000 which it is proposed to vote should be supplemented as far as possible by public subscriptions. It seems to me that £25,000 is not an adequate contribution by this rich young Commonwealth towards perpetuating the memory of such a great and good woman. I am as strong an Australian nationalist as is to be found in this House, but I believe that we cannot better express the idea underlying our nationalism than by recognising the mighty importance of this good woman's work throughout the whole of our history. So far as I have been able to gather, the people never grudged the expenditure of many thousands of pounds of the people's money on the celebrations in connexion with the establishment of the Commonwealth, nor do I think that they would begrudge this small contribution to a memorial of the late Queen. Triumphal arches were erected in many of the cities of the States in connexion with the Commonwealth celebrations, and among these

were special arches to the memory of Queen Victoria, who died almost at the birth of the Commonwealth. In Collins-street—within a short distance of this House—what was known as "The Queen's Arch" was erected, and it bore the noble words of Tennyson—

Her court was pure; her life serene;
God gave her peace; her land reposed;
A thousand claims to reverence closed
In her as Mother, Wife, and Queen.

I do not think that any who passed that arch failed to indorse all that the late Poet Laureate said of the good Queen, and this House would be wanting in a recognition of its relations to that great woman and the Empire over which she presided if it neglected the present opportunity to vote with unanimity the sum proposed to be contributed to a project to perpetuate her memory. I hope that the suggestion made by the honorable member for Darwin will be adopted, and that even if the motion be not amended to that end, proceedings will be initiated outside to raise a further sum by voluntary subscription to make the memorial a still more adequate testimony to our appreciation of the late Queen. The honorable member for Hindmarsh has pointed out that we have endeavoured in many ways to perpetuate her memory—that we have given her name to one of the States of the Commonwealth, and also to various squares, parks, and public buildings. It seems to me, however, that that is the cheapest kind of sentiment in which we could indulge. It is open to any of us to build a fine mansion for our own use, and to call it "Victoria House."

Mr. WILKS.—Or to erect "The Victoria Pie House."

Mr. G. B. EDWARDS.—We might even have "The Victoria bun" to perpetuate the memory of Queen Victoria. The honorable member has said that he is not opposed to all monuments—he is quite prepared to perpetuate the memory of Juggins, but perish the memory of Queen Victoria!

Mr. HUTCHISON.—If we had the money the position would be different.

Mr. G. B. EDWARDS.—Regarding the question from the most selfish stand-point, we cannot afford to miss this opportunity to testify to the unity of the Empire of which we form no inconsiderable part. I shall heartily support the motion. I am prepared to accept the full responsibility and

shall tell my constituents that I acted in their name and on their behalf, and if there be among them a number of men who think that this contribution of three halfpence per head of the population should not have been made, I shall be willing to make a refund to each of them.

Mr. MALONEY (Melbourne).—I intend to vote for the amendment, and against the motion. At a public meeting held recently in my electorate it was resolved that I should be requested, not only to vote against this proposal, but to speak in opposition to it, and the following resolution was passed:—

The Melbourne branch of the Political Labour Council of Victoria emphatically protests against the proposed grant of £25,000 by the Commonwealth Parliament towards the erection of a memorial to the late Queen in London, in view of the fact that the development of the potentialities of Australia is gravely hampered by the meagre revenue at the disposal of Parliament, and in the circumstances affirms that such proposed grant would be unwise and inexpedient and a serious misapplication of public money.

The honorable member for South Sydney stated, with the best of good feeling, that he was willing to join with the honorable member for Darwin in contributing to a public subscription for this purpose, and I may say that I should be willing to subscribe to such a fund the amount that I pay by way of income tax if he would do the same. I dare say that the income tax which he has to pay is much larger than that which is demanded of me.

Mr. G. B. EDWARDS.—I have already offered to join with the honorable member for Darwin, and shall be glad to receive the further assistance of the honorable member for Melbourne.

Mr. MALONEY.—Very well. What arguments have been advanced in support of the motion? You must know, Mr. Speaker, that to vote against a motion of this kind is to take the unpopular side; but surely those who are opposed to it have a right to openly express their objections, without being subjected to the slurs that have been heaped upon them. I was astounded at the speech made by the honorable member for Parramatta. The first speech that I ever made in New South Wales was at a meeting called to devise means of assisting the unemployed, over which the honorable member presided. He was thoroughly in sympathy with every word that I then uttered, and the motion which I moved gained, not only his vote, but the unanimous support of the meeting.

We have been told by the honorable member for Parramatta that the poor will not be deprived of one crust by the passing of this motion. There is only one way in which such a challenge may be taken up. I should like to be able to test the accuracy of the honorable member's assertion, by placing £25,000 in his hands, for I am sure that he would see that for a time, at all events, there was not one hungry human being in Australia. Only this day I was approached by a mother, who informed me of the death of a child to which she had given birth ten days ago, and asked me to assist in providing for its interment. And yet we have been told that this contribution represents only three halfpence per head of the population, and that, therefore, we should willingly agree to its being made. An honorable member who has the privilege of sitting on the Opposition side of the House, and who places at my disposal a little money for the relief of the poor, contributed to the help of this unfortunate woman. Her case is not an isolated one. In Melbourne to-day, men and women are being interred as paupers, at the cost of the Government, because their friends have not the means wherewith to give them decent burial. Could the late Queen speak, would she say that the erection of a monument is a fitting way to perpetuate her memory? Would she not rather say, "Let something be done for the poor, so that they may say, 'Thank God for Queen Victoria.'"? I view with loathing and contempt promises made by any man on behalf of Australia, when he is not endowed by this Parliament, or by those who created it, with the authority to make them. How dare Sir Edmund Barton pledge in this way the honour of the country, when he had not the permission of the people to do so? I protest against his action, and challenge any honorable member who holds a different view, to call a public meeting in the largest building in Sydney or Melbourne to discuss the question. I am satisfied that if that were done, the people would decide against the pledge given by this right honorable gentleman, who now occupies the snug position of a Justice of the High Court of Australia. The people were never consulted, and I cannot understand how any honorable member would dare to vote against the amendment that has been moved by the honorable member for Barrier.

Mr. WILKS.—Why say "dare"?

Mr. MALONEY.—If the honorable member believes that the people are prepared to acquiesce in this contribution, why should they not be given a chance to contribute to a public fund for the purpose?

Mr. WILKS.—I, for one, shall care to vote against the amendment.

Mr. MALONEY.—Then, the honorable member will surprise me. I have looked upon the honorable member for Dalley as a logical speaker, but I altogether fail to appreciate the two similes which he drew in dealing with this question. Can it be said that the Eight Hours Monument in Melbourne was erected out of moneys voted by any Parliament, or that its erection was pledged at a conference at which Sir Edmund Barton, or any other Prime Minister, was present? Do we not know that it was erected by private subscription? And so with the other memorial to which the honorable member referred. If a fund is to be raised to perpetuate the memory of the late Queen by founding a hospital, I shall be prepared to double the offer that I made at the outset of my speech. Let us go right down to the basic rock. What had the artists of Europe to say of the Albert memorial? I have never heard that the great art critic, Ruskin, ever praised that monument as he praised other monuments. I have yet to learn that the great art critic, La Farge, has ever praised that monument. I know of no art critic in Germany, France, Italy, or even Spain, who has praised it. A witty and sarcastic critic once said that if the little monument were placed on the top, it would resemble a great pepper-box. Although the art work may not be of the highest excellence, or compare with that of Rodin, in France, still, I have always admired the simplicity and the humbleness of the builder, Foley. His own little face is put in an unobtrusive corner, but it is looked at more by artists than is the work as a whole. It is bold and gaudy, but it is not glorious. It is nothing to be compared with that statue to which my honorable friend, in a vein of sarcasm, alluded, and which is known as Ajax defying the lightning. That is a splendid monument, which reflects great credit upon the artist. We know that every one in the community will subscribe a minute fraction of the £25,000, if it is paid out of the general revenue. But I ask honorable members if the unfortunate mother to whom I have referred can spare even 3d.? The honorable member for Par-

ramatta staggered me when he referred to the sacred ointment. That was not voted by Parliament, or promised by Sir Edmund Barton, or any one who filled a similar position in those days. To compare the God whom we worship with a woman, however noble and good, is blasphemous. I yield to no one here in my admiration for that good woman, Queen Victoria. She did purify the Court of England, and certainly it needed purifying. That is one reason why I should gladly do what I said. But would it not be a greater honour to her memory if this money were subscribed privately by the inhabitants of Australia? I do not doubt that they would subscribe £25,000; if they did not, I should lose my faith in this young nation. Certainly, I should prefer to see the memorial take the form of a hospital. Remember that it is not our money that we are asked to vote. We could just as well vote £250,000, or £2,000,000, because the difference in amount affords no criterion of taste, so far as voting the money is concerned. I intend to vote for the amendment, and against the motion. If the people of Australia do not wish to subscribe this money, the House has no right to make them subscribe it indirectly. If they are willing to subscribe it how much honour would their voluntary gift not do to the memory of the woman who reigned so long over the race to which we are so proud to belong?

Mr. SALMON (Laanecoorie).—It was not my intention to speak on this motion, because I had hoped that it would have been carried unanimously; that there would not have been any difference of opinion as to the amount of the subscription, or as to the manner in which the money should be expended. As other honorable members have pointed out, the amount is so insignificant when compared with the total sum, that it would savour of misapprehension, to say the least, of the object in view if we were to offer even a suggestion as to the manner in which it should be expended. I feel that some honorable members have forgotten the representative character of this assembly. The honorable member for Hindmarsh has pointed out, and pointed out truly, that a great deal has already been done by voluntary subscriptions within the Commonwealth to perpetuate the memory of Queen Victoria. But it must be remembered that, although a

great deal has been done in that regard, there is a responsibility and duty devolving upon us as an integral portion of the Empire to come into line with the rest of the Empire. This is a great national undertaking. Those of us who regarded the loss of our late beloved Queen as almost irreparable, and who mourned with the nation when that sad event occurred must have felt very proud that the mourning was so general, that it spread from pole to pole, from sea to sea. The solidarity of the British Empire has always been one of our proudest boasts, and it will, I trust, always remain one of our greatest glories. Surely we are not going to be behind other portions of the Empire in showing our appreciation of one who has been so well described here this afternoon? I feel indebted to the honorable member for Parramatta for the excellent tone of his speech, and the high level to which he carried the debate. I deeply deplore that we are not in a position to pass the motion unanimously. The honorable member for Melbourne has referred to his being on the unpopular side, and at the same time he has claimed to represent the feelings of the people. Surely he has used a wrong term. If to vote against the motion is to be on the unpopular side, then the wish of the people must be in favour of it, and the honorable member has misapprehended the duty which he owes to his constituents. It has been said, and justly said, that the proposed contribution is insignificant when it is spread over the whole of the population. I feel that it is because honorable members have lost sight of the national aspect of the matter that we have had any difference of opinion upon the subject. I give all credit to honorable members for the attitude which they are adopting, but I feel that they are acting from a mistaken idea with regard to the object and scope of the memorial, and especially with regard to the feelings of the people of Australia on the subject.

Mr. WILKINSON (Moreton).—I wish to enter my protest against the motives of those who intend to oppose the motion being questioned. I intend to use every endeavour to defeat the motion, but it will not follow from that circumstance that I am less loyal to the Throne and the Empire than those who intend to support it. I am conscientious in my objection to the motion, and while I fully recognise the high worth of the great Queen in whose honour the memorial is proposed to be erected, I agree with those who say that her memory does

not need a work of that kind to perpetuate it. That Victoria was a great and good Queen no one would question. That she was a good woman, no one will deny; and, thank God, there are millions of women in the Empire quite as good! To the honour of the British race, no exception can be taken to that statement. That she fulfilled the duties of her exalted position, as, perhaps, few, if any, other monarchs have done, we are all agreed. But to say that Australia would evidence disloyalty to the Empire and Throne by refusing to vote this £25,000, is to go in the face of facts.

Mr. SALMON. — No one suggests disloyalty.

Mr. WILKINSON. — It has been suggested. When the Empire called for aid, Australia was not the last to respond. Australia spent her money and her blood freely, to uphold the honour and dignity of the Empire, and would do the same again: and I hope the day will never come when Australia will, in this respect, be found lacking. Imbibing patriotism for the Empire, as well as for Australia, in my earliest infancy, I have done my best to instil the same sentiments into the young Australians, for whose existence I am responsible; and I hope that Australians will ever be loyal, first to their own land, and then to the Empire at large. But at this juncture, when the Commonwealth has no direct revenues of its own, when in all our expenditure we are entrenching or encroaching on the revenues of the States, I do not think we are justified in voting £25,000 for this purpose. It would be an appropriation from a fund which, as it were, we hold in trust.

Mr. WILKS.—This is not a mail contract we are discussing.

Mr. WILKINSON.—I do not think I need the honorable member for Dalley to instruct me as to the purport of the motion, which really is proposed in fulfilment of a promise made, without warrant, by a former Prime Minister of the Commonwealth. It is now sought to obtain the consent of the Parliament, and thereby the consent of the Commonwealth, to the fulfilment of that promise.

Mr. DEAKIN.—The undertaking was to submit a proposal to Parliament, and not even the sum was mentioned at the time.

Mr. WILKINSON.—This proposal is now submitted, and those who oppose the ratification or indorsement of the promise

are accused of being disloyal, or of being actuated by unworthy motives. I do not think that such an accusation is just. We are willing to credit those who support the motion with the most worthy motives; and it is only fair that we, who oppose the motion, should be given credit for the same earnestness and honesty of purpose. The honorable member for Melbourne was right when he said that the amount is not the question, but that there is a principle at stake. Whether the proposal be to spend £25,000, or £250,000, or £2,000,000, as that honorable member said, it is the principle we are opposing, and not the amount which, spread over the population *per capita*, would in the present instance be small.

Mr. JOSEPH COOK.—What is the principle?

Mr. WILKINSON.—We are asked to indorse, if not an actual pledge, an implied pledge that the Australian Commonwealth would vote £50,000, not to a monument to perpetuate a memory, but to a memorial in honour of the great work of a great Queen. That is part of the principle, and the other part is involved in the proposal to vote public money—which we hold in trust for the States—for a purpose outside the requirements of the Commonwealth. We oppose the motion, some of us, because we do not believe that the memory or worth of the late Queen needs any recognition, beyond that which is enshrined in the hearts of her people. Others oppose the motion on the ground that, if the memory of the late Queen requires some tangible and visible monument, and the people are willing that such a monument shall be provided, they ought to be left to subscribe voluntarily, as in other similar instances. I do not agree with the honorable member for Melbourne, that those who oppose the motion are on the unpopular side. For my part, I care little whether that be so or not. I am expressing my own honest convictions.

Mr. MALONEY.—I meant the unpopular side in this House.

Mr. WILKINSON.—If the people desire such a monument, they will not be backward in subscribing any more than they were in subscribing to the Patriotic Fund for the relief of the soldiers who went to uphold the honour of the Empire in South Africa. Australians have never been found wanting when an appeal of the kind has been made, and if the amendment be

adopted I do not for one moment believe that the response will be less ready than on previous occasions.

Mr. SPENCE (Darling).—The honorable member for Laanecoorie expressed surprise that the House is not unanimously in favour of the motion; but the honorable member overlooks the fact that the proposal has been placed before the people of this country in such a half-hearted way as, to any one who knows anything of parliamentary life, or of human nature, to hold out no expectation of unanimity. I do not like the way in which this matter has been brought before Parliament. We sent a representative to the old country with instructions not to pledge himself to any course without consulting Parliament.

Mr. WILKS.—We sent him to England with a muzzle on.

Mr. SPENCE.—That was clearly understood by the representatives of Australia; and he came back, after making a promise that he would consult this Parliament as to some provision for a suitable memorial to the late Queen. But just look at the half-hearted way the matter has been dealt with. It is quite a number of years ago since that pledge or promise was made, and this motion presents the first opportunity the House has had to express an opinion. Under the circumstances, honorable members feel themselves somewhat "tied up," as was shown by the honorable member for Robertson when he expressed himself as not being favorable to this method of voting money, but as regarding himself as somewhat bound to vote for the motion because we had been to a certain extent pledged. When proposals of this kind are under consideration there is always an idea—though I am glad to say it has not been introduced very much into this debate—that those who are opposed to it are in some way showing disloyalty.

Mr. WILKS. — I have never heard that charge made during this debate.

Mr. SPENCE.—Every one knows that that idea is entertained on such occasions, and some expression was given to it by the honorable member for Parramatta. But, as pointed out by the honorable member for Robertson, our loyalty is not in question; and I am surprised at the absence of discussion in regard to other phases of a proposal to vote money in this way. It must be highly satisfactory to the Government to find promises of support from, at

any rate, leading members of the Opposition. That is rather a strange position, in view of the fact that on a previous occasion, when a proposal emanated from another quarter of the House, we heard a good deal about the danger of interfering with the self-government of Great Britain. There is nothing spontaneous about this proposal. To be a true expression of the admiration which every one in the British Empire must feel for Her late Majesty, it ought to be spontaneous and popular in its character. I am of opinion that Queen Victoria is entitled to all the more admiration, because the environment of the King or Queen of any country is such that a great strain is put upon his or her human nature. Indeed, I have some doubt whether there had ever been a good King or a good Queen until Her late Majesty ascended the throne. Hence I honour her as one who, herself living a good life, purified her Court. I give place to no one in my admiration for her life, work, and character. But it does not follow that those who entertain that feeling are necessarily prepared to vote £25,000 of the money of Australians to erect a monument, of the particulars of which we are in ignorance. We have no idea of its design, and I am surprised that, as this is a business proposal, more details are not given to us. We are informed that it is to be representative of the whole of the Empire. Consequently a portion of it will be representative of Australia. But we have no idea to what extent or in what manner it will be representative. Are there to be representations of the Australian emu and kangaroo upon the monument? We have no information. It is not reasonable of the Government to ask us to carry the motion in the total absence of details. I am surprised that such a proposal should be made by so rich a nation as Great Britain. She is, I suppose, the richest country in the world to-day. Having so many millionaires of her own, it is astonishing that she should ask the outlying portions of the Empire to subscribe a sum of money through their Governments. The memorial would have been much more representative if an effort had been made to raise the money by the contributions of the people of the Empire. I believe that a larger sum than £25,000 could have been collected in Australia by that method. And remember that the penny of the man who can afford no more is just as valuable an expression of his opinion as is a million pounds from

Mr. Spence.

a man of enormous wealth. The honorable member for Parramatta says that he believes that the people of this country will be prepared to subscribe more than £25,000 for such an object. I agree with him. I believe that it would be possible to raise £150,000 in Australia alone. Such a contribution would be a far more effective expression of Australian feeling than a paltry sum of £25,000 voted in the manner now proposed. The worst of it is that the motion is made in just such a way as some employers take subscription lists round to their employés. Men do not care to refuse when the case is presented to them in that way. In this instance the subscription list is presented to us from head-quarters, and some honorable members do not like to object to it. But, in my opinion, we, as representatives, ought to have the courage of our opinions. I quite believe that the motive of those who have brought forward the motion, and of those who support it, is a worthy one. But they have gone about the matter in the wrong way. I shall vote for the amendment.

Mr. KING O'MALLEY (Darwin). — I should not have thought it necessary to rise on this occasion except for the speech of the honorable member for Parramatta, who devoted a considerable portion of his remarks to myself, because I had said that propositions of this sort were usually made at the end of a banquet, when members were full of champagne. I am prepared to back up that statement.

Mr. JOSEPH COOK. — The honorable member said that this proposition was so made, and I say that that is a libel.

Mr. KING O'MALLEY. — It is all very fine for the honorable member to indulge in heroics, expanding his chest and throwing back his ears, as though he were the master of the universe. But he is no more important than is any other honorable member. I maintain that we have no mandate from the voters of Australia to spend £25,000 of the people's money, whilst the States, especially my own State, do not know where to scratch for funds to maintain their legal obligations. I received a telegram when this matter was previously mentioned from the late Treasurer of Tasmania, in which he opposed the proposal straightforwardly, on the ground that the State could not afford its contribution. No doubt it is popular to vote money away when it does not involve any direct sacrifice on one's own part. I also could be

heroic in that cheap fashion. But I have made a definite proposition to honorable members opposite who talk so much about their loyalty. I will go further, and increase my offer of ten guineas to fifty guineas towards this memorial if they will do likewise.

Mr. JOSEPH COOK.—What is that but mock heroics?

Mr. KING O'MALLEY.—I am sick and tired of the statements of the members of the Opposition about their loyalty. Many years ago, when a brigand was on the scaffold in Rome, he boasted that he had never killed a man on a fast day. It was a sentimental bit of rubbish that went down with the multitude. Heroic declarations are effective with certain people in all parts of the world. But we are sent here by our constituents to do our duty by this country; and, though it may cost me hundreds of votes at the next election, I am determined to vote against the motion. I quite agree, however, that the reign of Queen Victoria was grand and great. It was she who prevented war between Great Britain and the United States, when Mason and Slidell were taken by the *Kearsage* off the British ship *Trent*. Abraham Lincoln, President of the United States, testified that the British Prime Minister was prepared to send troops to Canada and to commence a war, but the Queen stopped it. I recognise the goodness of her life, but I feel bound to oppose this motion, because we have no mandate from the people to vote the money. Why, then, should we be called disloyal and traitorous on that ground? It is time that we had an understanding on this subject. Honorable members should not be gagged. This is not a bear garden, where a man may be knocked down because he does not agree with the prize-fighter seated opposite to him. I oppose the motion for many reasons. I would vote for the expenditure of £25,000 to feed the poor of London, or to help the poor of Adelaide, Melbourne, or Sydney. But I shall not vote for the proposed memorial simply because some of our Ministers, when in England, at the close of a grand banquet—

Sir JOHN FORREST.—There was no banquet.

Mr. KING O'MALLEY.—When they were enthralled by the presence of those they thought tremendously superior, they said, "We will vote anything." I shall not ratify such promises. It is coming to this, that we shall have to carefully con-

sider how far we can allow ourselves to be bound by Ministers who are on a visit to England. I am beginning to think it is dangerous to let Ministers leave the Commonwealth. When the Grainger Association of Kansas elected Jerry Simpson, the sockless statesman, to Congress, they sent two men to watch him, and all the time that he was at the capital he could not go to a meal without them. Those who elected him feared that, when he met the President, he might be carried away with enthusiasm, and vote away the people's money. Similarly, we shall have to send some one Home to watch our Ministers.

Mr. PAGE. — Why not send the whole House?

Mr. KING O'MALLEY.—I would vote £25,000 to send the members of this House, or half of them, to England. But I have another proposition to make. Let all who received distinctions and decorations during the sixty years of the Queen's reign subscribe liberally towards the proposed memorial. Rob Roy used to take from the rich to give to the poor; but, in voting this £25,000, we shall be robbing the poor to give to the rich.

Sir JOHN FORREST.—How will the rich benefit?

Mr. KING O'MALLEY.—The poor man who has six or seven children pays more towards the revenue than the rich man who has a wife and no children. I pay virtually nothing to the Customs Department, because I live the simple life; but, although I am a protectionist, I recognise that the poor man pays very largely to the Customs, and the rich very little.

Mr. PAGE.—Then the honorable member should become a free-trader.

Mr. KING O'MALLEY. — There are two ways of looking at these matters. If the amount had to be collected by private subscription, the rich would be able to pay their fair proportion. I would be willing to vote £25,000 towards liquidating the debt on Dr. Barnardo's homes. He did more for the Empire by making good citizens of hundreds and thousands of unfortunate children than almost all the monarchs who have ever lived.

Mr. JOSEPH COOK. — If he could, he would be the first to repudiate the suggestion.

Mr. KING O'MALLEY. — It is not right, however, that we should be called disloyal because we express these ideas. But we should not be liberal with other people's money. We have

no mandate to vote a penny for any monument of this kind. The Queen was a good woman, but during her reign she drew an income of £38,400,000, which, if put out to interest at 4 per cent., would produce a return of £1,546,000, which is not a bad amount. I see everything from the pounds, shillings, and pence point of view, unfortunately, owing to the bad training which I got in America. Instead of voting this money for the erection of a memorial, it should be voted for irrigation works, or to make our hospitals free, or to benefit the poor of London. It is said, "We will spend the money on a work of art."

Sir JOHN FORREST.—Will not the expenditure give work?

Mr. KING O'MALLEY. — When a house is burnt down, work is given in connexion with the rebuilding of it; but is it profitable to burn down houses to give such work? Members of the Opposition should not suppose that they are the sole representatives of loyalty to the British Empire. They remind me very much of a man I once knew in Western America. He was always telling his wife that he loved her, and I asked him one day, "Why are you always telling your wife that you love her; if you love her she will know it?" He replied, "But I do not love her, and I have to do my best to make her believe that I do." The continuous protestations of loyalty on the part of members of the Opposition are sickening, and I am beginning to think that they are not loyal.

Mr. BROWN (Canobolas).—Judging from the observations of some honorable members, one would be inclined to suppose that our loyalty was to be determined by our willingness to vote a certain sum not merely for a monument, but for a monument in the shape of an allegorical group of figures. I entirely dissent from any such idea. Respect for the late Queen and the great and noble work she did whilst she discharged the important functions of the ruler of the British Empire would not be best expressed by a vote for the purpose indicated. I yield to no man in my loyalty, or in my respect for Her late Majesty, but I cannot support the motion in its present form. A pledge has been given on behalf of the Commonwealth, which demands recognition at our hands. Sir Edmund Barton, when Prime Minister, visited England, and entered into consultation with the then Secretary of State for the Colonies,

Mr. Chamberlain, and representatives of the self-governing portions of the Empire, and although we have not been fully informed as to what took place at that conference, we know that it was recommended that a monument should be erected to the memory of Her late Majesty. Sir Edmund Barton should have invited honorable members to consider the question immediately after his return, but no such action was taken. The result is that practically all the other self-governing portions of the Empire have agreed to contribute to the proposed memorial, no doubt under the impression that the Commonwealth of Australia would participate in the movement. Therefore, through the action of Sir Edmund Barton, we have incurred some obligation in the matter. I recognise that whilst the British Empire is enormously wealthy, millions of His Majesty's subjects are living on the very verge of starvation. Despite the advantages of modern civilization and the great progress made in everything that relates to the conditions of life, we are always likely to have the poor with us. That is no reason why we should not endeavour to improve their lot. It would appeal more strongly to me, and to the Christian sentiment of the community, if the memorial were to take some practical form, in the direction, for example, of alleviating distress and helping those who are unable to help themselves. I am not anxious that any such movement should find its expression in Australia only, but I am prepared to extend its operation to the very heart of the Empire. It would be a awful waste of money to devote £25,000 towards the erection of an inanimate statue, around which might gather, from time to time, thousands of people whose happiness might have been appreciably added to if the funds had been more wisely applied. I recognise that we are only partners in the movement for the erection of the proposed memorial, and I do not wish to lay down any hard and fast lines upon which the proposed expenditure should take place, but I intend to vote for the amendment of the honorable member for Barrier. To compel the whole of the taxpayers of the Commonwealth to contribute towards the memorial is not the best way of giving expression to the genuine sentiment of the community.

Mr. JOSEPH COOK.—Does the honorable member think that we shall act contrary to the public sentiment if we make the proposed appropriation?

Mr. BROWN.—I do not say that we shall be acting contrary to the public sentiment, but I think that if the necessary funds are raised by voluntary subscription we shall place the movement upon a far higher pedestal. The members of the public would then have an opportunity to subscribe according to their means, instead of having the burden laid upon them according to the proportion in which they contribute to Customs duties. If a vote were made out of the Commonwealth funds the poorer classes would be called upon to contribute in far higher proportion than the richer members of the community.

Mr. CULPIN (Brisbane).—I am in entire agreement with the honorable member for Laanecoorie, who declared that he would like to have seen this motion unanimously agreed to. To my mind, the Government are responsible for any opposition which has been urged to it, in that they have not submitted it in a form which would enable it to command universal support. I recollect that, in my student days, a very important monument was erected in the East End of London. That monument is still there, and is constantly growing—I refer to a portion of the London Hospital. A common plebeian body—the Grocers' Company—decided to vote a sum of money for the erection of a new wing to that institution.

Mr. MALONEY.—And a very good monument it is.

Mr. CULPIN.—A monument of that description, upon a larger scale, would, in my judgment, be good enough to perpetuate the memory of our late Queen. Two statements were made by the honorable member for Parramatta to which I desire to direct attention. He affirmed that every other empire was based upon a system of tribute. I claim that the Empire of which we form a part is based upon something which is very much akin to tribute. Every time the United Kingdom exports goods to the value of £500,000,000, it imports commodities to the value of at least £800,000,000. What does the £300,000,000 difference represent but tribute in some form or other?

Mr. SPEAKER.—I am afraid that the honorable member is now travelling beyond the question.

Mr. CULPIN.—I think it is only fair that I should be permitted to show that the statement of the honorable member for Parramatta is not actually correct. He also affirmed that slavery was abolished during

the reign of our late Queen, and that as an argument in favour of the proposed memorial. Would it be fair for me to urge that slavery was re-established in South Africa during the reign of our present King? The two cases are very much upon all fours. However, I do not wish to push that consideration to an extreme. I shall support the amendment of the honorable member for Barrier.

Mr. STORRER (Bass).—When this question was first mooted, I was decidedly opposed to the suggestion that the Commonwealth should contribute £25,000 towards a memorial to the late Queen. I know that Her Majesty always preferred that memorials should take the form of institutions which would confer a benefit upon the living rather than that of statuary. But we have to consider the position from the stand-point of our good name and of what has been done by the other self-governing portions of the Empire. Had this proposal been rejected when it was first made, we should have occupied a very different position from that which we fill to-day. We must recollect that every other part of the Empire has already voted specific sums for the purpose indicated. Consequently it is impossible for us to stand apart from the movement. At the present time, as the result of misrepresentation, Australia has a very bad name in the old country. I am satisfied that if this proposition were defeated our action would be further misrepresented. I think that this motion affords one of the means by which Australia may be linked closer to the mother land. In the State from which I come the name of the late Queen has been perpetuated in many ways. For instance, it is associated with the Victoria Bridge, the Victoria Hospital, the Victoria Baths, and the Victoria Museum. At the same time, I think we should be acting wisely if we sanctioned this expenditure, and thus endeavoured to recover our good name in England.

Mr. CULPIN.—Buy it?

Mr. STORRER.—I know of many persons who buy the love of their children by the presents which they make them. When we reflect upon what Great Britain does for us in the way of defence, it must be recognised that we owe to the mother land more than most people are apt to think. We have heard a good deal in reference to other British monarchs, but I claim that all the dearest privileges which we enjoy

were associated with the reign of our late Queen. Coming to the amendment of the honorable member for Barrier, I would ask, "What right have we to declare that the people of Australia should subscribe a certain sum of money towards the proposed memorial?" Surely any such action on our part would be tantamount to an interference with the liberty of the subject. If the public choose to take up the matter of their own initiative, all well and good, but if we are opposed to the object of this motion, let us say so openly. Personally, I am entirely averse to appealing to the public for subscriptions in this connexion. If private subscriptions were invited, some honorable members would make large contributions to the fund, whilst others would give nothing. The position would be the same in regard to the community generally. In many cases, those in the most affluent circumstances would give nothing; the liberally-disposed man would give freely and the parsimonious individual would refrain from subscribing. On the other hand, if the motion be passed, every resident of the Commonwealth will contribute, in proportion to his means, to the cost of the memorial. It has been said that the Customs and Excise duties fall more heavily upon the poor than upon the rich, but I think that the wealthy classes, and those who drink and smoke freely, contribute most largely to the revenue raised in this way. In all the circumstances, I intend to vote for the motion, believing that if it be passed every member of the community will be called upon to contribute his fair proportion to the fund.

Mr. KELLY (Wentworth).—The discussion this afternoon has shown that those who are opposed to the passing of the motion object not so much to the proposition to erect a memorial to the late Queen as to the form which it is proposed the memorial shall take. Honorable members of the Labour Party are invariably anxious that all proposals voicing the loyalty of the people shall be received sympathetically—and as sympathetically passed into the waste-paper basket. They never object to any loyalist proposal in itself, but are always keen to find some flaw in the form of the proposition, in order that they may destroy it in a polite and entirely sympathetic manner. The amendment emanating from the Labour Party is one to differentiate between the tribute of Australian loyalty and those which come from all other

parts of the wide world where the British race has settled. They do not believe in the rest of the Empire having any voice in determining the form which our common tribute shall take. They are always ready to speak of the value of co-operation, and surely if there is anything in respect of which co-operative effort is desirable, it is that of rendering unanimous tribute from every part of the Empire over which the late Queen so gracefully presided, to a memory which we, in common with every other section of her people, revere and love. But honorable members of the Labour Party say, "No, we do not think that that is the best way in which to honour the memory of the late Queen."

Mr. McCAY.—They are not Socialists in this respect.

Mr. KELLY.—So far as this matter is concerned, they are not even co-operationists. Their proposal is that Australia shall be isolated—that she shall be the only non-unionist in the British Empire.

Mr. McDONALD.—Did not Canada take up that stand in connexion with her contribution to the British Navy?

Mr. KELLY.—If I were to follow the honorable member along all the by-paths into which his imagination may take him I should not be able to keep my speech within reasonable limits. It is only my desire to be as brief as possible that precludes me from accepting his challenge. If Her late Majesty's subjects in other parts of the Empire think that the most fitting memorial which her people could erect to her memory would be one at the gates of that Court which her qualities as a woman and a Queen raised so high above those of her compeers, it is unworthy and mean of us to stand in the way of the unanimity of such a recognition.

Mr. THOMAS.—We are not standing in the way.

Mr. KELLY.—The honorable member may not be standing in the way; but certainly he never stands aside to allow any loyal project to be passed by this House. The Labour Party assert that they are loyalists, but they have never given an earnest of their loyalty. If it be loyalty for them to be always seeking by some subterfuge to evade definitely pledging themselves to any loyal project, then heaven forbid that any other party in this House should ever be guilty of so mean a thing.

Mr. DAVID THOMSON (Capricornia).—A great deal of surplus gas in regard to loyalty has been allowed to escape during the afternoon. So far as the Labour Party is concerned, I must say, in reply to the honorable member for Wentworth, that I utterly fail to see where evidence of loyalty has been wanting on their part. When troops were required for South Africa, where did we look for the men? Were not the contingents that we then despatched to the assistance of the mother country recruited to a greater extent from the ranks of labour than from those who speak so slightly of unionists and unionism? I intend to vote against the motion, and may say that I am not strongly in favour of the suggestion that a public subscription list should be opened to erect a memorial in London. I fail to see why Australia should contribute £25,000 towards the cost of erecting a pile of bricks and mortar or a piece of statuary in that great city. The people of my electorate are absolutely opposed to the proposition, and I do not intend to vote for a motion which, if passed, must involve further unnecessary expenditure on the part of Queensland. If the people of Australia are really anxious that a monument of this description shall be raised, let them contribute the necessary funds by means of voluntary subscriptions. I intend to vote against the motion, because I do not think that the position of Australia would justify such an expenditure. At the present time, every State Treasurer is complaining of the Commonwealth expenditure, and it seems to me that any vote of public money for this purpose should be made by the States Parliaments. I fail to understand why we should take upon ourselves to vote in this way what is really the money of the different States. It is idle to say that this contribution would come out of the one-fourth of Customs revenue to which the Commonwealth is entitled, because, as a matter of fact, Queensland is not receiving at the present time her full share of the total revenue. Such States as Victoria and Western Australia, who are securing a handsome surplus, and who appear to be so anxious that this contribution should be made, should be prepared to vote the necessary funds. As an Australian, I claim to be quite as loyal as the honorable member for Parramatta, notwithstanding the effusive remarks that he made.

Mr. McDONALD.—And as loyal as is the honorable member for Wentworth.

Mr. DAVID THOMSON. — Quite as loyal. I have also a family of young Australians who, I am sure, are as loyal as are any of the members of the Opposition, and for the reasons I have stated I shall vote against the motion.

Question—That the words in paragraph 2 proposed to be left out stand part of the question—put. The House divided.

Ayes	...	...	27
Noes	...	...	16
<hr/>			
Majority	...	...	11

AYES.

Bonython, Sir J. L.	Liddell, F.
Chapman, A.	Lyne, Sir W. J.
Cook, J.	Mauger, S.
Deakin, A.	McCay, J. W.
Edwards, G. B.	McWilliams, W. J.
Edwards, R.	Page, J.
Forrest, Sir J.	Salmon, C. C.
Gibb, J.	Storrer, D.
Groom, L. E.	Wilks, W. H.
Isaacs, I. A.	Willis, H.
Kelly, W. H.	Wilson, J. G.
Kennedy, T.	<i>Tellers:</i>
Knox, W.	Cook, Hume.
Lee, H. W.	Glynn, P. McM.

NOES.

Brown, T.	Ronald, J. B.
Carpenter, W. H.	Spence, W. G.
Chanter, J. M.	Thomas, J.
Fisher, A.	Thomson, D. A.
Higgins, H. B.	Wilkinson, J.
Hutchison, J.	<i>Tellers.</i>
Mahon, H.	Frazer, C. E.
Maloney, W. R. N.	Tudor, F. G.
McDonald, C.	

PAIRS.

Smith, B.	Bamford, F. W.
Ewing, T. T.	Hughes, W. M.
Skene, T.	Culpin, M.
Reid, G. H.	Watson, J. C.
Robinson, A.	Poynton, A.
Fysh, Sir P. O.	O'Malley, K.
Harper, R.	Crouch, R. A.

Question so resolved in the affirmative.
Amendment negatived.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I trust—

Mr. MALONEY.—When can I formally move my amendment, sir?

Mr. SPEAKER.—The honorable member is protected; I have a note of his amendment.

Mr. DEAKIN.—I hope that after the recent division he will not think it necessary to address the House again. We have had a complete debate. The motion has been discussed from every point of view, the House has expressed its will, and, I think, the honorable member will

be added to what has been said on either side. Under these circumstances, he might accept the vote as the decision of the House.

Mr. MALONEY (Melbourne).—In response to the courteous suggestion of the Prime Minister, to whom it is very hard for me to refuse anything, I do not propose to proceed with my amendment. I intend to vote against the motion.

Original question put. The House divided.

Ayes	...	...	30
Noes	...	...	14
			—
Majority	...	...	16

AYES.

Bonython, Sir J. L.	Liddell, F.
Chanter, J. M.	Lonsdale, E.
Chapman, A.	Lyne, Sir W. J.
Cook, J.	Mauger, S.
Deakin, A.	McCay, J. W.
Edwards, G. B.	McWilliams, W. J.
Edwards, R.	Page, J.
Forrest, Sir J.	Salmon, C. C.
Gibb, J.	Storrer, D.
Glynn, P. McM.	Wilks, W. H.
Groom, L. E.	Willis, H.
Higgins, H. B.	Wilson, J. G.
Isaacs, I. A.	
Kennedy, T.	<i>Tellers:</i>
Knox, W.	Cook, Hume
Lee, H. W.	Kelly, W. H.

NOES.

Brown, T.	Spence, W. G.
Fisher, A.	Thomson, D. A.
Frazer, C. E.	Tudor, F. G.
Hutchison, J.	Wilkinson, J.
Mahon, H.	
Maloney, W. R. N.	<i>Tellers:</i>
McDonald, C.	Carpenter, W. H.
Ronald, J. B.	Thomas, J.

PAIRS.

Smith, B.	Bamford, F. W.
Ewing, T. T.	Hughes, W. M.
Skene, T.	Culpin, M.
Reid, G. H.	Watson, J. C.
Robinson, A.	Poynton, A.
Fysh, Sir P. O.	O'Malley, K.
Harper, R.	Crouch, R. A.

Original question so resolved in the affirmative.

ESTIMATES.

In Committee of Supply (Consideration resumed from 13th October, *vide* page 3595):

DEPARTMENT OF HOME AFFAIRS.

Division 26 (*Miscellaneous*), £37,800.

Mr. KELLY (Wentworth).—There is an item in connexion with choosing a site for the Federal Capital. The Attorney-General of New South Wales was in Melbourne

yesterday, and had a meeting with the Attorney-General of the Commonwealth, in order to try to settle the respective claims of Commonwealth and State in this matter; and I ask the Minister to give some indication whether there is likely to be shortly a definite settlement of the points at issue. The Melbourne *Age* of this morning infers that the probability of definite solution being arrived at before long is fairly hopeful. The action taken by the Government of New South Wales is keenly followed by every citizen of the mother State.

Mr. FRAZER.—Is the action approved of?

Mr. KELLY.—Any action taken to facilitate the settlement of this question, and to hurry on the definite honouring of the undoubted claim of the State of New South Wales under the Constitution, will be gladly welcomed and indorsed by the people of the mother State.

Mr. FRAZER.—Has the action of the New South Wales Government tended to that end?

Mr. KELLY.—As I am a Government supporter, anxious to expedite business, the honorable member ought not to try to lure me on to an argument as to the respective merits of the case for the Commonwealth, and the case for the State authorities.

Mr. McDONALD.—The State authorities have done all they could to retard a settlement.

Mr. KELLY. — I must apologize for being compelled, by these interjections, to discuss the relative merits of the contentions put forward. When the people of New South Wales agreed to the Federal compact, they understood they would obtain some definite advantage by having the Federal Capital within their borders.

Mr. FRAZER.—That is a pretty solid admission.

Mr. KELLY.—Does the honorable member think that the people of New South Wales would have asked for this condition to be inserted in the bond if they did not think they would thereby gain some material benefit? I would point out to the honorable member that Western Australia, which State he represents with considerable grace, has received special consideration at the hands of the Commonwealth.

Mr. WILSON.—And Queensland got the sugar bonus.

Mr. KELLY.—That is so. The people of New South Wales are now inquiring

what benefit it would be to them to have the Federal Capital lost in some corner of that great State. The location of the Federal Capital, as decided by this Parliament, is not one which the people of the mother State, as a whole, think they can indorse. The New South Wales Government have put forward certain definite proposals, and the Commonwealth Government, through their own responsible officer, have been urging the claims of the Commonwealth as opposed to those of the State. My object now is to get a definite expression of opinion from the Minister of Home Affairs as to when these negotiations may be expected to reach a definite conclusion. I understand that they have been of an amicable nature. The State has been anxious to meet the Commonwealth Government on all points, and the Commonwealth Government has shown an anxiety to meet the State. But I wish to warn the Government that the people of New South Wales are regarding with considerable suspicion the long delay in settling their just claims; and if the present Commonwealth Government does not meet them half way, and more than half way, in this matter, so that the two claims may be compared side by side, the people will have some right to believe that the *bona fides* of the Commonwealth are open to question.

Mr. WILSON.—Why should the Commonwealth Government meet New South Wales more than half way?

Mr. KELLY.—I admit that there was some justification for Mr. Wade meeting our own Attorney-General more than half way, by coming to Melbourne, because it is well known that the Commonwealth Attorney-General finds it difficult enough to travel the few blocks from the Courts to this House, to say nothing of his going to Sydney, in the interests of the country. I trust that the Minister will make a statement, because we do not desire to discuss the Estimates uselessly. We want to know the intentions of the Government.

Mr. GROOM.—We are expediting the matter as much as we can.

Mr. KELLY.—I hope that the Minister will be able to inform us that the Government have decided upon the action to be taken as a result of the interview between the Commonwealth and New South Wales Attorneys-General yesterday.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—The honorable member for Wentworth wishes to know

when a definite issue will be arrived at in reference to the Federal Capital question. I think he is aware that a conference took place yesterday between the Commonwealth and New South Wales Attorneys-General. It is impossible to say at the present moment exactly when the issues for settlement will be formulated. But I have stated before, and state again, that, as far as this Government is concerned, we desire to expedite matters as far as we can, and to arrive at a definite issue between the Commonwealth and the State.

Mr. WILKS (Dalley).—The Minister in whose Department the Federal Capital question lies has not really told us how the matter stands. All the information that we have is that the two Attorneys-General met yesterday. I think that the Commonwealth Parliament ought to be informed after the lapse of twenty-four hours what it is proposed to do. What is the present position in regard to the Capital site? There is a vote of £1,000 upon the Estimates. Is that intended to defray the cost of driving in a peg, or is it for the purpose of another picnic? Is it to pay for the services of a surveyor, who is to select a place for driving in the peg? The Commonwealth must be sick and tired of the continuous expenditure under this heading, without any finality being arrived at. Personally, although I did not believe that Dalgety was the best site to select, I am willing to adhere to the decision of Parliament. I should not like to see the question re-opened. But I do object to the large area of territory asked for.

Sir WILLIAM LYNE.—No one will ever be got to go there.

Mr. WILKS.—That is petty jealousy.

The CHAIRMAN. — The honorable member is not discussing the question before the Chair. The Capital Site has been selected by Parliament.

Mr. WILKS. — The honorable member for Wentworth drew attention to the matter, and I am now about to state the reasons why New South Wales does not accept the decision of the Commonwealth Parliament. In so doing I must refer to the Dalgety site. Personally, I am willing to keep the compact which has been arrived at, but I wish to point out that the existing trouble has been caused by what I may call the permissive section of the Seat of Government Act. I should like to know from the Attorney-General if that is not so. This Parliament

has not said that the Federal territory shall consist of 900 square miles with access to the sea, but that it should consist of 900 square miles. I believe that no action can be taken until this section has been amended and made definite. I understand that no case can be founded on it, as it stands now. If the Attorney-General cannot give us the exact result of his conference with the Attorney-General of New South Wales, he may be able to tell us whether the proposal of the Minister of Home Affairs is a promising one. In my opinion, until the Seat of Government Act is amended, there will be no case to submit to the High Court. It is all very well for members representing the other States to say that New South Wales should be satisfied; but we cannot be satisfied with the shadow of a promise. We want the promise carried out.

Mr. AUSTIN CHAPMAN.—Hear, hear.

Mr. WILKS.—The Minister of Trade and Customs and the Postmaster-General, when private members, supported different sites, but I hope that now they are Ministers of the same Cabinet, they will do all they can to bring the negotiations to a conclusion. The honorable member for Kalgoorlie seemed to think it audacious for any member representing New South Wales to ask for information on this subject. Every other State in the Union has had carried into effect the compact which it insisted upon before agreeing to Federation. Victoria has had the Tariff she asked for, and Queensland is getting her sugar bounties.

Mr. McDONALD.—Queensland did not ask for them.

Mr. WILKS.—The sugar bounties were practically stipulated for by Queensland.

Mr. McDONALD.—Sir James Dickson—who was the first Queensland representative to become a Commonwealth Minister—was totally opposed to the abolition of black labour.

Mr. WILKS.—At any rate, the Minister cannot expect his Estimates to go through without an explanation of the position of this question. I trust that he will let us know what this £1,000 is wanted for. I hope that it is not to pay for another picnic, and if it is for legal expenses, I should like to know how they will be incurred. Can any Minister inform us when we are likely to have the question settled?

Mr. SPENCE (Darling).—This question is one in which the people of New South

Wales no doubt take some interest; but I have yet to learn that they have authorized the honorable member for Wentworth to speak on their behalf. It was to the assumption of the honorable member for Wentworth that the honorable member for Kalgoorlie took exception. Round about Sydney, perhaps, many persons are disappointed that the Capital Site has been located so far from the metropolis, because of the business which they think has been lost. But the people I have met when travelling through the country have not been much interested in the matter. In my opinion, the various delays have caused them to almost forget it. I venture the opinion that the correspondence between the Commonwealth Government and the Government of New South Wales shows no great anxiety on the part of the representatives of that State to have this matter settled. On the contrary, they seem to have thrown every obstacle in the way of its settlement. I should like to know what is the result of the conference between the Attorney-General and the Attorney-General of New South Wales? Are we to get no information on the subject until their reports have been dealt with by both Cabinets? In my opinion, the Parliament of New South Wales has itself put obstacles in the way of a settlement; because it has been openly stated that its members do not approve of the site selected. They think that it does not fulfil the spirit of the agreement in the Constitution, because it is too near the borders of the State. They seem to be hopeful of getting another site chosen; but that opens up a very big question. The Reid-McLean Administration attempted to settle this matter, but there was no finality to the negotiations with the New South Wales Government, and I do not feel that any blame attaches to the present Government in the matter. I think that we should press for a settlement of the question. It would probably be well if there could be a reference to the High Court, and it would be better if such a reference could be the result of an amicable understanding. I do not think that the attitude of the Government of New South Wales on this question indicates the true feeling of the people of the State. Personally, the people there do not seem to take much interest in the subject.

Mr. WILKS.—Is the honorable member satisfied with the treatment which has been given to the matter?

Mr. SPENCE.—Yes; so far as the Commonwealth is concerned. I put the blame for delay on the State Government.

Mr. G. B. EDWARDS.—So do I.

Mr. SPENCE.—They have flouted the Commonwealth Parliament by practically saying, "You had no right to select this site."

Mr. JOSEPH COOK.—Rubbish!

Mr. SPENCE.—That is how I understand their attitude. It is easy for the honorable member to interject "Rubbish!" but can he show that matters are not as I have represented them to be? The honorable member challenges my statement, but he cannot deny the fact that the New South Wales Parliament is placing obstacles in the way of the selection made by us.

Mr. JOSEPH COOK.—They have a constitutional right to do so.

Mr. SPENCE.—In effect they are flouting us by declining to make available to us the site which we have selected.

Mr. JOSEPH COOK.—Certainly not.

Mr. SPENCE.—The present New South Wales Government have taken up an attitude entirely different from that assumed by the Administration which was in office when our selection was made. They are objecting to a site so far away from Sydney as is Dalgety, and they have thus brought themselves into direct conflict with this Parliament. The New South Wales Government have been responsible for the recent delay, and I have felt considerable indignation when the Commonwealth has been charged with breach of faith and delay. I do not think that the representatives of New South Wales will claim that the attitude now assumed by the Premier of that State is a sound one, because he has practically taken up the position that the Parliament of that State has a right to select a site for the Federal Capital. This is a very serious matter, and it is high time some settlement was arrived at. I did not vote for the selection of Dalgety, but I am ready to bow to the will of this Parliament, and I desire that the whole question should be disposed of without undue delay. I think that the Attorney-General might, without making unfair disclosures, inform the House whether there is any prospect of finality being reached upon this important issue.

Mr. ISAACS (Indi—Attorney-General).—As honorable members know, a conference took place yesterday between the Attorney-General of New South Wales and

myself, and I am happy to say that I believe the way has been paved for an amicable, and, I hope, complete understanding between the two Governments. As the matter has not been completed, and, as both Mr. Wade and myself are merely empowered to report to our respective Governments, it is plainly out of my power to make any definite statement to the House at the present moment. Honorable members will be informed in due time that an agreement has been concluded—as I believe it will be—or that the negotiations have failed; but it would not be fair to either Government if I were to put forward my own view of what has taken place up to the present. I have already reported in writing to the Prime Minister, and matters will be proceeded with without delay. It is the desire of the Government to bring about a complete understanding between the Commonwealth and the State authorities as soon as possible, and, beyond making this statement, it will be out of place for me to say anything at this juncture.

Mr. SPENCE.—If both Cabinets agree will the way be paved for a speedy settlement?

Mr. ISAACS.—If both Cabinets agree, the matter will be brought before this House, and I suppose the New South Wales Government will communicate its decision to the New South Wales Parliament. It would be impossible for me to enter into details regarding the conversation which took place between myself and Mr. Wade, and I can only say that both Governments are animated by a sincere desire to put an end to any misunderstanding that may have existed, and to place matters upon a definite and fair footing.

Mr. BROWN (Canobolas).—It cannot be denied that this matter has been allowed to drift into a most unsatisfactory position. I do not claim to voice the opinions of the electors of New South Wales, but I believe the general feeling among them is that a definite understanding should be arrived at without further delay. I do not for one moment suggest that this Parliament is altogether responsible for the present situation. It is true that Sir Edmund Barton, in his famous Maitland speech, conveyed the impression that the Government would take in hand the question of the Federal Capital site, and that effect would be given to the provisions of the Constitution with regard to it as soon as this Parliament was constituted. The

duty of the Parliament of New South Wales to first indicate to the Commonwealth Government what territory it was prepared to hand over to the Federal authorities, and Sir Edmund Barton did not deal with the matter at the outset, because of the failure of the State Government in this respect. I do not profess to be a constitutional authority, but it appears to me that it was the duty of the New South Wales Government to invite the State Parliament to indicate the sites that would be available for selection by us. After considerable pressure on the part of Sir Edmund Barton, the Premier of New South Wales handed to the Commonwealth authorities a report compiled by the late Mr. Alexander Oliver, describing the various sites which were considered suitable for the Federal Capital, and containing certain recommendations with respect to them. The New South Wales Government appointed Mr. Oliver to make a report. His report should have been submitted to the Parliament of that State, which should have been afforded an opportunity to express an opinion upon it before it was presented to the Commonwealth Legislature. Owing to the neglect of the New South Wales Government to insist that the State Parliament should be consulted in that way, the matter has been allowed to drag over a considerable period, and has gradually drifted into the unsatisfactory position which it occupies to-day. So far as New South Wales is concerned, there ought not to be any very serious trouble experienced in arriving at a settlement of this question. Unless my memory is playing me very falsely, the present Premier of that State—when this question was previously under consideration—expressed himself as very favorable to the choice of Dalgety. Honorable members will recollect that this House was originally divided upon the merits of the eligible sites. There were eight or ten of those sites, each of which had its own group of supporters. By balloting, the list was reduced to three sites, and ultimately Dalgety was selected by this Parliament. Upon the last occasion, most of the New South Wales representatives voted for a site in the centre of that State—I refer to the Lyndhurst site, which practically embraced Lyndhurst, Bathurst, and Orange. In the second ballot, after the southern sites had been eliminated, I noticed that three honorable mem-

Mr. Brown.

in favour of the selection of the western site. Those honorable members were the present Minister of Trade and Customs, the honorable member for Coolgardie, and the honorable member for Newcastle. When the final division was taken as between Dalgety and Welaregang—the selection of the latter would have left the question an open one—a number of those who had supported the western site decided to vote for Dalgety, with a view to arriving at some finality. Amongst those who supported the southern site, but who afterwards voted in favour of the selection of Dalgety, were the present Minister of Home Affairs, the present Minister of Trade and Customs, the honorable member for Coolgardie, the honorable member for Darling, the honorable member for Newcastle, the honorable member for Corangamite, the honorable and learned member for Wannon, and myself. The New South Wales representatives who voted for Dalgety, but who had previously supported the western site were the honorable and learned member for Werriwa, the honorable member for Parramatta, the honorable member for South Sydney, the honorable and learned member for West Sydney, the honorable member for Lang, the honorable member for Wentworth, the honorable member for Coper, the honorable member for Hunter, the honorable member for New England, the right honorable member for East Sydney, the honorable member for Macquarie, the honorable and learned member for Parkes, the honorable member for North Sydney, the honorable member for Dalley, and the honorable member for Robertson, whilst the honorable member for Kennedy and the honorable member for Franklin voted similarly. The justification urged for that vote was that they desired to make the best of a bad bargain. I do not agree with their action upon that occasion. In my opinion they would have acted more wisely by leaving the question an open one. The only way in which that end could have been accomplished was by refusing to vote for Dalgety. The Senate had already selected that site, and by this House indorsing its choice, the matter was absolutely closed. I am dissatisfied with our selection, because I do not believe that Dalgety is the best site which can be chosen in New South Wales.

The CHAIRMAN.—Order! The honorable member will not be in order in discussing that question now.

for the purpose of illustrating my argument that the preliminary negotiations now in progress between the State and Federal authorities cannot result in a settlement of the question. I understand that the conference which recently took place between the Attorney-General of the Commonwealth and the Attorney-General of New South Wales was intended to expedite a settlement of the present dispute. Whatever difference may have existed between the Government of New South Wales and the Commonwealth Government in regard to this matter, I trust that negotiations will be carried on as quickly as possible, with a view to an agreement being arrived at. But any such agreement does not necessarily imply a settlement of the dispute concerning the selection of a site. Apparently, it is only a constitutional matter which is at issue. But, after an agreement has been arrived at, the question of the cost that will be involved in the transfer of our Commonwealth offices to the Federal Capital will give rise to many difficulties. If we adhere to our choice of Dalgety, I do not think that the Commonwealth Parliament will be established there within the time of any honorable member of this House. For that reason I shall offer all the opposition I can to the selection of the Dalgety site.

Mr. KELLY (Wentworth). — I regret that the honorable member for Canobolas has taken it upon himself to make assertions in regard to the Capital Site question to which a reply must necessarily be made by other representatives of New South Wales. The honorable member took the view that all the representatives of that State who registered their second vote in favour of Dalgety must necessarily indorse any action now taken by the Commonwealth Government to insist upon that site.

Mr. BROWN.—If that be not so, what was the purpose of our votes?

Mr. KELLY.—It was to select, not the best possible site for the Capital, for we had already been beaten on that, but the best site open to us to choose at the final ballot. As the honorable member must be aware, the position was that, after registering our original vote—and the site which we originally supported had the largest vote on the first ballot—we were faced by the fact that we had to choose between Dalgety and Tooma.

with the question before the Chair?

Mr. KELLY.—It has an important bearing on the question of whether or not the representatives of New South Wales should necessarily support any action taken in the future by the Attorney-General of the Commonwealth in regard to the claim of that State to select the site of the Federal Capital.

The CHAIRMAN. — The honorable member cannot discuss an action which may be taken.

Mr. KELLY.—I am discussing the matter only in so far as it is a question of administration.

The CHAIRMAN.—I think the honorable member will recognise that such a matter cannot be discussed, because to do so would be to reflect upon a vote of the House.

Mr. LONSDALE.—On a point of order, Mr. Chairman, surely we should be allowed to reply to the remarks made by the honorable member for Canobolas, who reflected upon the action of those who voted in a certain way at the ballot to select the site of the Capital.

The CHAIRMAN.—The honorable member for Canobolas gave a historical *résumé* of certain events that have occurred.

Mr. LONSDALE.—He read out the names of those who voted in a certain way.

The CHAIRMAN.—I understand that he did so in order to explain the cause of a delay in respect of which complaint had been made.

Mr. LONSDALE.—He said that the representatives of New South Wales did a certain thing.

The CHAIRMAN.—He had no right to make the statement to which the honorable member refers, and the honorable member for Wentworth has already been allowed to deal with that phase of the question.

Mr. KELLY.—I merely wish to say that I did not vote for Dalgety at the second ballot because I thought it was the best site that could be chosen; neither was I influenced, as the honorable member seems to think honorable members should have been influenced, by any consideration of what the choice of another place might be.

Mr. JOSEPH COOK.—The Government whip was particularly anxious on Friday last that a quorum should be present while we were discussing these Estimates, and in

accordance with that desire I call attention to the state of the Committee.

Mr. DEAKIN.—The honorable member for Yarra is not the Government whip. [*Quorum formed.*]

Mr. KELLY.—When I voted for Dalgety, at the second ballot, I did so solely because that was the lesser of the two evils with which we were faced, and I hold that in dealing with matters of this kind, we should not be influenced by considerations as to what another place may do. There is one other matter which I desire to bring under the attention of the Minister. A number of questions have been asked in the House as to the anomaly of excluding military clerks, who are discharging civil duties, from the provisions of the Public Service Act.

Mr. GROOM.—That matter does not arise on the Estimates for this Department.

Mr. KELLY.—In that case I shall refer to it when we reach the Estimates for the Department of Defence.

Mr. JOSEPH COOK (Parramatta).—I should not have risen to speak on this matter but for the remarks of the honorable member for Darling and the honorable member for Canobolas. The former sought to justify all that has been done by the Federal Parliament in relation to the selection of a Capital Site, and to disparage all that has been done by the Government of the State which he is supposed to represent here. And the latter righteously struck his breast to-night, and declared that all but he had been wrong in this matter, and chided those who represent New South Wales for having taken a course which he said was detrimental to its interests. I would advise my honorable friend to adopt a little less of that self-righteous attitude which he seems to have been assuming to himself lately. He has been taking upon himself a rôle which he fills very heavily, and not with conspicuous success—I mean the rôle of chastising and castigating honorable members on their political conduct generally. The honorable member for Darling made some very strange statements to-night.

Mr. WILSON.—Stirring up strife again.

Mr. JOSEPH COOK.—It is necessary that we should refer to these matters, because we are in this anomalous position: that a number of honorable members from New South Wales, somehow or other, always look upon this question of the site through the spectacles of honorable members representing other States. While, for

instance, the representatives of other States are pretty solid in both sentiment and attitude towards State questions, unfortunately the representatives of New South Wales are riven by strange differences of opinion. I think it is very unfortunate for New South Wales that on this matter her representatives have been so unhappily split up. If I were to take up the same position as has been assumed here to-night by the honorable member for Canobolas, I should be disposed to chastise very severely a number of honorable members from my own State for the attitude which they took up when the determination of this question was under discussion here.

Mr. WILSON.—What does the honorable member object to in their attitude?

Mr. JOSEPH COOK.—What I objected to was that they seemed, many of them, to be desirous of removing the Federal Capital as far outside the substantial part of that State as they possibly could.

Mr. WILSON.—What objection has the honorable member to Dalgety?

The CHAIRMAN.—Order. That is not the question before the Committee.

Mr. JOSEPH COOK.—My objection to Dalgety is that it does not substantially—

The CHAIRMAN.—Order. It is not competent for the honorable member to discuss the advisability of retaining Dalgety as a site, as there is no item relating to that matter before the Committee. The Standing Orders explicitly prohibit a reflection upon any vote or decision of the House, unless under cover of a motion for its rescission.

Mr. JOSEPH COOK.—I am not desirous of reflecting upon any vote of the House, but I submit, sir, that when we are asked to vote £1,000 for expenses in connexion with choosing a site for the Capital of the Commonwealth, we have a right to traverse the whole ground, and particularly that aspect which has been raised by the conference of the two Attorneys-General.

The CHAIRMAN.—The honorable member was proceeding to discuss the action of honorable members.

Mr. JOSEPH COOK.—Yes, sir, but that was only in reply to the self-righteous attitude of the honorable member for Canobolas, who took it upon himself to read out a list of the names of honorable members who he said had voted—mistakenly, no doubt—against the interests of New South

Wales in this matter, and ventured to assure the Committee that if they had taken the same course as he did they would have acted more in keeping with its wishes and general interests.

The CHAIRMAN.—Order! I took careful notice of what the honorable member for Canobolas did say. To my knowledge he did not make any reflection upon honorable members, but gave an historical *résumé* of the votes. I thought he was leading up to a reason for the delay, and he was stopped from going further into the subject. I ask the honorable member for Parramatta not to further canvass the action of honorable members on a matter which has been passed by the House.

Mr. JOSEPH COOK.—I desire to reply to some remarks made by the honorable member for Darling. He made a statement to-night which I think was most unfair to New South Wales, and particularly to its Parliament. He declared that the Parliament of his State had flouted the Commonwealth Parliament. I ask the honorable member to say wherein has the flouting consisted?

Mr. SPENCE.—I have told the honorable member.

Mr. JOSEPH COOK.—I have seen no evidence of a desire to flout this Parliament. All that the State Parliament has done has been to quietly and legitimately assert a right under the section of the Constitution which empowers it to make a grant of territory. I wish to repudiate as strongly as I may the statement of the honorable member that there has been any attempt by the State Parliament to flout this Parliament. The Constitution clearly lays down that before a site can be determined it shall be within "territory which shall have been granted" by the State in question.

Mr. FISHER.—Or "acquired."

Mr. JOSEPH COOK.—We have not yet reached that stage, and I submit that when the State Parliament does attempt to flout this Parliament, it will be time enough for honorable members to talk about the Commonwealth acquiring territory.

Mr. HENRY WILLIS.—They will not stand much of that in New South Wales.

Mr. JOSEPH COOK.—I hope that we shall not get to that point, and it is in the interest of a peaceful settlement of the matter in dispute that I am now speaking. Nothing could, by any possibility, provoke trouble more than the statement of the honorable member for Darling; and I complain that honorable members,

who ought to represent New South Wales faithfully, somehow have the knack of criticising it to its disadvantage. The honorable member can see no good in the action of other representatives of his own State, but always good in the action of representatives of other States. I have not yet got to that plane of exalted patriotism which enables me to look through jaundiced spectacles at actions which concern my own State, and see through the most optimistic glasses everything concerning every other State of the Union.

Mr. RONALD.—The honorable member reverses the process.

Mr. JOSEPH COOK.—I hope not. I am now standing up for what I believe to be the rights of my own State. To paraphrase Shakspeare, I believe that if we are true to our own States we shall not be false to any other State. At any rate, I repudiate the allegation of any flouting of the Commonwealth on the part of the New South Wales Parliament. All that has been said by the State Parliament is that, since they have to make a grant of country amounting, as proposed by the Commonwealth, to 900 square miles, with access to the sea, they ought to have some say as to where this slice of country shall be. I cannot conceive that, in the respectful assertion of that claim, there is any desire to flout the Commonwealth Parliament. Does it look as if the State Parliament wanted to flout the Commonwealth Parliament when the former sends over the State Attorney-General to confer specially with the Commonwealth Attorney-General, in order to see whether some amicable arrangement cannot be made? I do not see the necessity, I should like to say, for all the secrecy which has been observed by the two Attorneys-General. There ought to be the most open conduct, revealing to the public, and to Australia as a whole, every stage of these negotiations, which are a matter of public concern, and ought to be a matter for public comment, stage by stage. After all, it is the people of Australia who, in the last resort, have to be satisfied. I know, of course, that in delicate negotiations, and particularly in reference to matters in regard to which the Cabinet have to take full and joint responsibility, the first duty of an Attorney-General is to communicate with his colleagues. But here is a matter as to which there has been great public comment, and every stage of the negotiations has been revealed to the

public. When they had finished their conference, it would have derogated nothing from the position of either Attorney-General or either Government, had a joint statement been made to the public as to the terms which had been agreed upon. This is not so much a matter of Government responsibility, as it is one for this Parliament to determine. The question has never been made one of Cabinet responsibility, and since this Parliament has to determine it, confidence ought to have been placed in the public the moment a decision was reached.

Mr. FISHER.—The Attorneys-General are only delegates from their respective Cabinets.

Mr. JOSEPH COOK.—They are the Attorneys-General from the respective Parliaments more than from the respective Cabinets, for the simple reason that the matter has never been made one of Cabinet responsibility. It has been part of the criticism from this side of the House that we could not get a Government to take any responsibility in the matter.

Mr. FISHER.—Does the honorable member wish the public to believe that the Attorneys-General had power to conclude negotiations before reporting to their Cabinets?

Mr. JOSEPH COOK.—Decidedly not, if this had been a matter concerning their responsibility to their respective Cabinets. In that case their clear duty would have been, first of all, to report to their Cabinets. But in a matter as to which the Cabinet has long ago divested itself of responsibility there should be the utmost possible publicity at every stage. The Attorneys-General do not represent their Cabinets so much as they represent their Parliaments, and, therefore, I can see no reason for preserving secrecy.

Mr. BROWN.—They were specially sent by their respective Cabinets.

Mr. JOSEPH COOK.—Then, is the Commonwealth Government prepared to say that, as a result of the negotiations, they will take full responsibility for action, without consulting Parliament? On the contrary, all the Government will do when they hold their Cabinet meeting, and the matter has been reported from the secret conclave, will be to come to the House, and declare what has been done.

Mr. WILKS.—Where is the necessity for any secrecy?

Mr. JOSEPH COOK.—I do not see that there ought to be any secrecy, con-

sidering that it has been declared by successive Governments, including that of which the honorable member for Wide Bay was a member, that it is not a Cabinet matter. The Cabinet have regarded this as outside their ordinary responsible functions—as a matter to be determined by Parliament. This Chamber would be in a better position to form an opinion after the fullest possible discussion by the press and by the public at large. However, the Attorney-General has taken a very different course, and I hope that both he and the Government will have the courage to assume full responsibility, and will not, after all this secrecy, ask Parliament to relieve them of responsibility. Before we vote this money, we have a right to know what the mind of the Government is on the matter. Suppose the Cabinet disagree with what has been done by the Attorneys-General, have the Government any other course mapped out? Are the Government going to stop, and wait on the State Government? If the State Government, as alleged by the honorable member for Darling, go on "flouting" the Commonwealth Government, what will the latter have to say as to that? Will the Commonwealth Government permit the State Government to continue that "flouting"? The fact is, that, unless the State Government steps in to help us, we can do nothing, and in saying that I am speaking in a practical sense. We have technical rights, I dare say, inherent in the Constitution, but the moment we begin to exercise our ultimate powers we shall arrive at a very serious crisis in the affairs of the Commonwealth. When the Seat of Government Bill was going through the House, these difficulties were all foreseen, and were pointed out by the honorable and learned member for Parkes, other honorable members, and myself. We were opposed to the Bill which fixed the territory, and I said then, as I say now, that the proper method was to defer the measure until the negotiations had been completed—not to fix the site and then ask the State Government whether they, without having any say in the matter, would grant the land. At any rate, this matter will have to be decided by the High Court. The State Government took up the ground—and I do not think that its right to do so can be questioned—that since New South Wales had to grant the land, it was at least open to the Government of that State to say, with

us, where the Capital should be located. But when the point at issue has been decided by the High Court, the matter will not be disposed of. The Court will only decide upon the constitutional points; but with regard to the acquiring of the land on the one side, and the granting of it on the other, we shall be no nearer to a practical solution. I should like to know also for what purpose £1,000 is to be voted. I observe that last year £3,500 was voted, of which £1,645 was spent. What does the Government propose to do with the £1,000 this year? Why is that amount fixed? If they are in earnest, and intend to pursue a vigorous policy with regard to the establishment of the Capital, why not increase the vote to £10,000, so as to make a legitimate commencement with the preliminaries for building the Capital? I think the Government ought to declare its mind as to pursuing the subject to its legitimate and final completion. There is another item about which I should like to know something. I notice a vote of £500 for the cost of compilation and publication of a new addition of the *Seven Colonies*. That would be all very well if it stood by itself, but in addition there is a vote of £5,000 for the establishment of a statistical bureau. I should think that the creation of the statistical bureau ought to render unnecessary the expenditure of the £500. But perhaps that expenditure has already been incurred in the preparation of that valuable statistical work from which we are all so glad to quote, and which serves us in such good stead in our debates. Some explanation is needed as to why the two items appear together.

Mr. SPENCE (Darling).—I dissent from the view expressed by the honorable member for Parramatta, and I hope that no information will be given by the Government, at this stage, as to the negotiations which have taken place. It would be unfortunate if the premature publication of negotiations, which are necessarily of a delicate character, should give rise to unwise things being said. According to the honorable member, some of us who sit in this corner are in the habit of making unwise remarks, and if details were published now, it might lead us to say things that would prevent the negotiations being pursued to a successful issue. The attitude of the honorable member for Parramatta surprises me. He appears to have forgotten that this

Parliament passed an Act which involved negotiations with the State Government. They have been proceeding. The Cabinet which the honorable member supported participated in them. The whole of the correspondence was not submitted to this Parliament while they were pending. The Government of the day is charged with the administration of the law, and it may be necessary for the Federal and the State Parliament to pass Acts so as to get the difficulties submitted to the High Court for decision. It is eminently desirable that the matters in dispute should be settled in an amicable manner. The word "flouting" which I used has been interpreted in a sense which was not in my mind. What I meant to imply was that the New South Wales Government has ignored the Act passed by this Parliament. It was unfair of the Premier of New South Wales to charge the Commonwealth Government with being unwilling to negotiate. Apparently, when the authorities of New South Wales complain that we are ignoring the rights of that State, they mean to claim the right to choose the Federal site.

Mr. G. B. EDWARDS.—The honorable member forgets that a new factor has been introduced by the provision requiring a territory of 900 square miles and access to the sea.

Mr. SPENCE.—I shall not go into that matter. I claim to have studied the interests of New South Wales as much as any other honorable member has done, and to have shown no narrow provincial spirit. I frequently urged previous Governments to have the question dealt with as soon as possible, and, when the various proposed sites were balloted for, I voted, not for a site situated on the borders of New South Wales, but for a centrally situated site. I am pleased that the Attorney-General has met the Attorney-General of New South Wales in conference in regard to this matter. Both of them are very able men, who could safely be trusted not to give away any advantages in any bargaining that may have had to be done, and if they have been unable to find a way out of the difficulty, there is a poor chance of our ever getting a settlement of the question. I deprecate, however, any attempt to press for a premature disclosure of the result of their meeting. I say straight out that it seems to me that the State Government are not in a hurry to have this matter settled, and

that makes it the more necessary for the Federal Government to find a way out. If the two Governments cannot agree, we must appeal to a higher authority. I can understand that those who think that the site selected is the wrong one should hope for a change, but, personally, I am prepared to abide by the decision of this Parliament. At any rate, it seems absurd to let the question be hung up indefinitely. Some honorable members seem to forget that there is another Chamber whose business it is to look after the rights of the States. To my mind, we ought to stand by what we have done. I do not understand that the Federal Parliament claims a territory of 900 square miles, or that we claim more than the 100 square miles which the Constitution gives to us, the acquisition of a larger territory being a matter for negotiation and arrangement. Apparently, the authorities of New South Wales are not in a hurry to have the matter settled, because they hope for a change in the views of several members.

Mr. FISHER (Wide Bay).—This question has been prominently before the Federal Parliament since its creation, and those who were members of the first Parliament will remember how strongly and ably the representatives of New South Wales impressed upon their fellow members the fact that Federation would never be properly consummated until the Federal Capital was established in that State.

Mr. BROWN.—That is provided for in the Constitution.

Mr. FISHER.—The Government of the day were accused of delaying the settlement of the question, and we were threatened with the possibility of revolutionary feeling being created if there were not an immediate settlement. It was complained that Melbourne was profiting by the arrangement under which the Federal Parliament meets in this city, and that political feeling and policy were influenced by it, to the detriment of New South Wales. But now that the Federal Parliament has, in accordance with the Constitution, selected a site for the Federal Capital, we find the Parliament of New South Wales passing a resolution which excepts from the list of suitable sites that chosen by this Parliament. Is that loyal to the compact?

Mr. JOSEPH COOK.—I think so.

Mr. WILKS.—The New South Wales Parliament has merely expressed its opinion as to the sites which it thinks most desirable.

Mr. FISHER.—I have no objection to an expression of opinion on the subject; but the representatives of other States will not countenance any attempt by the Parliament of New South Wales to arrogate to itself a power which belongs to the Commonwealth Parliament. It seems to be assumed by many persons in New South Wales that that State is, not merely the mother State, but all Australia. The representatives and the people of the other States are almost tired of the carping and critical attitude which has been assumed by the Parliament of New South Wales in regard to our action in this matter.

Mr. JOSEPH COOK.—The representatives of New South Wales have not been able to gain their point, as the representatives of Queensland gained their point, in connexion with the sugar bounty.

Mr. FISHER.—I am dealing only with the Federal Capital question, which I should like to see settled. I should like the Federal Parliament to meet in the Federal Capital as soon as possible.

Mr. JOSEPH COOK.—If the representatives of New South Wales had voted solidly in regard to one of the proposed Federal Capital sites, as the representatives of Queensland did in regard to the sugar bounty, the question would have been settled by now.

Mr. FISHER.—I think that it is settled. If the Government and Parliament of New South Wales had not interfered, no Commonwealth Government could have refused to go on with the matter. As regards the cost of building a Federal Capital, suitable for present requirements, I think that the statements made in the press have been ridiculous.

Mr. JOHNSON.—Surely, the State of New South Wales had a right to be consulted in this matter?

Mr. FISHER.—I do not say that there should not have been negotiations with New South Wales. I am prepared to consent to negotiations with any State to remove difficulties, and bring about the final settlement of questions in dispute; but the resolution of the Parliament of New South Wales was tantamount to a refusal to recognise the powers of this Parliament.

Mr. JOHNSON.—I do not think that.

Mr. FISHER.—Then, I do not know what was meant by it. For the Parliament of a State to refuse to acknowledge the exercise of powers by this Parliament, or

to claim to exercise powers which are possessed by this Parliament, is to flaunt the authority of the Commonwealth.

Mr. JOSEPH COOK.—All the State Parliament did was to assert what it holds to be a constitutional right.

Mr. FISHER.—If that is the issue, it is a very narrowly defined one ; and I have no complaint to make of the action of New South Wales with regard to that point. If that be their attitude, they ought to stick to it ; but the longer they do so, the longer will it be before the Capital is within that State.

Mr. JOHNSON.—Surely the New South Wales Parliament is right in doing so.

Mr. FISHER.—I have read the correspondence, and I must say that, in my opinion, it does not appear to me to justify the attitude of the Premier and Cabinet of New South Wales. A conclusion might very well have been come to in accordance with the expressed wish of the present Prime Minister. It must be recognised that no tribunal but the High Court can settle the question ; any other action, under the circumstances, would be merely political, and determine nothing. I hope the greatest generosity will be extended by both sides, and I can say that my chief wish is to assist the representatives of New South Wales to get the Federal Parliament within the borders of that State. I shall, however, be no party to any endeavour to depart from our decision to have the Federal territory at Dalgety.

Mr. JOSEPH COOK. — The honorable member has made up his mind beforehand.

Mr. FISHER.—I saw the district, and read the reports before I voted, and I came to the conclusion that Dalgety was the best site.

Mr. JOHNSON.—Does the honorable member not think that the New South Wales Government have a right to say what territory they are prepared to grant ?

Mr. FISHER.—That is an issue which can be determined only by the High Court.

Mr. JOSEPH COOK.—Who first suggested that the question should be taken to the High Court ?

Mr. DEAKIN. — The Premier of New South Wales.

Mr. FISHER. — The issue as to the area of the territory, and so forth, is altogether apart from that of the site, which the New South Wales Government has said shall not be Dalgety. If the New South Wales Government have the power to say

what site or district shall be allotted, the Commonwealth Parliament is tied hand and foot.

Mr. JOSEPH COOK.—All the New South Wales Government say is that the selection should have been a combined act.

Mr. FISHER.—As I said before, every possible consideration should be extended to New South Wales, or any other State, in negotiations of the kind. When, however, a point is reached at which friendly negotiations can go no further, then the dominant partner will undoubtedly exercise the powers he possesses.

Mr. JOSEPH COOK. — But the Commonwealth Parliament fixed the whole matter up, and then began to negotiate.

Mr. FISHER.—My idea is that Dalgety was amongst the areas which the New South Wales Government set apart and were prepared to grant for the purposes of a Capital Site. If that be so, where is the consistency of the position assumed by the New South Wales Government ?

Mr. JOSEPH COOK.—These areas were not set aside by the Parliament of New South Wales.

Mr. FISHER.—Then I understand that it was the act of a wise Government.

Mr. JOSEPH COOK.—That is all.

Mr. FISHER. — Then I believe that when we have another wise Government in New South Wales, the question of the Federal Capital Site will be settled very quickly.

Mr. HENRY WILLIS (Robertson).—I agree with the honorable member for Parramatta that a great deal of unnecessary secrecy has been observed regarding the conference between the two Attorneys-General. I cannot conceive what necessity there is for any negotiations behind the back of Parliament ; because, so far as I understand, these gentlemen met simply for the purpose of arranging the procedure by which this question may be brought before the High Court. There is no matter of policy or Cabinet responsibility involved ; and I should like to know why the representatives of the people have not been informed of the decision ?

Mr. BROWN.—Must the Attorneys-General not first report to their respective Cabinets ?

Mr. HENRY WILLIS. — It is not a Cabinet question, and there is no Cabinet responsibility involved ; the only question is as to the legal course by which the High Court may be approached. There was

some difference of opinion, and the Prime Minister himself was in a little doubt on the question, and, instead of there being two or three days' delay, during which the reports of the Attorneys-General may be considered, the public should have been made aware at once of the conclusion arrived at. Why does the Prime Minister not give the information to the House to-day? That seemed a very proper question on the part of the deputy-leader of the Opposition.

Mr. JOSEPH COOK.—If the Government will say now that they are going to take a responsible course, I shall have nothing further to say.

Mr. HENRY WILLIS.—I hope the Government will not take any responsibility.

Mr. McDONALD. — Why did the New South Wales Parliament pass a resolution omitting Dalgety from the sites offered? Was that not an insult to the Federal Parliament?

Mr. HENRY WILLIS.—No. The selection of Dalgety was made by this Parliament. I believe that a false step has been taken.

Mr. WILSON.—By whom?

Mr. HENRY WILLIS.—By this Parliament. I do hope that the Government will not make this question a party one. If the Watson Government were wrong in the step which they took, there is no reason why the Ministry should make that a question of policy.

Mr. WILSON.—What did the Watson Government do?

Mr. HENRY WILLIS.—They were instrumental in passing a Bill in which a site was selected, that was not set apart by the Government of New South Wales.

Mr. McDONALD.—Did not the New South Wales representatives congratulate that Government upon their action?

Mr. HENRY WILLIS.—The New South Wales representatives discussed the measure fairly.

Mr. BROWN.—The Watson Government merely submitted a Bill containing a blank, in which Parliament inserted the name "Dalgety."

Mr. HENRY WILLIS.—That is so. But I would point out that Dalgety was not set apart as an eligible site by the Government of New South Wales.

Mr. G. B. EDWARDS.—It was set apart just as much as was any other site. They were all reserved.

Mr. HENRY WILLIS.—Dalgety was never fully reported upon by Mr. Oliver, the Commissioner.

Mr. WILSON.—How does the honorable member account for the fact that it was reserved?

Mr. HENRY WILLIS.—It was never reserved by the Government. A supplementary report upon that site was made by the Commissioner, who declared that it was an ineligible site. Dalgety is upon the very fringe of the site in the Southern Monaro district which was reported upon by the Commissioner. This Parliament selected a site which the Parliament of New South Wales contends had not been set apart for that purpose. Members of the Labour Party apparently rely upon the words "or acquired," in section 125 of the Constitution. The Dalgety site was not "granted" to the Commonwealth either by the Government or the Parliament of New South Wales. But this Parliament, having chosen that site, honorable members who occupy the corner benches now say, "We will acquire it." Whilst the people of New South Wales are of a generous disposition, and whilst they will be prepared, as the result of negotiations, to grant the Commonwealth almost any site that it desires, they will not consent to any territory being forcibly taken from them. We must not speak of "acquiring" any territory. They will never tolerate that sort of thing. I take it that a case will now be stated for decision by the High Court, and that a course of procedure will then be laid down. I hope that the question will not be made a party one by the Government. I was one of those who finally voted for the selection of Dalgety, although I regarded Lyndhurst as the best site available, and I say that this Parliament should endeavour, by negotiation, to secure the site which it has selected. If our efforts in that direction fail, some years must elapse before we can talk of "acquiring" that site. In the interim the electors of New South Wales will return to its Parliament members who will be prepared to grant to the Commonwealth either the Dalgety site or any other site which may be acceptable to it. Have not the people of New South Wales accorded to the smaller States of the Union equal representation in the Senate? Would they have done that if they had not confidence in those States?

Mr. McDONALD.—New South Wales did not grant the other States equal representation in the Senate.

Mr. HENRY WILLIS.—She did. She assented to a Constitution which gives the States equal representation in the Senate, although both Victoria and New South Wales were each entitled to a third of the representation there. Was it not urged against that proposal that there might be a combinatoin on the part of the representatives of the smaller States against the larger States of the Union? But New South Wales flouted that suggestion. In effect she said "No. The smaller States will be just to us." Without New South Wales there would have been no Federation.

Mr. McDONALD.—If Queensland had not entered the Federation, New South Wales would not have joined it.

Mr. HENRY WILLIS.—The honorable member has forgotten that Queensland stood aloof from the movement as long as she possibly could. New South Wales is the principal partner, and without her there would have been no Federation. In this connexion the Committee have only to be reminded that when the Constitution was approved by five States of the Union, and New South Wales stood out there was no Federation. Why? Because it was impossible to carry on without New South Wales. It irritates me to find that honorable members are desirous of ignoring the principal partner of the Union. It is unlike their attitude in dealing with other matters. They are usually prepared to do justice; but when they are asked to see that the Federal Capital is established in New South Wales, in accordance with the Constitution, they immediately set up technical difficulties.

Mr. McDONALD.—What does the honorable member desire?

Mr. HENRY WILLIS.—I wish the Government to say that they will expedite the hearing of the case by the High Court, and exhaust every means in their power to secure a final selection. An endeavour ought certainly to be made to choose a site that will be acceptable to New South Wales. If the Parliament itself will not make the selection, the matter must be allowed to remain in abeyance for some years, but I trust that honorable members will not talk of the Commonwealth "acquiring" a site until some years have elapsed. If that course be followed I feel satisfied that the Com-

monwealth will secure that which it desires without having even to mention its constitutional power to acquire land.

Mr. LONSDALE (New England).—I do not know that I should have had much to say in connexion with these Estimates but for the remarks made by other honorable members with regard to the selection of the Capital Site. I certainly voted originally for Lyndhurst, but at the second ballot was compelled to vote for Dalgety, as there was no possibility of the site which I favoured being chosen. I do not understand the statement made by the honorable member for Canobolas, that we acted wrongly in voting as we did. I am here to defend the position which I then took up. The honorable member has assumed the rôle of lecturer-general to the Commonwealth Parliament; but I would remind him that the other representatives of New South Wales have as much right as he has to express their opinions, and are quite as conscientious as he is. No doubt he feels sore that the site which he favours was not selected, but had we stood by him, and allowed another site to come in—a site in which we did not believe—he would have been still more dissatisfied. It is time that the honorable member learned to give credit to others for honesty of motive, and for a desire to do what they believe best in the interests of the Commonwealth. I refuse to allow him or any one else to be the keeper of my conscience. I disagree with some of the views that have been expressed by honorable members of the Opposition in regard to this question, believing that the New South Wales Parliament would have acted wisely in allowing Dalgety to remain in the list from which a selection was to be made. Had they done so, a better feeling would have been created, and I feel satisfied that the result would have been advantageous to the State itself. I fail to recognise the necessity for secrecy in regard to the conference which took place yesterday between the Attorneys-General of the Commonwealth and of the State of New South Wales. I understood that the negotiations were designed to bring about an amicable settlement of the difficulty, and if that be so, the public ought to be apprized of the outcome. The point at issue relates to the interpretation of the Constitution. The majority of the people of New South Wales believe—and I hold that this view is the correct one—that when the provision as to the Federal Capital being at least 100 miles

Estimates:
Donald:—New South Wales did not have equal representation in the Senate.
Mr. Lillis:—She did. She was to have equal representation in the Senate and New South Wales was to have equal representation in the Senate.
Mr. Johnson:—How could we have had more than one site then?
Mr. Johnson:—A site would have been chosen within the territory which had been granted or acquired.
Mr. Wilson:—But could we have had three sites granted to us, so that we could make a choice?
Mr. Johnson:—According to my view of section 125 a territory should have been secured by the Commonwealth before this Parliament proceeded to select a site therein. The site is not to cover the whole of the territory, but only a small portion thereof. The Commonwealth could have indicated to the New South Wales Government the territory they desired to acquire before proceeding to select a site.
Mr. Wilson:—Are the people of New South Wales really in earnest in this matter?

Mr. Johnson:—Certainly. The course adopted by this Parliament could have had no other result than to cause confusion. By proceeding to select a site before we had secured territory we practically held a pistol to the head of the State, and said—"This is the site we want, and, consequently, this is the territory we must have." That is not the way in which we should approach this matter. The Premier of New South Wales, I think, takes the view that negotiations regarding the acquirement of the territory should have preceded the selection of the Capital Site, but in view of what has taken place, I trust that the negotiations which are now in progress—and I admit the Prime Minister is doing his best the circumstances to bring about an settlement—will end satisfactorily. New South Wales persists in standing out, and does not care to give up within which a site has already been selected. What will this Parliament be doing? Are we to take steps to acquire territory in New South Wales, in spite of the opposition of that State, which has a right to be consulted? Are we to send an expedition to take possession of the land we require?

Sir John Forrest:—We could buy the necessary land.
Mr. Johnson:—Possibly the New South Wales Government would not be willing to part with it.
Sir John Forrest:—We could acquire privately-owned land.
Mr. Johnson:—If we adopted that course, the position would be somewhat altered, but I know not quite where we should stand even then. If the purchase of private estates by the Commonwealth is to amount to the acquirement of national territory, it would be possible for us to buy up the whole of the private land in New South Wales, and by that means practically wipe out that State. I think we made a serious blunder in proceeding to the selection of a site, and that it was inevitable that our action would bring us into antagonism with the Government of New South Wales. It is desirable that we should avoid, as far as possible, the chance of friction with the States authorities.
Mr. Brown (Canobolas):—I can only express my regret that I have unwittingly trespassed upon the special domain of the honorable member for Parramatta, and the honorable member for New England, who

[17 October, 1905.]

Home Affairs.

Sect.

from Sydney was inserted, the intention was that the Capital should be established as close as possible to that limit, having regard to the selection of the best site. I do not think that, in this matter, the representatives of the other States have treated New South Wales generously. It is not my desire to infer that they have been deliberately ungenerous, but it seems to me that they have not regarded the question from as broad a stand-point as they might have done. In the opinion of many of the people of that State, she has sacrificed a great deal for the Commonwealth. Many who consented to that sacrifice being made would reverse their decision if they had now an opportunity to do so.

Mr. G. B. EDWARDS.—New South Wales made no greater sacrifice than did the other States.

Mr. LONSDALE.—That is a matter of opinion. I hold that she did make a greater sacrifice.

Sir JOHN FORREST.—That assertion is constantly being made, but has never been proved.

Mr. LONSDALE.—I could, if I wished, mention a sacrifice made by New South Wales of which the honorable member for South Sydney is cognizant, and his interjection therefore was quite beside the mark. There is no reason for withholding information as to the result of the conference between the two Attorneys-General, and I hope that the question will be settled as speedily as possible. If Dalgety is to be chosen, I shall not attempt to interfere; but if there be another vote on the question, I shall vote, as I did before, for other sites.

Mr. WILSON.—Why did the honorable member vote on the last occasion for Dalgety?

Mr. LONSDALE.—I have already explained that I had to do so in order to vote against another suggested site.

Mr. WILSON.—The honorable member was again playing the part of the wrecker.

Mr. LONSDALE.—I would wreck the whole concern, if I could. I was against Federation at the beginning, and I am very much more strongly against it since I have seen the conduct of this Parliament. It is all very well for the honorable member for Yarra to say that I voted for Dalgety; but the fact is that in the first instance I voted for Lyndhurst, and when it was defeated it came to a question of choosing between Dalgety and Tooma. When honorable members charge me with inconsistency in voting for Dalgety in such circum-

stances, they make a charge which they know is absolutely incorrect. I had to choose between the two sites which were left, and whilst I did not believe in either of them, I voted for Dalgety because I thought it was the lesser of two evils. There was no other way in which I could have voted at the time. I have heard some honorable members remark that they do not care very much if this question is never settled. That is a wrong spirit to exhibit here. Wisely or unwisely, the provision was placed in the Constitution, and ought to be carried out without further delay. Before a vote was taken in the State Parliament, I suggested to some honorable members that it would be very much wiser to put in Dalgety than to leave it out. I adhere to that opinion, and I can quite understand some honorable members feeling that this Parliament has been flouted or ignored. I hope that the Ministry will submit a method by which the point in dispute can be settled. I trust that some definite step will be taken in the direction of placing the Federal Capital where the Constitution intended that it should be. I do not think that this item of £1,000 will go very far in that direction. I do not know for what purpose it is required. If a site is fixed upon as the result of an appeal under the section in the Constitution, a very much larger vote than £1,000 will be required for the purpose of carrying out a survey and providing plans for the buildings to be erected.

Mr. JOHNSON (Lang). — The Committee is entitled to know for what purpose this item of £1,000 is required, and no doubt the Minister will be able to give satisfactory information on the point.

Mr. GROOM.—I am prepared to give the information now if the honorable member wants it.

Mr. JOHNSON.—I wish to reply briefly to some criticisms before the Minister makes his speech. When the honorable member for Kennedy said that the representatives for New South Wales voted for Dalgety he did not state all the truth. Of course, what he said was perfectly true; but it was only part of the truth. It is well known that the choice of the House was limited to three sites. There was a great division of opinion amongst the representatives of New South Wales as to which site was the most eligible. Many of us, including myself, believed that although Lyndhurst was not the best site which could be obtained, still it was the best of the three sites offered. It

was only after that site had been rejected that we were called upon to choose between the two remaining sites, neither of which, in our opinion, was eligible, as was made very plain in our speeches. We had to choose between an unsuitable and a more unsuitable site. We were reduced to the necessity of choosing the least objectionable of the two sites offered. That is how it came to pass that Dalgety was voted for by many representatives of New South Wales. The vote did not represent the feeling of the representatives of that State. We were forced into that position through two of its representatives having rival sites to offer, and consequently the State suffered. It was sought to be made a provincial matter, when all provincialism should have been discarded. I maintain that New South Wales is only asserting what I regard as her constitutional right. When I spoke on this question on that occasion, I said, in selecting a site before we had been granted or had acquired territory we were, so to speak, putting the cart before the horse. I think that the words "shall have been" govern the whole of section 125. It says that—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth—

That, I think, clearly means that before a site can be selected by this Parliament the Commonwealth must have secured a territory either by grant or by acquisition from New South Wales. But instead of doing that the Parliament, in its wisdom, thought fit to proceed to select a site.

Mr. WILSON.—How could we have had a choice of sites then?

Mr. JOHNSON.—A site would have been chosen within the territory which had been granted or acquired.

Mr. WILSON.—But could we have had three sites granted to us, so that we could make a choice?

Mr. JOHNSON.—According to my view of section 125 a territory should have been secured by the Commonwealth before this Parliament proceeded to select a site therein. The site is not to cover the whole of the territory, but only a small portion thereof. The Commonwealth could have indicated to the New South Wales Government the territory they desired to acquire before proceeding to select a site.

Mr. WILSON.—Are the people of New South Wales really in earnest in this matter?

Mr. JOHNSON.—Certainly. The course adopted by this Parliament could have had no other result than to cause confusion. By proceeding to select a site before we had secured territory we practically held a pistol to the head of the State, and said—"This is the site we want, and, consequently, this is the territory we must have." That is not the way in which we should approach this matter. The Premier of New South Wales, I think, takes the view that negotiations regarding the acquirement of the territory should have preceded the selection of the Capital Site, but in view of what has taken place, I trust that the negotiations which are now in progress—and I admit that the Prime Minister is doing his best under the circumstances to bring about an amicable settlement—will end satisfactorily. If New South Wales persists in standing on her rights, and does not care to give up the territory within which a site has already been selected, what will this Parliament be able to do? Are we to take steps to acquire territory in New South Wales, in spite of the opposition of that State, which has a right to be consulted? Are we to send an armed force to take possession of the land we require?

Sir JOHN FORREST.—We could buy the necessary land.

Mr. JOHNSON.—Possibly the New South Wales Government would not be willing to part with it.

Sir JOHN FORREST.—We could acquire privately-owned land.

Mr. JOHNSON.—If we adopted that course, the position would be somewhat altered, but I know not quite where we should stand even then. If the purchase of private estates by the Commonwealth is to amount to the acquirement of national territory, it would be possible for us to buy up the whole of the private land in New South Wales, and by that means practically wipe out that State. I think we made a serious blunder in proceeding to the selection of a site, and that it was inevitable that our action would bring us into antagonism with the Government of New South Wales. It is desirable that we should avoid, as far as possible, the chance of friction with the States authorities.

Mr. BROWN (Canobolas).—I can only express my regret that I have unwittingly trespassed upon the special domain of the honorable member for Parramatta, and the honorable member for New England, who

act as lecturers-general to this House. If I have erred in the direction indicated, it is because of the bad example they have set me, and I hope that I shall be more successful in the future in shaping my conduct in accordance with their desires. I have been very much surprised at the restiveness displayed by honorable members under the references made to their votes upon the Capital Site question. If honorable members considered that Dalgety was a suitable site, and voted for it upon that ground, I do not know why they should resent any reference to their action. The selection of Dalgety closed the question, so far as this Parliament was concerned. I did not favour that site, and did not wish to finally dispose of the matter. I believed that Tooma was a better site than Dalgety, and, moreover, I knew that if we decided in its favour, the question would be left open for consideration later on. Now, the question can only be reopened by an objection to our selection on the part of New South Wales, or by some further steps on our part, which may involve the repeal of the Seat of Government Act.

Mr. JOHNSON.—How could the choice of Dalgety close the question any more than the choice of Tumut would have done?

Mr. BROWN.—By falling into line with the Senate, which had already chosen Dalgety, we practically closed the question, and tied our hands for the time being. If the Tooma site had been chosen by this House, we should have been in disagreement with the Senate, and thus the final selection would have been deferred. When the Senate selected Bombala on a former occasion, this House selected Tumut, and the whole question was hung up, pending reconsideration. I hold strongly that the State of New South Wales has certain constitutional rights in this matter, and my view is borne out by the fact that we appointed a special Commission, which dealt with territory under the pretence of dealing with sites. This Parliament was empowered to deal with sites, but apparently not with territory. But under the pretence of dealing with a site, it assumed powers which apparently the Constitution did not enable it to exercise. We have nominally dealt with a territory at Dalgety, but we have yet to deal with the site there, in the event of Dalgety being ceded to us. That is a strong point.

But I think that if the matter is referred to the High Court it will be held that the fact that the New South Wales Government handed over to the Federal Government Mr. Oliver's report, involved the exercise of whatever rights the State has under the Constitution. I merely give that as my opinion as a layman.

Mr. JOSEPH COOK.—I do not think that the opinion is worth 6s. 8d.

Mr. BROWN.—It may not be; but I venture to say that if such should prove to be the case the State Government did New South Wales a great injustice. I trust that the Government will not make this a party question, as the deputy-leader of the Opposition seems to desire that it should be. There was a time when it might have been a party issue, but as it was really an Australian question, the Government of the day decided to make it open. It has been dealt with as an open question up till now, and I trust that it will continue to be so treated. The deputy-leader of the Opposition seems to consider that Parliament has not been properly treated in respect of a conference held yesterday between the Commonwealth Attorney-General and the State Attorney-General. But it appears to me that Parliament has dealt with the question as far as concerns the selection of the site. It has imposed upon the Government the obligation to negotiate with the State Government for the purpose of securing Dalgety. The Federal and State Governments are carrying on negotiations, and in order to settle certain points of law in dispute the Attorneys-General of the respective Governments have met and conferred. It is now the duty of the Attorneys-General to refer the matter to their respective Governments, who, through their Prime Ministers, will report to Parliament. That is the proper constitutional procedure. When the Attorneys-General have reported to their Governments, Parliament should be informed as to the progress of the negotiations. Parliament has not delegated its powers to the Attorney-General. It is the Government that has empowered him to negotiate. When he has reported to his Government, the Prime Minister should report to the House.

Mr. WILKS (Dalley).—I desire to allude, in the first place, to the secrecy observed with respect to yesterday's conference between the Attorneys-General of New South Wales and the Commonwealth. I do not know why there should have been

such secrecy. When the Russian and Japanese Governments were negotiating their treaty of peace they did not keep the whole subject secret until the terms of peace were actually ratified.

Mr. WILSON.—The conference only took place yesterday.

Mr. WILKS.—To-day the press should have been able to supply the public with an account of what happened. One might think that we were engaged in delicate negotiations with foreign powers.

Mr. WILSON.—Surely the Government should have time to consider it.

Mr. WILKS.—I was, to some extent, wrong in saying that we have not had any information respecting the conference. The New South Wales Attorney-General has ventured to supply the information that on one occasion he lent the Commonwealth Attorney-General a suit of clothes. It was not, however, an ordinary suit of clothes, but a legal suit—a wig and gown. What is the history of this matter? The Commonwealth Parliament decided upon a certain site. It passed an Act with the object of carrying its decisions into effect. Certain conditions imposed have become objectionable to the people of New South Wales. It seems to me to be regarded in this House as a crime for a member from New South Wales to defend the interests of that State.

The CHAIRMAN.—Order! I ask the honorable member to confine himself to the question before the Chair.

Mr. WILKS.—Permit me to say that for some hours past honorable members have been dealing with matters that are not, strictly speaking, before the Chair. They have not been called to order; but because I am defending the State which I represent, you, sir, now stop me. The Commonwealth Parliament carried an Act fixing a certain site for the Federal Capital, but attaching certain conditions to the selection of that site to which the people of New South Wales, through their Parliament, have raised strong objections. They say that the Federal Parliament has not the right to select the site, while the Federal Parliament contends that it has a perfect right to do so. This is a point which can be decided only by the High Court, which was created for the interpretation of the Constitution, and for other purposes. It was suggested that a case might be founded on the driving of a peg into New South Wales territory by a

Federal official. Yesterday a conference was held between the Attorney-General of the Commonwealth and the Attorney-General of New South Wales to determine how the matter could best be brought before the High Court, and the secrecy that is being observed as to the result of that conference is absurd. The Attorney-General has informed the Committee that he has supplied a written statement on the subject to the Cabinet.

Mr. WILSON.—Surely the Cabinet should be given time to consider it.

Mr. WILKS.—We might have been informed to-night of what took place, without being given the decision of the Cabinet, and the Parliament of New South Wales might expect to be similarly informed. The speech which the honorable member for Darling made before dinner was quite different from that which he made after dinner, which shows the mellowing effect of a good meal. This afternoon he expressed the opinion that, except in the metropolitan district, the people of New South Wales do not care a straw about the Federal Capital question, but after dinner he modified his remarks. The fact is that the people of New South Wales have been fooled so many times by various Parliaments and Governments, and there have been so many delays, that they are absolutely sick at heart of the whole business. Naturally, they thought, when the Prime Minister said that he would have a peg driven in, so that a case might be stated before the High Court, that that would be done; but now it is found that that cannot be done, and so they have been fooled from day to day and week to week. They relied upon the sense and good-will of the Commonwealth Parliament to give effect to the compact in the Constitution. They do not for the most part claim to be allowed to fix the site, but they ask for fair play at the hands of the Commonwealth Parliament. I do not think that they mistrust the electors of Victoria, or of any other State, but they blame this Parliament for the delay which has occurred.

Mr. WILSON.—It is due to the action of New South Wales. The representatives of that State have blocked the matter.

Mr. WILKS.—If it had not been for our action, it would never have been dealt with. We had to agitate for months before anything was done.

The CHAIRMAN. — The honorable member is now doing what he complained of other honorable members doing.

were out of order in making an incursion into the historical side of this question. I regret that your ruling has come so late in the evening. I wish it had been applied to other honorable members. My difficulties can be understood, when I have to fight both the Chairman and other honorable members, though, in the interests of New South Wales, I am prepared to do so.

The CHAIRMAN. — Do I understand the honorable member to say that he has to fight the Chairman—a remark which cannot be considered other than a reflection on my impartiality?

Mr. WILKS. — Perhaps I have overstepped the bounds; but an outsider who had been here for an hour or two might have thought that the honorable member for Dalley was being placed in a more difficult position in discussing this matter than other honorable members had been placed in. I do not cast any reflection on you, sir; but I regret that you did not awaken to the true position earlier in the debate.

The CHAIRMAN. — Do I understand that the honorable member withdraws the statement which he made?

Mr. WILKS.—I understand that you, sir, think that I should withdraw what you consider a reflection on your impartiality, and I am too old a parliamentarian to refuse to do so. Although the Minister of Home Affairs is intrusted with the settlement of this question, he has been content to-night to play second fiddle to the Attorney-General. All that we have heard from him is the word "expedition." I have already asked him why £1,000 is asked for — whether for another picnic, or to meet the initial expenses of a law suit. It is as difficult to extract information from the Minister on this matter as it would be to extract a piece of butter from the mouth of a mad dog. All we know of the meeting between the magic Attorney-General for the Commonwealth and the Attorney-General for New South Wales is that they discovered they had met some years ago, and that one of them had borrowed the other's clothes, though it does not transpire whether the clothes were ever returned. The honorable member for Darling is of opinion that the people of New South Wales are in no way anxious about this question; but the fact is that, although the people do care a great deal about it, they have become tired of the treatment they have received. The whole

permissive character of the section in the Constitution — by the use of the word "should"—and the House, in the course of a few days, ought to be asked to amend the Seat of Government Act, so as to make it possible to refer the matter to the High Court. I respectfully ask the Minister to inform the Committee what the £1,000 is for.

Mr. GROOM (Darling Downs — Minister of Home Affairs).—The £1,000 is intended to meet any contingent expenditure that may arise in connexion with the matter of the Federal Capital Site. It is impossible to say in detail what amount will be required; but as we are pressing the matter forward, it is desirable to have the money available, so that any consequential action may be taken. As to the £500, to which the honorable member for Parramatta referred, it is an item corresponding to a vote in previous years towards the cost of a particular publication which, while it does not belong to us, savours of the nature of a Commonwealth publication. It is used for the purpose of gathering information as to the various States for comparative purposes.

Mr. JOSEPH COOK. — I shall raise the question as to whether we ought to vote this sum, seeing that we are voting a sum for the establishment of a Statistical Bureau.

Mr. GROOM.—The item is placed before honorable members so that they may know they are contributing towards this expenditure. The sum of £5,000 will be devoted to the organization and establishment of a Statistical Bureau.

Mr. JOSEPH COOK (Parramatta).—I hesitate to say anything more about the Federal Capital Site question; but I should like to refer to the statements made concerning the attitude of New South Wales. The honorable member for Darling withdrew the word "flouted," but immediately said that the New South Wales Parliament had, at least, "ignored" the decision of the Commonwealth Parliament. What the difference is between the expressions, used in an opprobrious sense, I am not prepared to say. Then the honorable member for Kennedy said that the New South Wales Parliament, in omitting the Dalgety site, had offered an insult to the Commonwealth Parliament. I take exception to these statements, and contend that the New South Wales Parliament has

neither insulted nor ignored this Parliament, but has simply taken up the position which was urged strongly when the whole question was under discussion, that, just as the Federal Parliament has its rights in regard to the ultimate and final decision of the question, so, in the negotiations leading to the final decision, the New South Wales Parliament has its rights. In asserting those rights in a respectful way, the New South Wales Parliament does not necessarily insult the Commonwealth Parliament. All the New South Wales Parliament says is, "You ask us to surrender 900 square miles of territory, with the right to establish, possibly, a competing seaport with Sydney; and you have decided to place the Federal Capital as far from the 100 miles' limit, and as near to the border of the neighbouring State as possible. Therefore, as you are taking all these means to assert your rights without reference to or consultation with New South Wales, we assert our right to have some say as to the site we are asked to make over." I should have thought that, as the Commonwealth Parliament was departing so far from what I regard as the substantial carrying out of the bond in the Constitution, the least we might have done before passing the Act was to pay New South Wales the compliment of consultation. We ought to have proceeded in this Chamber by resolution, and not by Statute; but we bound ourselves hand and foot, and then proceeded to negotiate with the New South Wales Government. That is what the State Government complain, and righteously complain of, and because they assert their rights, as they allege, under the Constitution, they ought not to be accused of offering insults to, or ignoring the decision of, the Federal Parliament. What was the offer made by the State Government in regard to Dalgety? All that was done by the State Government at the initiation of this question was to instruct a Commissioner to inspect a number of sites; and the report of the Commissioner was, without comment of any kind, or without any submission to the State Government, simply handed over for the perusal and consideration of the Federal Government. In that way, and in that inconclusive, incomplete, and irresponsible way only, they offered these sites. A deliberate offer of a site was never made by the people of New South Wales. That could only be

made after the New South Wales Parliament, which alone represents the people in this matter, had arrived at a decision. That was the course which was followed by the present Government of that State. When this question came under their control, almost their first action was to submit the whole matter to the deliberate choice of the State Legislature. That body declared that it did not regard Dalgety as a suitable site. It affirmed that it was not a site which could fairly be construed as coming within the spirit of the Federal compact upon this question. It said that some site should be chosen which was more in the heart of New South Wales, and which represented more in the nature of a substantial concession to that State. The feeling in New South Wales to-day is that the choice of Dalgety does not at all square with the spirit of the bond which was made at the beginning. Its people read—as I do—the constitutional prescription upon this matter as implying that the Seat of Government shall be as near to the 100 miles' limit as it is possible to locate it, consistently with the selection of a suitable site. Since the Capital must be outside the limit of 100 miles from Sydney, it should, by implication, be as near to that limit as the people of New South Wales desire it to be. That is the interpretation which they place upon the Constitution, and I submit that there can be no other construction put upon it, if we seek to give effect to the spirit of the compact, which was that the possession of the Seat of Government should represent a substantial concession to New South Wales. In pursuance of what they believe to be the intention of that solemn compact—not merely construing it in the most technical sense possible—they wish a site to be selected which is more nearly in the heart of that State than is Dalgety, and which would represent a reasonable and solid concession to it.

Mr. HUTCHISON.—To give New South Wales the Capital was a very substantial concession.

Mr. JOSEPH COOK.—The honorable member may think so, but I can assure him that our selection of Dalgety is not regarded with that great degree of favour with which he thinks the people of New South Wales should regard it. They say that Dalgety is too far away from Sydney, being situated upon the very confines of that State, to confer any real advantage upon them. They argue — I think with

standing was arrived at by the Premiers, under which New South Wales was to be granted the Seat of Government, so long as it was not located within 100 miles of Sydney, it meant that the Capital should be of some solid use to that State. Of what use can the Seat of Government be to New South Wales if it is established at Dalgety, and if the Federal territory is to have access to the sea, which means possibly the creation of another port to compete with that of Sydney? The people of New South Wales urge that, instead of such a site representing a substantial and *bonâ fide* concession to them, its selection means a straining almost out of recognition of the bond which was entered into.

Mr. HUTCHISON.—Is it not strange that that question was not argued when the provision was inserted in the Constitution?

Mr. JOSEPH COOK.—I think it was argued at the Conference of Premiers. The right honorable member for Balaclava, who was Premier of Victoria at the time, has admitted more than once that the only reason why the 100 miles' limit was imposed was to prevent the Seat of Government being established at a place like Moss Vale. After Ballarat had been put out of the running, public attention was naturally turned to Moss Vale, which is a very beautiful and proper site. It was in order to exclude that site, according to the definite statement of the right honorable member for Balaclava, that the 100 miles' limit was imposed. That being so, I take it that there was an understanding on the part of the whole of those who arrived at the agreement that New South Wales could have the Seat of Government established at any suitable site as close to that limit as possible. At any rate, that is the way in which the people of that State regard the matter. That is the basis of all these later negotiations. They are endeavouring to bring the Commonwealth back to the spirit of the bond, instead of allowing the matter to rest in the position in which we have placed it, and which, while strictly and technically within the meaning of the Constitution, is yet as far removed as it possibly can be, from the spirit of the compact. That is the position of New South Wales, as nearly as I can put it, and it is a very wrong thing indeed to accuse that State of deliberately flouting the will of this Parliament, merely because she makes this respectful assertion of her rights.

several items under the heading of "Miscellaneous," in regard to which I should like to obtain some information. For instance, I notice that the sum of £21,000 is proposed to be appropriated for the purpose of covering expenses in connexion with the administration of our Electoral Act. Am I to understand that that amount represents the annual cost of the administration of that Act? Is that the annual expenditure in connexion with the Electoral Office when there is no general election pending? Seeing that the Act provides that in carrying out its provisions the Minister shall draw upon the services of public servants as much as possible. It seems to me that £21,000 is a large amount to pay for administrative purposes in normal times. Then I would point out that the sum of £300 is provided to cover the cost of Commonwealth elections. Of course, if that sum merely represents an unpaid balance, no further explanation is necessary. I notice, further, that an amount of £5,000 is set down for the establishment of a statistical bureau. I am one of those who believe that a Commonwealth Statistical Bureau should have been established some years ago. Up to the present time we have had to rely largely on the compilations of the States Statisticians, and while in dealing with certain matters we have found some honorable members prepared to accept without question a statement made, say, by Mr. Coghlan, on other occasions they have been disposed to doubt the authenticity of his figures. For this reason alone I shall be glad to see the bureau established, but I wish to know whether the item of £5,000 is to cover the cost of a fully equipped department. If it is, it seems to me that it is rather small, while on the other hand it appears to be a somewhat heavy expenditure to incur in the initial stages of the Department.

Mr. GROOM (Darling Downs—Minister of Home Affairs). — With regard to the first question raised by the honorable member for Dalley, I may say that, roughly speaking, £15,000 per annum represents the cost of administering the Electoral Act. That sum provides for contingencies, as well as for the remuneration of temporary officials, divisional returning officers, registrars, and all permanent officials under the Act. The item of £21,000 includes £6,000 for the printing of the rolls, which is not an annual expenditure.

Mr. WILKS.—Does the sum of £6,000 include the cost of compiling the rolls?

Mr. GROOM.—It covers the cost of printing and preparation. The item of £300 to which the honorable member also referred, is to meet claims for out-of-pocket expenses on the part of certain divisional returning officers, in accordance with a promise that was made by my predecessor. These officers were given a certain remuneration, but they incurred expenditure over and above that amount.

Mr. WILKS. — The item*refers, then, to the last general election?

Mr. GROOM.—That is so. It has been placed on the Estimates in accordance with a promise made by my predecessor, after careful investigation. I also looked through the papers.

Mr. BROWN.—Why were not the full claims met?

Mr. GROOM.—Because my predecessor, after investigating the whole matter most carefully, and conferring with the officers themselves, found that no promise that would justify such a claim was made by any one having the authority to give it. It was said, in one case, that the promise was made at a certain meeting, but others who were present denied that that was so, while the shorthand notes of the meeting, as well as the financial instructions issued, were in conflict with the assertion.

Mr. CROUCH.—Are all the officers to be treated alike?

Mr. GROOM.—That is so. Since I have been in office I have paid accounts in respect of claims made by officers in Victoria and other States. The promise made by my predecessor has been honoured.

Mr. BROWN.—On what ground was the concession made?

Mr. GROOM.—Because it was felt that certain officers had incurred out-of-pocket expenses upon representations which they believed to be authoritative.

Mr. BROWN.—Why limit the bonus to £10 each?

Mr. GROOM.—My predecessor thought that that was a fair limitation to impose. The officers concerned were asked to send in their vouchers and make a declaration.

Mr. McWILLIAMS.—Definite instructions should be issued next time.

Mr. GROOM.—The financial instructions issued at the last general elections were definite.

Mr. McWILLIAMS. — But they were varied over and over again.

Mr. GROOM.—I do not think that the financial instructions were altered. In any case, however, we shall take care that the instructions issued in connexion with the next general election are so clear as not to admit of a repetition of this incident. The whole scheme has been so worked out that every official in connexion with the elections will know beforehand what remuneration he is to receive.

Mr. MAUGER.—It is to be hoped that fair remuneration will be given. That was not the case at the last election.

Mr. GROOM.—The remuneration will be fair. As to the establishment of a Statistical Bureau, it is impossible at present to state exactly what expense will be incurred, because we have not yet appointed a Statistician to organize the Department. The intention is to appoint a Statistician who will be worthy of the position. We cannot say off-hand what salary will be paid, but it will be necessary to offer a remuneration adequate for the man we desire to appoint.

Mr. WILKS.—A well conducted bureau will relieve the States.

Mr. GROOM.—That is so. It will be necessary to have a certain number of permanent officials surrounding the Commonwealth Statistician, and it is proposed, as far as possible, to utilize the services of the statistical branch of the Customs Department. Other expenditure will be incurred in connexion with the occupation of offices and the necessary printing.

Mr. JOHNSON.—Does the honorable and learned gentleman mean that it is intended to utilize the services of the Customs officials in regard to valuations?

Mr. GROOM.—No; I was referring to the statistics as to exports and imports. It is considered advisable, instead of having statistical branches in connexion with each Department, and so multiplying the number of officers engaged in this work, to have one central Department. The Department will be well organized, and the desire of the Government is, without incurring undue expenditure, to insure that it shall be thoroughly efficient.

Mr. McWILLIAMS (Franklin). — I trust that it is not the intention of the Government to create another costly Department.

Mr. GROOM.—Hear, hear.

Mr. McWILLIAMS. — If we had a Federal Statistical Bureau, the States might be able to dispense with the services of a few clerks, but it would still be necessary for them to continue their Statistical

way in which the last general elections were conducted, I do not think that a greater muddle could have occurred. Before one set of instructions issued by the Department could be put into operation a fresh set was sent out, and led to much confusion. For the most part, these fresh instructions were transmitted by wire, and were so brief that the officers in charge found it practically impossible to observe any system. The success which attended the carrying out of the elections in Tasmania was due to the fact that the officer in charge there took the work largely into his own hands, and did not pay too much attention to the instructions issued from the central office. Had the officers in the distant States allowed the centralization influences of the head office in Melbourne to prevail the elections would have ended in chaos. The Electoral Department should be one of the most competent that we have. I hope that before the next general election an entirely new system will be introduced, that instructions will be issued some time in advance, and that, as far as possible the central office will refrain from sending messages by cable, inasmuch as they are necessarily brief, and must consequently be confusing.

Mr. HENRY WILLIS (Robertson).—It comes as a surprise to me to learn that the Electoral Department is going to cost £15,000 a year over and above the expenditure of £50,000 which a general election involves. We are told that the divisional returning officers throughout Australia are receiving an allowance of £26 each per year, and that is little enough, I think. Of this item of £21,000, £6,000 is required for the compilation, printing, and distribution of the electoral rolls. What is to be done with the balance of £15,000? Is it required for the Chief Electoral Office in Russell-street, Melbourne? If this is not gross extravagance, I should like to know what is. We are asked to vote £500 to cover the cost of compiling and publishing a new edition of the *Seven Colonies*; this being sufficient, why is it necessary to provide £5,000 towards the establishment of a Statistical Bureau to do the work for the six States? All the machinery is in working order. Is there no satisfactory explanation to offer concerning this item of £5,000 for the creation of a Statistical Bureau? Who is responsible for the preparation of these Estimates?

North Sydney.

Mr. HENRY WILLIS.—Who has the hardihood to come down here, and submit these Estimates? I should never have had the courage to take that step. Are Ministers going to swallow everything which is prepared for them by the heads of Departments? The more inquiry I make, the more am I satisfied that the Departments are being run by the under-secretaries. The Minister in charge of a Department appears to be a mere figure-head. A report upon a certain matter is submitted, and without looking into its contents, and exercising his judgment, he writes "approved." I am quite surprised at the Minister of Home Affairs coming down with such proposals as I have referred to.

Mr. BROWN (Canobolas).—I understand from the Minister of Home Affairs that a portion of this item of £21,000 is required to cover the claims of divisional returning officers, in respect to the last general election.

Mr. GROOM.—£300.

Mr. BROWN.—This matter has engaged the attention of the Department for a considerable time. It is prepared to allow only a portion of the claim, because it contends that no authoritative promise was made to pay the amount which is asked for. I have investigated the claim, and it seems to me that the Department has done an injustice to a very deserving body of men who had to do important work, not only in connexion with the electoral machinery, but also in carrying out the last general election. On the eve of that event they received their appointment under the Electoral Act, and were summoned to their respective capitals to consult with the officers of the Department, as to how they were to carry out the work. It is alleged that on that occasion the question of the remuneration the men were to receive was broached, not officially, but indirectly, and that they were told that they would subsequently receive a permanent appointment under the Act as divisional returning officers, but that for their work at the then coming election they would be allowed a special bonus of £20 each. In his evidence before the Select Committee on Electoral Administration, the late Chief Electoral Officer, who is alleged to have made that statement, said that at this conference no mention of the salary was made, and that that matter was left to be determined afterwards. Is it reasonable to suppose

that a number of men who were charged with an important work should meet and separate without knowing what remuneration they were to receive from the Department? Is it not obvious that they would inquire what recompense they would get? However, if we are to believe the late head of the Department, no such inquiry was made, and no such information was given. After the general election had been held, these men were informed that that was part of the work belonging to the year for which they would receive a salary of £26. Fancy paying a salary of only £26 for the conduct of a general election, and attending to the very important routine work connected with the administration of the machinery of the Act for a year! When the men asked for the payment of the £20 alleged to be due to them, their claim was questioned by the Chief Electoral Officer, and disallowed. What was the position disclosed by the inquiry made by the late Minister? That the general impression throughout the service was that a payment of £20 would be made to each officer in respect to the special work he was called upon to perform. One man might have misunderstood the position, but how did it come about that all the electoral officers in New South Wales and Victoria made the same mistake? Either the promise was made, or the officers entered into a conspiracy to secure the payment. The latter supposition cannot be entertained for a moment, because the whole of the officers are highly respected servants of the States. One official who did not happen to be present at the conference, but who wished to be satisfied before he incurred any expense, wrote to the Chief Electoral Officer in New South Wales, and was told that a promise had been made, and that presumably it would be honored at the proper time. The demand of the electoral officers was disallowed by two previous Ministers, but was again considered by the late Minister of Home Affairs, who, after reviewing the additional evidence brought before him, decided to grant an allowance of £10, or one-half of the amount claimed, to cover actual out-of-pocket expenses. Apparently the Department took the view that the officers had no legal right to any payment, but that it was fair to grant them £10 to cover out-of-pocket expenses, and that if they had exceeded that amount they would have

to bear the loss. Some of the officers deducted the full amount of £20 from the money placed to their credit before any question was raised as to the payment to be made to them, and I should like to know whether they are to be called upon for a refund. I ask the Minister to look into this matter, and see whether some further consideration cannot be extended to the officers. The proposed allowance of £26 per annum to the divisional returning officers will not compensate them for the additional work to be performed, and I trust that the Minister will see his way either to increase the fixed salaries or to make some special allowance in connexion with the general elections.

Mr. WILKS (Dalley).—I was astonished to hear the Minister state that £15,000 was required to cover the annual expense of administering the Electoral Department, that £4,000 would be required by the Chief Electoral Officer and his assistants, and that the balance of £11,000 would be devoted to the payment of the divisional returning officers, at the rate of £26 per annum. I understood that the £21,000 was required to defray one-third of the cost of a general election, in addition to the ordinary current expenses of administration.

Mr. GROOM.—£11,720 is intended for the payment of officers in connexion with the administrative work of the Department, and £6,000 is to be devoted to the printing of rolls.

Mr. WILKS.—I am astonished to find that the expenses of the Department are so heavy. We were told that the services of the public servants were obtained for the purposes of economy, but now we are given to understand that this is an estimate for the officers throughout the Commonwealth, numbering close on 450. The explanation is absurd. There is some leakage somewhere, of which no explanation has been given. I will not believe that in seventy-five electorates there are 450 officers receiving £26 per annum all the year round.

Mr. GROOM.—There are 4,081 persons included in this vote. There are six Chief Electoral Officers, seventy-five divisional returning officers, and 4,000 registrars.

Mr. WILKS.—The Minister says that there are six Chief Electoral Officers; but I venture the assertion that one Chief Electoral Officer, namely, for the State of Tasmania, is not provided for here.

Mr. GROOM.—That is quite correct.

Mr. WILKS.—After that mistake on the part of the Minister, we have to take his statements with a good deal of hesitation. The fact of the matter is that the Minister has not got the information which he ought to have. If he expects us to accept his statements, when it is clear that he does not understand his subject, he must take us for children. We find him floundering in the mud whenever he is called upon to give information. He is paid a high salary, and is expected to know these things, but whenever a question is put to him he has to bob behind the Speaker's chair and consult an officer of the Department. It is scandalous that the Minister should know so little about his business. Then we are told that these Estimates were framed by the previous Minister, the honorable member for North Sydney. Are we to understand, then, that the present Government is living on the work of the last Government? A lump sum of £6,000 is provided for the preparation of rolls. That seems very little; but when we consider that the greater part of the work is done by the police in the States, who receive merely trifling remuneration, it is a considerable sum. I consider that the Electoral Office is a most expensive one. It has an executive staff of eight officers, absorbing £4,000 per annum. On the top of that, we have an expenditure which brings the total to £15,000; in addition, £6,000 for the preparation of the rolls; and, further, the periodical expenditure for general elections. The Minister should see whether the pruning knife cannot be applied. It is impossible for honorable members to suggest dispensing with one officer or another, because they cannot tell which officials are valuable, or whose services can be done without. But it is evident that the Minister does not understand the details affecting his own Department. He has acknowledged one mistake, pointed out by myself; there may be others. Possibly if I were in possession of more information I should be able to analyze these particulars more thoroughly. It is certainly a disgrace that the Minister should have to bob behind the chair every five minutes, when he draws the large salary attached to his office, and is supposed to be acquainted with its affairs.

Mr. JOHNSON (Lang).—I wish to indorse the statements of the honorable member for Canobolas with reference to the promised payments to the divisional return-

ing officers in connexion with the last general election. While I think that the Electoral Office expenditure is abnormally high generally, I nevertheless agree that the payments which should have been made to these officers would not have increased the amount very much. It seems to me that some of the officers in the Department must be overpaid, whilst those who are actually doing the heaviest portion of the work are not receiving due recognition of their services. Possibly the Minister may be able to show that that is not the case, but the fact remains that there was a general belief amongst the divisional returning officers that they were to be paid £20 as a bonus for their extra work. There can be no doubt that such a promise was made or implied by the Chief Electoral Officer at the time. It may be that he does not recollect having made it, but it is strong corroborative evidence that the whole of the divisional returning officers in New South Wales and Victoria are in agreement on the point. I do not wish to cast any reflection on the veracity of the Chief Electoral Officer, but the fact that some of these men were so firmly convinced that the promise to which I have referred was made, that they paid themselves out of money they had in hand, is evidence of a remarkable lapse of memory on his part. I do not think it is a tenable theory that they conspired together to say that the promise was made. Whatever may be done in the future—and it is to be hoped that some definite arrangement will be come to—I think that the Commonwealth should refund any expenses incurred in connexion with the last general election.

Mr. HENRY WILLIS (Robertson).—I omitted to refer to this matter when I spoke earlier in the evening.

Mr. GROOM.—I am ready to make an explanation.

Mr. HENRY WILLIS.—The Minister's explanation will be most acceptable, but I should like to say a word or two before he makes it. I was a member of the deputation which waited on the honorable member for North Sydney in Melbourne, when he was Minister of Home Affairs. He said that he had looked into this matter, and that there was no record which showed that these officers had been promised the £20 which they claimed, but that he would make further inquiry, and if he were satisfied that they were entitled to the money, it would be paid to them. Apparently he looked

into the matter again, and determined that they should be paid £10 each. From that determination I infer that he was satisfied that some promise on the subject had been made to them. It appears that several of the officers deducted £20, and paid their expenses out of money belonging to the Department, which they had in hand. What sort of management was it that allowed conduct of that sort? It is a common thing in connexion with State matters to be compelled to sign vouchers before money is paid, but if an officer, who holds public money, is allowed to appropriate part of it to pay himself, the management of his Department must be very lax. Some of the officers spent more than £10, thinking that they would receive £20. The Minister was not at liberty to bargain with the men. He apparently said, "I will give you the benefit of the doubt to the extent of £10." But they were entitled to £20, or to nothing at all. I cannot say that I am quite satisfied that they were entitled to £20. I was on the deputation, not to urge the payment of £20, but because I wished for some explanation of the system under which they were allowed to deduct money to pay themselves.

Mr. BROWN.—They produced written evidence of the promise. I hope that the Minister will look into the matter again, and pay the men the £20, if they are entitled to that sum, but if they are not, they should receive nothing.

Mr. JOSEPH COOK (Parramatta).—I think that, in view of the statements of honorable members, the Minister might undertake to look further into this matter, and see whether he cannot pay the men the money which they were undoubtedly promised, and to which they are unquestionably entitled. On that understanding, I think that the discussion might now be allowed to cease.

Mr. GROOM (Darling Downs—Minister of Home Affairs).—A most careful inquiry was made into this matter by my predecessor, who, after holding conferences in both Melbourne and Sydney, found that the officers referred to, who are all in receipt of reasonable salaries for the work they do for the Postal Department, are paid, in addition, £26 per annum for acting as divisional returning officers. Of course, in one year they have more to do than is to be done in another year.

Mr. JOHNSON.—The year of the general election was an exceptionally heavy one.

Mr. GROOM.—Yes; but perhaps this year they may have comparatively little to do.

Mr. PAGE.—I would not do the work which they have to do this year for £200. The divisional returning officer in my electorate is working night and day.

Mr. GROOM.—I cannot understand why he should be doing so. The work should not be as heavy this year as in the year of the general election. These men contracted to do the work for the sum named, but an intimation was made by a person who was not authorized to make it, that they would receive a bonus, or gratuity, of £20.

Mr. HENRY WILLIS.—That intimation was made by an officer of the Department.

Mr. GROOM.—He had no authority to make it. The Commonwealth cannot be held responsible for unauthorized statements made in defiance of the regulations.

Mr. MCWILLIAMS.—Was it not made by the head officer?

Mr. GROOM.—No; the head officer is the Chief Electoral Officer. Regulations were issued in which it was stated what expenses would be allowed. Further, the divisional returning officers signed a written statement as to the terms they were to receive. The secretary of the Department of Home Affairs had, in writing, stated the terms on which the work was undertaken, and he was the only person who had authority to vary them. My predecessor, on the strength of the intimation that certain officers had incurred out-of-pocket expenses, felt it would be a hardship to make them bear the whole brunt, and he promised to allow them to the amount of £10. However, I shall look further into the papers, and see if there is anything to justify a departure from the present conditions. I should not vary a decision of a former Minister without very careful inquiry. An honorable member has said that one of the officers had a written statement, and I shall certainly look into that matter. If the written statement does not appear amongst the papers, I should like the honorable member to give me the name of the officer concerned, so that I may obtain it. That, I think, is a reasonable request in regard to a statement made in this House.

Proposed vote agreed to.

Progress reported.

House adjourned at 10.42 p.m.

Senate.

Wednesday, 18 October, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

PAPERS.

Senator PLAYFORD laid upon the table the following papers:—

Papers relating to preferential trade with Canada and South Africa.

CAPITAL SITE.

Senator MILLEN.—I wish to ask the Minister of Defence, without notice, if he is yet in a position to communicate to the Senate the result of the conference between the Attorney-General for the Commonwealth and the Attorney-General for New South Wales, relative to the question of the site for the Federal Capital?

Senator PLAYFORD.—No.

GUNS AT FORT LARGS.

Senator GUTHRIE asked the Minister of Defence, *upon notice*—

If the Minister has noticed the statements made in the South Australian press and Parliament—"That the guns to be mounted at Fort Largs were obsolete," and if such statements are true?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Minister has noticed the statements made in the South Australian press, and in Parliament, but the statements are not true.

PRINTED BOOKS: ADVERTISEMENTS.

Senator HIGGS asked the Minister representing the Minister of Trade and Customs, *upon notice*—

1. What is the practice of the Customs authorities with regard to the admission of printed books containing advertisements?

2. Are post office directories containing local advertisements admitted duty free into the Commonwealth?

3. Is not a name and an address in a directory an advertisement?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follows:—

1. Where free admission is claimed as printed books, and there is any reason to suppose that the books are issued for advertising purposes, an examination is made, and each case dealt with on its merits.

2. Yes.

3. A mere name and address in a directory is not deemed to be an advertisement.

IMMIGRATION RESTRICTION ACT.

Senator PEARCE asked the Minister representing the Minister of External Affairs, *upon notice*—

In view of the number of cases of failure of the prosecution of Asiatics under the Immigration Restriction Act as prohibited immigrants, due to defective action by Customs officials in administering the educational test, will the Minister take action to insure that these officers are fully instructed as to their duties?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The number of cases where convictions have been quashed on account of informalities in putting the test, is only four, and in each case the error was merely technical. Instructions have been given to prevent the recurrence of similar informalities. The Customs officials under the circumstances have been rarely found at fault, and have, as a rule, discharged their duties with much success.

Senator PEARCE asked the Minister representing the Minister of External Affairs, *upon notice*—

In the case of the Chinese, Ah Yick, whose conviction as a prohibited immigrant was quashed on appeal to the Supreme Court of Victoria on technical grounds—

1. Is it the intention of the Government to appeal to the High Court against the judgment?

2. If not, what other action do they propose to take in Ah Yick's case?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. No.

2. Whether any, and if so, what further action will be taken depends upon the decision of the High Court in a case now pending.

INSTRUCTIONS TO COMMITTEES.

DISSENT FROM RULING.

Debate resumed from 11th October (*vide* page 3349), on motion by Senator CLEMONS—

That the Ruling of the President be disagreed with so far as the principles laid down apply to the Bill to amend the Law relating to Parliamentary Elections.

Senator PEARCE (Western Australia).—The Senate will need to give a little attention to this question of instructions to Committees, because as you, sir, point out in your ruling, this is the first time on which it has been raised. It is very important that we should be thoroughly assured of the manner in which your ruling

will operate in future cases. You lay down this rule, that—

There must be some degree of relevancy between the subject-matter of the Bill and the subject-matter of instructions to the Committee on that Bill.

That is the first proposition which attracts my attention, and seems to govern the remainder of the ruling, practically expressing its substance. You went on to say that—

The question is, what degree of relevancy should exist?

So that, while you lay it down that an instruction may be relevant to the subject-matter of the Bill, you admit that it is merely a question of degree—that it may be irrelevant to some extent, and yet sufficiently relevant to be allowed to be moved. I intend later on to argue that a proposed instruction need not be relevant to the subject-matter or scope of a Bill, and I think I shall be able to show very good reasons for submitting that proposition. I have not had as much time as I should have liked to look into the authorities on this question; but I find, sir, that a very high authority on parliamentary procedure lays down practically just the opposite doctrine to that which you adopt. So far as I can understand his work, he lays down that the right to move an instruction is given for the purpose of enabling the Committee to deal with a subject which is not strictly relevant to a Bill. The object of an instruction is to give a Committee the power to deal with a subject which otherwise would not be strictly relevant to a Bill, and which possibly might not be dealt with unless that expressed power were given. I ask the Senate to bear with me while I quote what is said on this subject in the second edition of *Bourinot's Parliamentary Procedure*. On page 607 this statement is made—

An "instruction," empowering a Committee to make those changes in a Bill which otherwise it could not make, should be moved as soon as the order for the Committee has been read by the clerk, and before the question is put that the Speaker do leave the chair. An instruction, properly speaking, is not of the nature of an amendment, but of a substantive motion, which ought to have precedence of the question that the Speaker do leave the chair. If an instruction is moved when the latter motion is proposed, then it becomes an amendment, which, if agreed to, supersedes the motion for the Committee, and the Bill consequently cannot be proceeded with for the time being.

Considerable misapprehension appears to exist among some members of the Canadian Commons as to the meaning of an instruction—a misapprehension by no means confined to that body, since English Speakers have frequently found it necessary to give decisions and explanations on the subject. An instruction, according to these decisions, is given to a Committee to confer on it that power which, without such instruction, it would not have. If the subject-matter of an instruction is relevant to the subject-matter and within the scope and title of a Bill, then such instruction is irregular.

That is to say, that if Senator Mulcahy's notice of motion is relevant to the subject-matter of the Bill, then it is irregular, because *Bourinot* goes on to say—

since the Committee has the power to make the required amendment.

This becomes more formidable, because he bases his opinion on English precedents—

The following precedents will illustrate the correct practice with respect to this class of motions:—

In 1854 the English Commons had before them a "Bill to abolish in England and Wales the compulsory removal of the poor, on the ground of settlement," and a member proposed to introduce clauses into the Bill to prevent the removal of Irish paupers in the different unions of the country. It was pointed out that the contemplated changes would entirely alter the character of the Bill, and could only be made by an instruction. The Speaker being appealed to said "that the rule had been clearly stated, and if the noble lord intended to propose the addition of the new provisions alluded to, it would be necessary to move them as an instruction to the Committee." In 1865, the order for Committee on the Union Chargeability Bill having been read, Mr. Bentinck moved that "it be an instruction to the Committee, with a view to render the working of the system of union chargeability more just and equal, that they have power to facilitate, in certain cases, the alteration of the limits of existing unions." An objection was at once taken, that under the Poor Law Board Act there was power to alter the boundary of unions, and therefore an instruction was not necessary. The Speaker (Mr. Denison) decided: "The question is not as to whether the Poor Law Board has the power, but whether the Committee would have it without the instruction; and, in my opinion, the Committee would not have that power, because the subject-matter would not be relevant to the subject-matter of the Bill. Therefore, the motion is in order, and should have precedence, because an instruction is not of the nature of an amendment, but of a substantive motion."

In 1878, the order for Committee on the Factories and Workshops Bill having been read, Mr. Fawcett rose to move an instruction extending the operation of the Bill to children employed in agriculture. Mr. Speaker Brand stated in reply to an objection to the proceeding: "The motion of the honorable member is in the form of an instruction to the Committee. The Committee would not have power to deal with the question unless an instruction of this kind was passed."

There are a number of other cases practically on the same lines, but on page 610 I find the following paragraph—

Decisions of English Speakers have also laid down the following rules with respect to instructions :—

That when a Bill is simply a continuance Bill of an Act now in force, it is not competent for the Committee to introduce a clause of a different nature to the simple scope of such Bill, but it may be an instruction to the Committee to introduce such a clause.

If that, sir, is the ruling of the Speaker of the House of Commons, I contend that it exactly fits the case before the Senate, that if your contention is correct—and I shall endeavour to argue that it is not—that the proposed instruction is not relevant to the subject-matter of the Bill, then I submit that, according to these decisions, it is a proper one to give to the Committee on the Bill.

Senator MULCAHY.—If it is relevant to the Bill I can move it in Committee.

Senator PEARCE.—If the proposed instruction is relevant to the Bill, the honorable senator can move in that direction in Committee, and an instruction to the Committee is not needed. In your ruling, sir, you rely on some cases which you quoted—

The PRESIDENT.—I rely on the proposition laid down in *May*.

Senator PEARCE.—You relied on a proposition laid down in *May*, and quoted certain cases, but I wish to draw the attention of the Senate to the fact that you introduced the following case :—

In the Tithe-Rent Charge Recovery Bill (*Imperial Hansard*, vol. 339, page 1082, August 12th, 1880), Mr. Speaker Peel ruled that "An instruction cannot be moved which deals with a question which does not come within the scope of the Bill, and which would require to be dealt with in a separate Bill."

The reference there is to a Bill of an entirely different character from an Electoral Bill—that is, to a money Bill. And there is a very good reason why action should not be taken with regard to a money Bill, by means of an instruction to the Committee, inasmuch as it might have the effect of increasing a charge on the people. Such a matter could only be dealt with by means of a separate Bill. But the question could not arise in dealing with Bills which are not money Bills; therefore, I say that to take a ruling affecting a money Bill, and to attempt to lay it down as a rule for the Senate in

dealing with measures that are not money Bills, is to introduce a question which is not analogous.

Senator DOBSON.—Is the honorable senator quite sure that the Bill to recover tithe rent was a money Bill?

Senator PEARCE.—I think that that particular Bill was, and I will quote some cases from *May* later on, which will tend to show that what I have outlined has been the case—that in nearly all instances where instructions have been ruled out of order in the British House of Commons, it has been in connexion with Bills affecting finance or taxation.

Senator Lt.-Col. GOULD.—The Criminal Evidence Bill was not a money Bill.

Senator PEARCE.—It might have affected a financial question, though I am not prepared to say that it did. I wish now to refer honorable senators to *May's Parliamentary Practice*, page 363, dealing with instructions—

A Committee can only consider those matters which have been committed to them by the House. If it be desirable that other matters should also be considered, an instruction is given by the House to empower the Committee to entertain them.

Surely that does away altogether with the contention that the subject-matter of an instruction must be relevant to the Bill. The passage which I have quoted goes to show that where the question which it is desired to deal with is not relevant, an instruction is absolutely necessary, and that it is only in such cases that an instruction is necessary. Coming to cases which have been decided in the British House of Commons, I turn to page 839, and the succeeding pages of *May*. There are four classes of cases where instruction is necessary to be given to a Committee—

Class 1 cases where an instruction was necessary to empower a Committee on a Bill to consider the amendments proposed by the instruction. Class 2 cases when instructions were ruled out of order, because the Committee possessed the power which the instruction would confer. Class 3 cases where instructions were ruled out of order, because they were foreign to the subject-matter of the Bill. Class 4 cases of instructions to extend the scope of a Bill throughout the United Kingdom.

In the first class of cases—where an instruction was necessary because the Committee had not the power without an instruction—we find scarcely any instances dealing with financial questions, although I notice amongst the Bills mentioned, a Tithe Rent Charge Recovery Bill. That would

seem to be a justification for using that instance in the ruling which the President has given. But I notice that the ninth instance mentioned by *May* was that of the Local Government (Electors) Bill 1888, and the instruction was—

to insert provisions in the Bill, with a view to assimilate the qualification of electors of guardians of the poor and the abolition of the plural vote, to the conditions prescribed in the Bill with regard to electors of county authorities.

I take it that ruling meant that it was competent to give an instruction to make such an alteration in the franchise when a Local Government Bill was being dealt with. The rulings mentioned in connexion with class 3, where instructions were ruled out of order because they were foreign to the subject-matter of Bills, related largely to financial measures. There is, for instance, an Arms Bill, which might appear not to be financial, though I notice that the proposed instruction affected the law relating to poor law guardians; and under the poor law the question of taxation arises. The second instance is the East India (Purchase and Construction of Railways) Bill—decidedly a financial measure. The Criminal Law Amendment Bill is the next instance. Upon that measure it was desired to move an instruction to insert provisions “to prevent the exaction of unfair and excessive rents.” That would not be financial. Neither would the Criminal Law Evidence Bill. But instance No. 5, the Local Government (England and Wales) Bill; No. 6, the Land Law (Ireland) Bill; No. 7, the Land Purchase (Ireland) Bill; No. 8, the Local Government (Scotland) Bill; and No. 9, the Tithe Rent Charge Recovery Bill—upon which there were two rulings—affected finance. There is also mentioned a Private Bill Procedure (Scotland) Bill. That would not come under the heading of a money Bill. But the great bulk of those are money Bills. Of course I do not know what the particular instructions moved in them were; I have not had time to look them up. But it occurs to me that probably the instructions were ruled out of order, because, being money Bills, they increased the charges upon the people, and that the subject-matter of the proposed instructions could only be dealt with by means of separate Bills. So much for what appears to me to have been the practice in other Parliaments. Now I wish to direct attention to your ruling in a few words. My first point is that I think you have mis-

stated, or mistaken, the object of the Bill. You speak of it as follows:—

The Bill is a Bill to provide for electoral machinery for the conduct of elections.

The title of the Bill is—

A Bill for an Act to amend the law relating to parliamentary elections.

There is nothing in the title of the Bill referring to machinery. The principal Act which this Bill amends deals with the manner of voting, with all questions affecting voting, with the enrolment of electors, the form of ballot-paper to be used, and the manner in which electors shall vote. You went on to say that the Bill did not deal with the franchise, but that the instruction proposed to be given to the Committee “did make a radical alteration in the franchise.” I point out to you that in the amending Bill now before the Senate there is in the schedule a ballot-paper indicating the manner in which the vote shall be given. The schedule is surely part of the Bill; and while there is no particular clause in the Bill which deals with the manner of voting, I take it that that schedule could be amended by the Committee, even so far as to provide for a ballot-paper which could only be used in the manner indicated in Senator Mulcahy’s proposed instruction to the Committee. Then you, sir, went on to say that—

The instruction would authorize the Committee on the Bill to alter the method of counting votes, and practically make a radical alteration in the franchise.

I must join issue with you there, because it seems to me that that statement could only have arisen from an entire misapprehension of what was intended by Senator Mulcahy’s proposed instruction. The instruction, in my opinion, proposes no alteration in the franchise. It does not aim at destroying the power to vote. It relates merely to a more effective method of registering the true opinions of the people.

Senator Lt.-Col. GOULD.—That is a matter for argument.

Senator PEARCE.—True, it is a matter for argument and individual opinion; but there is no doubt about it that it has never yet been held by any opponent of the principle that it in any way destroys the franchise or takes away the power given to the individual voter. I therefore object to that statement as not being a true description of the effect of the proposed instruction. Further, is it wise that in a ruling, which has

pass judgment, as it were, upon the principle involved in the proposal in question?

The PRESIDENT.—Does the honorable senator say that I did that?

Senator PEARCE.—I think that your ruling does pass judgment for this reason—that you say that it makes “a radical alteration in the franchise.” Senator Mulcahy, who is a believer in this principle, would deny that.

Senator TRENWITH.—Is it not a fact that persons could get representation under this principle who could not get it under any other?

Senator PEARCE.—There is that consideration.

Senator TRENWITH.—Is not that “a radical alteration in the franchise”?

Senator PEARCE.—It is an alteration in the method of voting, but it is not an alteration in the franchise. However, the very fact that it is a debatable point seems to me to be a reason why it is inadvisable in a ruling practically to pass judgment on the proposal.

The PRESIDENT. — The honorable senator is mistaken there. I did not pass any criticism on the effect of the proposed instruction.

Senator PEARCE.—I admit that the ruling does not say whether the proposal contained in the instruction is advisable or inadvisable; but the very fact that the ruling says that it makes “a radical alteration in the franchise,” in my opinion, passes judgment upon it.

Senator PLAYFORD.—Suppose there are three men to be elected under the present method of voting; an elector has a vote for each of the three. But under Senator Mulcahy's proposal, he would have only one vote. That shows that his proposal does make a radical alteration.

Senator PEARCE.—I do not desire to debate that point now. Again, towards the close of your ruling, sir, you use the words that it is sought—

to be embodied in a Bill to provide for amendments in the electoral machinery.

I object to that word “machinery” altogether. I think that the words of the title of the Bill are the words which should be used—that it is an amendment of the electoral law. And, surely, the manner of voting is a principle of the electoral law. We have made it so by the fact that we have embodied it in our principal Act dealing with this matter. My contention, to sum

up, is that the Committee is one that is relevant to the subject-matter of the Bill, because the Bill is one to amend the law relating to parliamentary elections, and the instruction relates to a matter cognate to parliamentary elections. Further, I contend that, being relevant, the instruction is out of order, because the Committee has the power to deal with it without an instruction. But if we indorse your ruling we shall be laying it down as a rule that if we wish to give an instruction to the Committee to introduce into a Bill a subject or subjects which may not be strictly relevant, we shall have given away the power, having agreed to the proposition that we can only give an instruction to the Committee to do what it can do without an instruction. Surely that would make the word “instruction” a farce. What is the use of having power to give an instruction to the Committee in regard to matters as to which it does not need instruction? It seems to me that the only logical reason that can be given for this power of instruction is that we may be able to use it in those instances when, unless an instruction were given, the Committee would only be able to deal with matters strictly within the subject-matter of Bills committed to it. I ask the Committee to reject your ruling, because of the grounds on which it is based. At the same time, I quite admit that, as it seems to me, Senator Mulcahy's motion need not be submitted, because we have all the power necessary to deal with the matter in Committee.

Senator MULCAHY (Tasmania). — I have to thank some honorable senators who, in my absence, took measures to enable us to discuss this matter. As Senator Pearce has just pointed out, this is a most important question. You, sir, by your ruling are establishing a precedent which will be adopted in subsequent proceedings of the Senate, and which may be found at times really mischievous. My desire in the particular action I have taken was to avoid overloading the notice-paper with a series of motions having for their object the definition of a principle which I desire to see embodied in the Electoral Act. The method I followed seemed to me the readiest; and I shall feel it my duty, whenever the electoral laws of the Commonwealth are being dealt with, to introduce what I deem to be most desirable, namely, an effective means of enabling the people to use the franchise.

Your ruling, sir, seems to indicate that I have not adopted the right procedure, and the quotations read by Senator Pearce seem to bear out that view, but for reasons opposite to yours. But you, Mr. President, also pointed out that I cannot introduce this principle without a separate Bill; and there is my difficulty. It seems to me that what I have proposed is quite relevant to the Bill before us.

Senator TRENWITH.—Then why desire a direction?

Senator MULCAHY.—What is the legislative object of the Bill? It is to enable the people of the Commonwealth to use their franchise more effectively. Surely that is the real principle of the Bill, whether we carry it out by means of a block vote—by means of an unscientific method of plumping—or by a scientific method, in which I thoroughly believe.

Senator MILLEN.—The honorable member's method is scientific, whereas the other is not, I suppose?

Senator MULCAHY.—The method I favour is not mine, but that of Mr. Hare. I believe honestly that every honorable senator, if he took the trouble—and it takes both time and trouble to master the details of Mr. Hare's system—would be of the same opinion as myself. Whether that be so or not, I have given a great deal of time and study to the question, and I feel satisfied that the method I suggest is the right one to secure that the Parliament of Australia shall represent, not merely the majority, but the whole of the people of Australia.

Senator PLAYFORD.—We are not arguing that question now.

Senator MULCAHY.—I do not wish to argue that question, but merely to contend that my amendment—because that is what it amounts to—is relevant to the Bill. The legislative object of the Bill, as I said before, is to enable the electors of Australia to make the best and most effective use of the franchise.

Senator TRENWITH.—Then why not propose a series of amendments in Committee?

Senator MULCAHY.—I am quite ready to take that course. Senator Trenwith has evidently not read the President's ruling, in which it is held that I must bring in a separate Bill.

Senator TRENWITH.—If it be correct that the honorable senator's amendment is perfectly relevant, why not propose it in Committee?

Senator MULCAHY.—I take it that the honorable senator is asking me why I did not take that course originally. I may mention that I sought and followed the advice of a parliamentarian who is a recognised authority, not merely in this Parliament, but throughout Australia. The President, in the course of his ruling, said—

The object of an instruction is, therefore, to endow a Committee with power whereby the Committee can perfect and complete the legislation defined by the contents of the Bill.

That is exactly what I wish to do; I desire to give the electors enlarged and fuller opportunity to record their votes, and to record them effectively. Yet I am ruled out of order. I can see exactly the distinction raised by the authorities quoted by Senator Pearce. If we require an instruction to the Committee, it must be because there is reason for the Committee being instructed. It seems to me unanswerable that that should be the real reason, and, therefore, the ruling ought to be that my amendment is relevant to the Bill. There are two decisions in the ruling, one that the subject of my proposed amendment is not relevant, and the other that I must introduce a fresh Bill.

The PRESIDENT.—I did not give any such ruling as the latter, but merely mentioned incidentally that there ought to be a separate Bill.

Senator GIVENS.—There is another point in the ruling, namely, that the language of the motion is mandatory instead of permissive.

Senator MULCAHY.—The President used these words—

A separate Bill should be introduced to deal with the question raised by Senator Mulcahy.

Surely that is your ruling, sir? I have now, it appears, no alternative but to introduce a separate Bill, if the ruling holds good. Although I now admit that it is not necessary for me to ask for an instruction to the Committee, I have no alternative but to support the proposed disagreement with your ruling.

Senator PEARCE.—If the President's ruling stands the honorable senator will be prevented from dealing with the matter in Committee.

Senator MULCAHY.—Although I have been ruled out of order, I feel bound, for the reasons I have given, to record my vote in favour of the proposed disagreement with the ruling.

Senator Lt.-Col. GOULD (New South Wales).—Every honorable senator must recognise the importance of the question raised in connexion with your ruling, Mr. President. This is not a mere question as to whether or not we are in favour of the Hare system of voting; the question is whether the ruling unduly restricts the rights of this Chamber in dealing with Bills which come before us. The title of the Bill is very wide, being simply, "A Bill to amend the Law relating to Parliamentary Elections." It will be conceded at once that any instruction to the Committee must come within the scope, or be relevant to the subject-matter, of the Bill.

Senator PEARCE.—What amendment does the honorable senator mean? An amendment in Committee?

Senator Lt.-Col. GOULD.—I am now discussing whether an instruction to the Committee to consider the Hare scheme of voting is relevant to, and within the scope of, this Bill. As I have said, the title of the Bill is very wide, but honorable senators will find it clearly laid down in *May*, page 453—

Thus, as the subject-matter of a Bill, as disclosed by the contents thereof, when read a second time, has, since 1854, formed the order of reference which governs the proceedings of the Committee thereon, it follows that the objects sought by an instruction should be pertinent to the terms of that order.

I take that to mean that we have not simply to look at the title in order to ascertain what comes within the order of reference to the Committee, but that we are to consider the whole of the contents of the Bill, which, when read a second time, forms the order of reference which governs proceedings in Committee. If that be so, my contention is that we must have regard to the subject-matter of the Bill—to the whole of the proposals contained in the Bill, and that those proposals, and those only, can come before the Committee. I hold that we cannot go beyond the subject-matter of the Bill in giving an instruction to the Committee. We may give instructions which will tend to amplify or more fully carry out the object of the Bill, but in attempting to do that, we have no right to go entirely beyond what the Bill contemplates. Let us suppose, for the sake of argument, that the Government had included in the Bill such a proposal as that which Senator Mulcahy desires to submit. Had that been the case, the proposal would have formed a very important subject for the

consideration of honorable senators, when deciding whether they would vote for the second reading. If, after a Bill has been read a second time, it is to be possible to engraft on it some proposal entirely different from any submitted by the Government when it was introduced, we shall never be safe in voting for the second reading of an amending Bill.

Senator MULCAHY. — Was not that exactly what we did when dealing with the first Electoral Bill, which contained a proposal to adopt the Hare system? That proposal was then struck out.

Senator Lt.-Col. GOULD. — But that proposal was put before us for our consideration. As I have said, if the Government had included such a proposal in the present Bill, it would have been an important matter for consideration, before voting for the second reading. If, notwithstanding our opposition to the proposed system, we had thought that the Bill contained so many other good points that we could support it, it would have been open to us to vote for the second reading, but the possibility, and probability, is that certain senators, who are entirely opposed to the system, would have opposed the second reading. We have no right, by means of an instruction now, to give the Committee the right to deal with a matter which might have proved fatal to the Bill on the second reading. The words I have quoted from *May* show clearly that we cannot proceed in such an extensive way as Senator Mulcahy proposes. There is a certain system of voting laid down in the Electoral Act, and that system is not now brought up for review in any way whatever. The Bill proposes only to alter the machinery, in order to make it more effective, and carry out the system of voting which is at present the law of the land.

Senator MULCAHY.—That is exactly what I wish to do—to make the voting more effective.

Senator Lt.-Col. GOULD.—Cannot the honorable senator see that if he were successful, not merely in having this instruction given, but in inducing the Committee to insert such a clause as he favours, he would be absolutely revolutionizing the whole principle laid down with regard to Senate elections? Senator Mulcahy contends that the Hare system is much the more effective. That is a matter of opinion in which I differ from the honorable senator. My argument is that the proposal is not relevant to the subject-matter which we were

introduced. Senator Mulcahy has taken some exception to what he terms one of the rulings of the President, namely, that a separate Bill should be introduced. After all, the President's ruling simply was, that the desired order of reference would not be in order under the present circumstances, and he pointed out that it could be more properly dealt with in a new Bill. That was rather an expression of opinion on the part of the President, as to the way in which the proposal should be made, in view of his decision as to the order of leave, which Senator Mulcahy desired. In May, at pages 843-4, there is the following:—

When a Bill has been read a second time, the House has assented to the principle of the Bill. In the last few years a Standing Order has been passed, stating that when the House is prepared to go into Committee, the Speaker is to leave the chair without question put; but there is a reservation made with regard to instructions to the Committee. It would be obvious to the House that if an instruction moved on that occasion were to traverse the principle of the Bill, or go so far outside the limits and scope and framework of the Bill as to set up an alternative scheme or a counter proposition to the Bill, that would virtually be a second-reading debate over again. It would be an amendment to the principle of the Bill, and would therefore reduce to a minimum and would nullify altogether the provision which the House has passed in the Standing Order, which states that when the House is prepared to go into Committee, I should leave the chair at once without any question put. There is nothing in the precedents, I believe, which goes beyond an instruction of this nature—an instruction to amplify the machinery of the Bill to carry out the general purpose and scope of the Bill within the general framework and idea of the Bill.

Is it not abundantly evident that the question desired to be dealt with by Senator Mulcahy would really involve another second-reading debate with regard to the principle of the Bill. There has been no opportunity whatever to deal with the proposed new principle at the second-reading stage. Honorable senators gave their assent to the principles embodied in the Bill at that time, and not to principles which might be engrafted upon it, possibly by instructions to the Committee, and which would absolutely neutralize the system accepted. I, therefore, say that with these authorities before us, it is quite impossible that we can accept this proposal without stultifying ourselves, and without rendering second-reading debates on measures uncertain and indefinite. We affirmed certain principles on the second reading, and we should not at this stage be

never been under our consideration.

Senator MULCAHY.—What principle do we affirm when we pass the second reading of an Electoral Bill.

Senator Lt.-Col. GOULD.—When an Electoral Bill is introduced, it submits certain provisions of the law with which we are asked to deal. When the Commonwealth Electoral Bill was before us, we dealt with the whole of these questions. The Government say now, "We wish to amend the law, but we do not propose to touch the principle governing the manner in which elections shall take place."

Senator MULCAHY.—That is what the Government say, but what does the Senate say?

Senator Lt.-Col. GOULD.—The Government give notice of a particular measure, and that measure is all that we are invited to discuss. If we do not like it, we can reject it, and if an honorable senator desires some other provision to be made involving a new principle, he is at liberty to introduce a Bill himself.

Senator MULCAHY.—If that argument were followed to its logical conclusion, it would mean that we could not amend a Bill.

Senator Lt.-Col. GOULD.—Not at all. We can amend a Bill drastically. We are called upon to deal with certain subjects and principles in a Bill, and we are asked to vote for the second reading of the measure with those principles in view. We may reject or accept the principles of the Bill, but we cannot in this case, and at this stage, bring forward a proposal which will absolutely revolutionize the whole of the system set out for recording votes, by simply giving an instruction to the Committee to consider such a proposal. With every desire to preserve to the Senate the fullest liberty of discussion, I shall always oppose the submission in this way of any radical and drastic proposal which honorable senators have not been invited to consider on the second reading of a Bill. I hope it will be remembered that in this matter we are not dealing only with the Bill immediately before us, but with a question of practice, and the adoption of a certain course for the guidance of the Senate in future. I ask honorable senators not to open the door to undue discussion. They will find that parliamentary rules, practice, and laws of procedure will be vain and useless unless they are very carefully safeguarded. They must be considered as of

individual members of the Senate, because they represent the rights, not of individual members alone, but of the whole of the Senate. It is a very dangerous practice to introduce anything which cannot be absolutely justified by precedent, and by the balance of reasons as applied to the various measures which may come up for consideration.

Senator TRENWITH (Victoria).—I earnestly hope that the President's ruling in this matter will be maintained. To depart from it would be extremely dangerous. I do not propose to deal with the question in the light of Speakers' rulings for one reason, because I have not had time to look the matter up from that point of view. But it strikes me that by confirming Senator Mulcahy's contention that this proposal might be taken as an instruction from the Senate to the Committee, we should be abrogating safeguards in connexion with legislative procedure that have grown up through centuries, and have been proved to be essential. We take the precaution to demand in connexion with the introduction of legislative measures that notice shall be given that a certain principle is to be dealt with. We ask for a first reading, which is formal, and for a second reading on which the whole of the principles of a measure and not its machinery are discussed. Then having secured the people the protection that no legislative measures shall be passed through Parliament the principles of which have not met with the entire approval of the majority of the representatives, members of Parliament may, and often do say, "The machinery of the Bill suits me very well," and they cease to give the consideration of the measure particular attention. They feel that the principle is one of which they can heartily approve, that the machinery, so far as they can see, is adequate to give effect to it, and they become less alert. At this stage, when they feel that, in pursuance of their duties to their constituents, they have taken every precaution, and done all they could to prevent the adoption of a wrong principle, an instruction of this character, if it were accepted, might have the result that, in spite of the precautions of the Constitution and of the Standing Orders, a simple resolution carried in a thin House, and without very much notice, might involve the affirmation of a principle of which the majority of honorable senators knew nothing. That is a practice

dangerous, contrary to the experience of Parliament, and contrary to the precautions which Parliament has taken to provide for perfect knowledge on the part of all its members. On this ground, if on no other, it is extremely undesirable that the President's ruling in this instance should be disagreed with. If honorable senators talk of establishing precedents, I think that to disagree with the President's ruling on this point would be tantamount to creating a new standing order, under which we might be opening the door to endless danger in the introduction of entirely new principles sprung on the Parliament without its members having the notice which they should have, and consequently the time to look into them. I shall, therefore, vote for the maintenance of the President's ruling.

Senator Sir JOSIAH SYMON (South Australia).—I think, with Senator Gould, that in this case, it is well that we should realize the great importance of the ruling under discussion. It is a ruling which deals with the procedure of the Senate, and which might or might not have the effect of restricting within too narrow a limit the freedom of honorable senators in respect to amendments which they might desire to make in any particular Bill. The question is whether it will or will not have that effect, whether it will keep our procedure within proper limits, or reduce these limits within too narrow bounds. Senator Pearce has very properly drawn attention, first of all, to the general procedure, as laid down in Bourinot's very excellent work, and also in *May*, in respect to instructions. The honorable senator contends that the conclusion of the President's ruling is sound, but that the reasons given for it are unsound. Then he takes exception to some expressions in the ruling which are perhaps a little unfortunate. I agree with Senator Pearce that there is nothing in the proposed amendment which affects the franchise in any way whatever, radically or otherwise. I think, also, it is perhaps restricting our consideration of these matters a little too much to give the full effect of a ruling to the expression of opinion by the President that Senator Mulcahy should submit his proposal by means of a fresh Bill. Perhaps there would have been less room for discussion if this and some other expressions had been differently phrased. But, after giving the conclusion of the ruling all the consideration I have been able, it is

one with which I am disposed personally to agree, that is, as applicable to this particular case, only and without in any way being bound by the reasons given for it. I am inclined to think that Senator Mulcahy's proposed instruction is not one which is necessary or which ought to be put. If the view taken by Senator Pearce is correct, that what is proposed is relevant to the Bill, it is quite clear that no instruction is necessary. I do not myself take the view that relevance in relation to an instruction is a very rigid and narrow term. I am inclined, with Senator Pearce, to believe that in relation to instructions to a Committee relevance is a somewhat wide expression. It is not the same as relevance applied to an amendment moved in Committee. If an instruction must be strictly relevant to a Bill in the sense that an amendment proposed to a clause in Committee must be relevant, as Senator Pearce has pointed out, it would be superfluous. If Senator Mulcahy's amendment is strictly relevant to the purpose of the Bill, an instruction to the Committee to consider it is unnecessary. As a result of the examination of authorities and the text of *May*, quite apart from *Bourinot*, an amendment which it is necessary to submit by way of instruction to a Committee need not be strictly relevant, and, in fact, it ought not to be strictly relevant, to the subject-matter of the Bill. An examination of both *May* and *Bourinot* will reconcile the apparent differences in the language used in their text books. Substantially they are the same, and you want an instruction when you seek to empower the Committee to deal with an amendment which is not strictly relevant, but which is cognate to the subject-matter of a Bill. In fact, you may require to alter the title in order to bring it strictly within the scope of a Bill, or you may want to do a number of other things. Therefore we should be exceedingly careful not to limit the powers of the Senate to give instructions to a Committee of the whole within the narrow limits of something which may be relevant to the subject-matter of a Bill, and which would therefore be admissible as an amendment in Committee without an instruction. I think, sir, that the reasons for your ruling go beyond the necessities of the case, and might, if adopted, greatly hamper us in future cases. The view put by Senator Gould is the strongest which can be advanced in relation to the proposition of

Senator Mulcahy. He has gone to the root of the matter. He has said—and I agree with him—that you ought not to introduce by way of amendment, in Committee or under the guise or authority of an instruction, a provision which, if it was to be inserted, should have been in the Bill as presented. That is a very sound rule, and the question we may ask ourselves in this particular instance is whether the subject-matter of proportional representation is one which ought to be introduced by means of an amendment into a Bill which is intended to deal with machinery in order to secure, not the carrying out of proportional representation, but the carrying out of the system of voting prescribed in the existing Act. I recollect very well that the Hare-Spence system of proportional representation was embodied in the Electoral Bill of 1902 when it was introduced. It was the subject of the greater part of the debate at the second-reading stage. I took a very active part in opposing the principle, and when we got into Committee it was a mere matter of formality as to whether or not it should remain. When the clauses on the subject were struck out, then it became, as it now is on the statute-book, a measure to affirm the old system of voting, and to give effect thereto by means of an adequate and efficient machinery. What are we doing now? We are dealing with a Bill to amend an Act which rests upon what may be described as the old theory of voting. If we were to introduce the amendment of Senator Mulcahy, either under an instruction or in Committee, we should practically be subverting the existing system in the Electoral Act, and it would become necessary for us to re-adjust the machinery, and to some extent re-cast the Bill. Having regard to the history of this matter, the reason put by Senator Gould seems to me to be unanswerable; and it is upon that ground, I think, that the instruction would be irregular. When we get into Committee, Senator Mulcahy will not be precluded, by your ruling on this point, from submitting his proposition, and taking a ruling thereon, and, if he adopts that course, we shall be able to deal with the question more readily than we can now. If it is not relevant to the subject-matter of the Bill, so as to prevent an instruction being moved, it will clearly be not relevant to the subject-matter of the Bill, so as to be moved as an amendment without an

instruction. I call attention to the far-reaching effect of what we are doing, and ask honorable senators to consider how far Senator O'Keefe's amendment may come within the scope of this ruling, which applies for the present to Senator Mulcahy's proposition. I wish to guard myself against being supposed to assent to the reasons which are given in the ruling, but I do assent to the conclusion which was arrived at, that, so far as this particular instruction is concerned, either on the ground that it is unnecessary, as was put by Senator Pearce, or on the stronger ground—to which I assent—as put by Senator Gould, that it is irregular, and ought not to be moved.

Senator DOBSON (Tasmania).—I am very anxious to see the subject-matter of the proposed instruction discussed; but, sir, I am not prepared at this moment to vote that your ruling be disagreed with. In the first place, I am not at all sure that it is not right, and in accordance with the practice of the House of Commons; and in the second place, if it were disagreed with, I do not think that any one of us could foretell what the consequences might be. A state of confusion has arisen because the very relevant quotations made by Senator Pearce from *Bourinot* seem to be absolutely contradictory to the propositions laid down in *May*. I understand, sir, that the decisions upon which *Bourinot* rests his text have been superseded by the cases which you quoted, and by many decisions on this subject which are given in *May*. I was impressed by the quotation from *Bourinot*. I never quite grasped before why it was necessary to give an instruction to a Committee, and I never quite understood under what circumstances an instruction should be given to a Committee. But *Bourinot* points out very plainly that, when a proposed amendment is not relevant to the subject-matter of a Bill, the Committee thereon must have an instruction on the subject. In your ruling, sir, you say that the Senate cannot give to a Committee an instruction which is not relevant to the subject-matter of a Bill, as disclosed upon its face. I should like the debate to be adjourned, in order that every one might have an opportunity to look more thoroughly into this important point, and, as a result of the discussion, I should like to see the Senate adopt some standing orders, under which we could all understand what is the meaning of instructions to a Committee. Let me put one or

two cases which might arise if we were to disagree with your ruling. Suppose that more revenue were wanted, and that the Minister of Trade and Customs introduced a very short Bill elsewhere to impose duties upon tea and kerosene, without any regard to policy. When the Bill came here, we might begin to alter its principle and character. Could that be done simply by the Senate giving an instruction to the Committee to turn a revenue into a protectionist Bill, altering almost every line of the Tariff? Again, we might have a Land Tax Act in force, and a Bill might be submitted to alter its machinery. When the Bill reached us, could we set to work to instruct the Committee to say that it wished a uniform land tax of one-halfpenny in the £1 turned into a progressive land tax, ranging from $\frac{1}{4}$ d. to $1\frac{1}{4}$ d. in the £1? Again, a Bill might be introduced to amend the Customs Act in regard to penalties or machinery. When the Bill reached the Senate, could we set to work to alter the whole framework of the Act—to take away power from the Minister and repeal or alter vital principles?

Senator TRENWITH.—We should require only one Bill for a session then.

Senator DOBSON.—Yes. Another point which struck me is: How far, if we disagreed with this ruling, should we be taking business out of the hands of the Government, and helping them to get rid of their responsibility? I take it that if the Ministry decided to alter the machinery of an Act, it ought hardly be open to the Senate, by an instruction to the Committee, to introduce large principles, and thus create an entirely new Bill.

Senator KEATING (Tasmania—Honorary Minister).—If the ruling emphasizes anything, I think it is the desirableness of having explicit standing orders on the subject of instructions. From the quotations given by Senator Pearce, it would seem to be a very reasonable proposition to advance that, where a proposed amendment is relevant to the scope of a Bill, there is no need for an instruction to the Committee. But from your ruling, sir, it would appear that where the proposed amendment is not relevant to the scope of the Bill, an instruction will not lie. It seems to me, after considering the conflicting authorities, that there is something more than the question of relevancy to be considered in determining whether an instruction does or does not properly lie; and that is the question of the quality

or the importance of a subject-matter which it is proposed to refer to the Committee. I think that Senator Gould has struck the key-note to the whole situation. We have an ordinary method of dealing with Bills. At the second-reading stage, it is competent for every honorable senator to address himself to the principles of the Bill, and either to support or oppose the motion; and if the second reading is carried, it is then referred to a Committee for consideration in detail. Nothing further than that is committed to the Committee. If we once tolerate the principle that any honorable senator may put upon the paper a notice of motion to the effect that it be an instruction to a Committee, when considering a certain Bill, to give effect to principles which are not merely irrelevant to the Bill, but which are distinctly of such great importance that they would possibly have been the subject of the greater part of the discussion on the motion for the second reading, I think we shall be departing from the fundamental principles of our parliamentary procedure. I take it that in the particular instance under review—and I do not wish anything that I may say on this subject to be construed either as hostile to or in support of the principles contained in Senator Mulcahy's instructions—if there had been clauses in the Bill dealing with electoral matters, and giving effect to the system that Senator Mulcahy favours, the debate on the second reading would have been lengthened by three times. If, then, we were to obviate debate upon matters of such great importance, and by instruction ask the Committee to consider them, I say we should be departing from the very principles upon which our procedure is based. For these reasons I support your ruling, sir. I wish it to be understood that though I may feel just as strongly as Senator Mulcahy does, that the system which he advocates is the best to secure what we all desire—the proper representation of the people—I think he has not taken the right course to give effect legislatively to those principles. What I have said with regard to the method he proposes I may have to say again. But still I hold that the Bill before us is one that deals peculiarly with the administrative machinery of the Electoral Act. As such it was submitted to the Senate; as such it was debated; and as such it passed its second reading, and was sent to the Committee. It is not fair that

the Committee should now be asked to consider, upon an instruction, matters which are a radical departure from the main scope and purposes of the Bill.

Question resolved in the negative.

ORIENT MAIL CONTRACT.

Senator KEATING (Tasmania—Honorary Minister).—I move—

That the Senate accepts the agreement, made and entered into on the 25th day of April, 1905, between the Postmaster-General, in and for the Commonwealth, of the first part; the Orient Steam Navigation Company Limited, of the second part; and the Law, Guarantee, and Trust Society, of the third part, for the carriage of mails between Naples and Adelaide, and other ports; but is of the opinion that, without varying the original contract with the Commonwealth Government, arrangements should be made by which, during the continuance of its present contract with the Queensland Government, the company, in consideration of the payment of a sum of 3s. 8d. per mile by the Commonwealth, shall agree to carry postal matter between the ports of Sydney and Brisbane, and shall reduce the payment made by the Queensland Government by a corresponding amount, and also that arrangements shall be made for making a similar provision in the case of Tasmania.

Honorable senators will know that for some years past the mails between Australia and Europe have been carried by the Peninsular and Oriental Steam Navigation and the Orient Steam Navigation Companies. Various agreements have been entered into in the past, with either or both of those companies. In some cases, the Peninsular and Oriental Steam Navigation Company was the contractor for the carriage of mails from certain Colonies, whilst the Orient Steam Navigation Company contracted with other Colonies. It is not my intention to enter into any details as to those old contracts from which the present service has sprung; but as far back as 1888 the British Government entered into an agreement for the carriage of mails from the United Kingdom to Australia, and from Australia to the United Kingdom. On that occasion the British Government acted, not only on its own behalf, but also for the various Colonies of Australia. The amount which, by that contract, the British Government agreed to pay to the two companies for carrying our mails was £170,000 per annum. The contract was for a period of seven years, and of the £170,000, the share paid by the Australian Colonies was £75,000. In 1895 that agreement, in the ordinary course, would have expired, but it was renewed for a further period of three years. In 1898

contract with the companies on the same terms. When the contract was renewed for the second time, by the adjustment of some poundage between the United Kingdom and the Australian Colonies, the proportion of the £170,000, which the latter had to contribute, was reduced from £75,000 to £72,000. That was the position of affairs when the second renewed contract expired on the 31st January last. After that date it became necessary that there should be a new contract for the conveyance of mails between the Australian Commonwealth and the United Kingdom. For some time before the 31st January last various Australian Governments which had been in power had been endeavouring to obtain tenders for a service. Honorable senators have before them a copy of the contract now in existence, and which I am asking the Senate to ratify. They have also in print a good deal of correspondence and copies of calls for tenders which were advertised. Some time ago negotiations passed between the Commonwealth Government and the Imperial Government relative to the necessity of calling for tenders before the then existing contract expired. Honorable senators will see by reference to the papers that the Imperial Government expressed its inability to join with Australia in calling for tenders for a service both ways. It therefore became necessary for the Commonwealth Government to invite, for itself, tenders for a service which would dovetail in with whatever service the Imperial Government secured for the transit of mails from the United Kingdom to Australia. The Senate will remember what took place after the termination of the renewed contract of 1898. In the early part of this year the two companies to which I have made reference ceased to carry mails under the contract with the Imperial Government. There was at that time no satisfactory tender in the hands of the Commonwealth Government, and it was found impossible to conclude at that stage of the negotiations any satisfactory arrangement by which the mails from the Commonwealth could be carried to the United Kingdom at what was considered a reasonable rate. The only tender that was received after advertisements had been published was one from the Orient Steam Navigation Company, the company with which the Government is

subject of my motion. The first offer of the company was to carry the mails at a cost of £170,000 per annum. That amount was subsequently reduced to £150,000. It was again reduced to £140,000; and finally the amount agreed upon between the company and the Government was £120,000. So that the negotiations resulted in the lowering of the company's terms from £170,000 to £120,000. Many other details in reference to the contract were dealt with. The Postmaster-General of the day was faced with a very difficult situation. He had only one tender before him. That tender was in no way affected by any competition, either existing or probable. The company, no doubt, felt that it was in a position to be able largely to dictate terms to the Commonwealth Government. But after protracted negotiations, the Postmaster-General was enabled to induce the company to cut its price down from £170,000 to £120,000, and was also successful in modifying many of the terms and conditions which the company wished to have embodied in the contract. One very important condition which the company wished to impose was that it should be entitled to poundages rather than that the Commonwealth Government should receive them; and when I tell honorable senators that the amount of poundage per annum to which the Commonwealth Government is entitled now, as the result of the existing arrangement, is estimated at £25,000 per annum it will be seen that this was a very important consideration. We receive £25,000 per annum from the United Kingdom by way of poundage for dealing with the mail matter that comes forward to Australia by other than those ships which are in contract with the Imperial Government; and on the other hand, inasmuch as the mail matter which we send to the United Kingdom, whether by way of letter, parcel, or newspaper, is less than that which is sent from the United Kingdom to Australia, the amount of poundage which we pay annually to the United Kingdom under present conditions is approximately £15,000—leaving, of course, in the matter of poundages a balance in our favour of £10,000. That item will have to be considered in dealing with the financial effect upon the Commonwealth of the altered arrangements involved in the existing contract. Another important consideration which the

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Orient Steam Navigation Company wished to have embodied in the contract was that all settlements as between the company and the Commonwealth Government should take place in London. That condition also the company had to modify. I am only referring to a few of the many considerations that came up in the course of the negotiations. Another important matter was that, the company wished to carry our mail matter only as far as Naples. Under the present contract we can make provision that it shall carry our mail matter from Adelaide to Naples, and at Naples shall disembark the letter portion of the mails, and shall be bound to carry on from Naples to the United Kingdom in its own ships the rest of the mail matter. It must be understood, however, that it would have meant an additional expense to the Commonwealth Government, if it had been necessary to also transmit mail matter other than letters across the Continent of Europe. The present contract is for a mail service between Naples and Sydney, fortnightly each way, and the time within which the trips have to be completed is 696 hours. I may point out that, notwithstanding all the negotiations that took place between the late Government and the representatives of the Orient Steam Navigation Company, and notwithstanding the many modifications that the then Postmaster-General succeeded in securing in the conditions which the company wished to impose, I do not think unqualified approval could be given to the contract as a contract, if it had to last for any considerable time. But the contract is only for a period of three years, and it is competent for either party, before the end of January next, to give notice of their desire to terminate it at the end of January, 1908. If it be intended, as I think and hope it will be, by the people of the Commonwealth, to secure terms more reasonable and fair, notice should be given by the Commonwealth Government now, or as early as possible, in order that every opportunity, so far as time is concerned, may be afforded to secure a better and more up-to-date contract.

Senator HIGGS.—If the Minister has not made up his mind as to whether that is the wish of the people, how can he ascertain what that wish is between now and January?

Senator KEATING.—I have not said that I have not made up my mind.

Senator HIGGS.—Has the Government?

Senator KEATING.—I have not said that the Government has not made up its mind. What I say is that the contract is not all that could be desired; but we must recognise, as, I think, honorable senators will realize from my opening remarks, that the Government of the day were largely in the grip of circumstances when they concluded this contract. Honorable senators will remember the great outcry there was in Australia immediately after the termination of the old contract, when, during the period of negotiation, the Government for the time being endeavoured to have the mails transmitted from Australia to the United Kingdom under the poundage system. If the Government had been able to establish that system there would have been, in comparison with the subsidy that is now paid to the Orient Steam Navigation Company a very substantial saving per annum. But it was found absolutely impossible to regulate the times of the despatch of the mails or the ports at which steamers carrying mails inwardly—which were not under contract—should call. Other inconveniences were found, many of which, no doubt, were made much more harassing by the particular company, which was determined to use its position, as far as it could, to show the convenience of a contract system, as compared with a poundage system for the Commonwealth. We must remember that to a large extent the Government of the day were compelled by force of circumstances to conclude, somewhat hastily, their bargain with the company; but, fortunately, the contract is only for the period I have mentioned, with a provision that it may be terminated on either party giving certain notice.

Senator HIGGS.—If notice is not given before January next, must the contract go on for a further period after the three years?

Senator KEATING.—There is a provision that in such contingency a certain notice must be given to determine the contract—two years, I think.

Senator HIGGS.—That will mean five years, if notice is not given before January.

Senator KEATING.—The contract is determinable on the 31st January, 1908, if either party give notice to that effect twenty-four calendar months prior to that date. If the contract is not determined then, it continues in force after the 31st January, 1908, subject to twenty-four

months' notice. It will, therefore, in the absence of notice before January next, be five years practically before the contract can be determined. As an instance of the unsatisfactory character of the contract, in some regards, we have the example by way of contrast of that which the Imperial Government have secured with the Peninsular and Oriental Steam Navigation Company. That company, as I have indicated, are the contractors for the Imperial Government for the carriage of mails from the United Kingdom to Australia, and their service dovetails in with the service of the Orient Steam Navigation Company under contract with the Commonwealth Government, the boats of each company running alternative fortnights each way. The Peninsular and Oriental Steam Navigation Company's vessels bring the mails from the United Kingdom to Australia under contract with the Imperial Government, and carry back mails from Australia at poundage rates, whereas the Orient Steam Navigation Company carry the mails from Australia to the United Kingdom under contract to the Commonwealth Government, and return from the United Kingdom to Australia carrying mails at poundage rates. The time allowed for a journey from Brindisi to Adelaide, under the contract which expired on the 31st January last, was 686 hours. The contract time for the journey of the Peninsular and Oriental Steam Navigation Company's boats between an Italian port and Adelaide, under the existing contract with the Imperial Government, is 662 hours—a reduction of twenty-four hours. The time of the journey for the Orient Steam Navigation Company's steamers under the contract now before us, between Naples and Adelaide, is 696 hours, or thirty-four hours longer than the time occupied by the Peninsular and Oriental Steam Navigation Company's vessels on the voyage from an Italian port to Adelaide. These are the contract times, but they are not always adhered to in practice by the vessels. Since the existence of the present contract between the Commonwealth Government and the Orient Steam Navigation Company, the ships of that company have invariably arrived at Adelaide earlier than the time specified, and the same may be said, but in a larger degree, of the vessels of the Peninsular and Oriental Steam Navigation Company. For the first twelve trips of the Peninsular and Oriental Steam Navigation Company's boats, under the existing con-

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tract with the Imperial Government, the vessels arrived, on an average, thirty-nine hours earlier than the specified time, and for the first ten trips of the Orient Steam Navigation Company, under the present contract with the Australian Government, the vessels arrived, on the average, eleven hours earlier.

Senator GUTHRIE.—Why take twelve trips in the one case and ten in the other?

Senator KEATING.—Because the contract with the Orient Steam Navigation Company was not concluded until later in the year. It will be seen, therefore, that the Orient Steam Navigation Company's boats take, on the average, sixty-two hours longer than those of the Peninsular and Oriental Steam Navigation Company to negotiate the trip between an Italian port and Adelaide.

Senator STEWART.—How is it that we get the mails later by the Orient Steam Navigation Company's boats?

Senator KEATING.—As a matter of fact, we do not get the mails later, but really earlier by the Orient Steam Navigation Company's boats. The Peninsular and Oriental Steam Navigation Company have improved the speed of their steamers of late years much more so than have the Orient Steam Navigation Company; and although, ordinarily speaking, the vessels of the former are due at Adelaide at 2 o'clock on Sunday, they invariably arrive a day and a-half earlier.

Senator GUTHRIE.—I think that is very rarely.

Senator KEATING.—It may be that the contract time is not 2 o'clock on Sunday, but that is the hour at which the vessels are generally expected, and, as I say, they arrive a day and a-half before, or, at any rate, sufficiently in advance to enable the mails to be sent on by the Melbourne express on Saturday.

Senator STEWART.—Is there no train from Adelaide to Melbourne on Sunday?

Senator KEATING.—No; but a special train is always sent on when necessary. When the mail is sent on by the Saturday's express, and arrives in Melbourne on Sunday, the New South Wales portion is not held in Melbourne, but is forwarded to Sydney by special train, and the mails are there delivered on Monday in time for reply correspondence to catch the return mail. Under ordinary circumstances, those mails would not come to Melbourne or Sydney until about the Wednesday, so that, instead

of being late, they are really a couple of days in advance. As an illustration, I may point out that, in connexion with the first twelve trips of the Peninsular and Oriental Steam Navigation Company's vessels under the existing contract with the Imperial Government, four special trains were sent from Serviceton to Melbourne at a cost of £107 8s. 9d. each, or £429 15s.; eight from Melbourne to Albury, at £71 8s. 9d. each, or £571 10s.; eight from Albury to Sydney, at £154 each, or £1,232—the total cost of these special trains being £2,233 5s. The Queensland mails, which are taken on to Sydney by those trains, are forwarded in ordinary course. There is no train from New South Wales to Queensland on the Saturday, but if the mails arrived in Sydney on that day, and it was desired to expedite their transit, any arrangement would largely depend on the Queensland Government. No charge appears to be made by the South Australian Government for the special trains from Adelaide to Serviceton. The cost of the special trains between Melbourne and Sydney, when the mail happens to arrive in Melbourne on a Sunday, is borne wholly by the New South Wales Government; and the cost of the train from Serviceton to Melbourne is borne wholly by the Victorian Government, unless it be required also for the purposes of the Department in New South Wales, when the cost is divided between the two States. On mails from Europe, each State of the Commonwealth, through and beyond which mails are conveyed, receives credit from the country of origin at the following rates:—Letters and postcards, 4d. per lb.; other articles, except parcels, 4s. per cwt. Therefore, New South Wales, for the ordinary carriage of the Queensland mails, receives credit for the carriage from Albury to Wallangra, and Queensland would get credit from the United Kingdom for the carriage of the mails from Wallangra to Brisbane. I have instituted this comparison between the condition of affairs, so far as the Orient Steam Navigation Company and Peninsular and Oriental Steam Navigation Company are concerned, in order that honorable senators may see that our contract is not as satisfactory as a contract with the Peninsular and Oriental Steam Navigation Company would have been if they had given us the same terms and conditions as they have given to the United Kingdom. But then we were faced with this difficulty: the

Peninsular and Oriental Steam Navigation Company did not tender for this contract.

Senator STANFORTH SMITH.—It was all arranged by the shipping combine.

Senator KEATING. — It might have been arranged by the shipping combine, but they did not tender, from whatever cause.

Senator MACFARLANE.—It was because of the white labour policy.

Senator KEATING. — The honorable senator is the first to say that. The manager of the Orient Steam Navigation Company in Australia has stated that their action in asking for an increased price for the conveyance of mails between Australia and the United Kingdom was in no way due to the provision of the Post and Telegraph Act, to which Senator Macfarlane refers. Further than that the chairman of the board of directors of the Orient Steam Navigation Company made a similar statement at a meeting of the board or of the company. If Senator Macfarlane knows more than does the chairman of the board of directors and the manager of the company in Australia, we must, of course, bow to his superior information.

Senator MACFARLANE. — It was not a question of the increased cost.

Senator KEATING.—I am pointing out that, so far as the Orient Steam Navigation Company are concerned, they are not giving us the conditions which we had a right to expect in view of the fact that they have been competing for so long with the Peninsular and Oriental Steam Navigation Company, and that the Peninsular and Oriental Steam Navigation Company in their contract with the Imperial Government are providing.

Senator MATHESON.—Did the honorable senator say that South Australia did not charge for special trains? There is a large amount on the Estimates for the purpose. We voted £2,000 last year, and we are to be asked to vote £3,000 for that purpose this year.

Senator KEATING.—I spoke of what might be called extra special trains that are put on only in cases where, when the mail steamer arrives, there is no ordinary train to meet it.

Senator MATHESON. — That is what the charge on the Estimates is for.

Senator KEATING.—I think not. There are a number of trains which are run on the arrival of the mails in ordinary circumstances. But I am speaking of cases

where it is desired to expedite the transit of mails to Melbourne, in order that Victoria and New South Wales, as well as other States, may derive some benefit from a particularly early arrival at Adelaide. Honorable senators are aware of the terms of the contract which is before them. It is a somewhat lengthy document, setting out the whole of the relations between the three parties. It is for them now to consider the motion I have submitted for the ratification of the contract. They will see in the concluding part of the motion a reference to the cases of Queensland and Tasmania,

but is of the opinion that without varying the original contract with the Commonwealth Government, arrangements should be made by which during the continuance of its present contract with the Queensland Government, the company in consideration of the payment of 3s. 8d. per mile by the Commonwealth, shall agree to carry postal matter between the ports of Sydney and Brisbane, and shall reduce the payment made by the Queensland Government by a corresponding amount, and also that arrangements shall be made for making a similar provision in the case of Tasmania.

A contract was entered into by the Queensland Government with the Orient Steam Navigation Company after the Commonwealth had concluded the contract which honorable senators are asked to ratify by this motion. That contract with the Queensland Government was for the purpose of getting the company's boats to call at Pinkenba, in the port of Brisbane, once every fortnight. It contains provisions with regard to the carriage of produce from Queensland in the Orient Steam Navigation Company's boats to the old country. The subsidy to be paid by the Queensland Government is an annual sum of £26,000.

Senator GUTHRIE.—And what else?

Senator KEATING.—There are other conditions providing for the exemption of the company's boats from pilotage, harbour dues, and other charges of that kind. That is a very common provision in contracts between Governments and private companies. The Queensland Government and certain representatives of Queensland in this Parliament have asked that the Government of the Commonwealth should direct that the Commonwealth should shoulder the responsibilities of that contract so far as its financial burden is concerned. In another place, when the ratification of this contract was under consideration, it was decided that Queensland should be relieved of so much of that £26,000 annual subsidy as should re-

present a sum equal to 3s. 8d. per mile on the 500 miles between Sydney and Brisbane, calculated twenty-six times to represent the twenty-six trips each way which the Orient Steam Navigation Company's boats will make in pursuance of the Queensland contract. The Government and another place recognised that, so far as that contract is concerned, it is not in the nature of a mail contract, but a contract in respect to the carriage of produce. Taking the amount paid under the present contract between the Postmaster-General of the Commonwealth and the Orient Steam Navigation Company, it may be estimated that for fifty-two trips in the year—that is, twenty-six each way between the United Kingdom and Sydney, the mileage rate is 3s. 8d. If it had been calculated on the distance between Naples and Sydney the rate would have been 5s. 4d. per mile. Inasmuch as the Orient Steam Navigation Company's boats, in going from Sydney to Brisbane, might have to carry mail matter, other than letters, in the nature of parcels and such matter, provision is made here that Queensland shall receive credit for a sum equivalent to 3s. 8d. per mile for the twenty-six trips that would be made each year. This will amount to a sum of £4,766 13s. 4d.

Senator PEARCE.—Have the Government calculated the amount for which the mail matter could be sent from Sydney to Brisbane by these boats on the poundage system?

Senator KEATING.—It is not sent by the boats.

Senator PEARCE.—No; but if it were desired to send it in that way?

Senator KEATING.—Does the honorable senator refer to mail matter generally?

Senator PEARCE.—To that which the Government will send under the proposed arrangement.

Senator KEATING.—That would not cost more than about £25.

Senator PEARCE.—And the Government propose to credit Queensland with £4,766 for it?

Senator KEATING.—The Orient Steam Navigation Company will not be paid any more, but of the £120,000 Queensland will be credited with £4,766 13s. 4d. Queensland pays the company a subsidy of £26,000, and what is proposed is that she shall be recouped £4,766 of that by the Commonwealth.

Senator PEARCE.—The mails will go by train?

Senator KEATING.—That is so. Each of the States has entered into certain obligations in respect of the transit of mail matter through its territory to the nearest port of despatch, and from the nearest port of arrival.

Senator PEARCE.—Is it contemplated by the Government to abandon the present system of sending Queensland mails by train?

Senator KEATING. — Certainly not. They will still go by train, for reasons of despatch, but the company will be bound, if necessary, to carry other mail matter between Sydney and Brisbane, and not, as heretofore, have it landed at Sydney to be sent from there by train to Brisbane.

Senator STEWART.—What mail matter will that be—newspapers?

Senator KEATING.—Newspapers, parcels, and mail matter other than letters. With regard to Tasmania, a contract exists between the Post and Telegraph Department and the Union Steam-ship Company, providing for the carriage of all mails in and out of Tasmania, including the English mails from Tasmania to Melbourne, and the English mails inward from Melbourne to Tasmania. The contract is for £13,000 per annum. Inasmuch as the usual practice is that each State shall have its mails carried to its own border, provision is made that, with respect to the distance of 277 miles between Melbourne and Launceston, Tasmania shall be credited at the rate of 3s. 8d. per mile.

Senator MACFARLANE.—For how many trips?

Senator KEATING.—Twenty-six each way in each year.

Senator PULSFORD.—That is not defined in the motion. Ought not the motion to be amended to make that clear?

Senator KEATING.—I think that the motion is sufficiently clear in providing "that arrangements shall be made for making a similar provision in the case of Tasmania."

Senator PULSFORD.—What similar provision?

Senator KEATING. — Provision for the payment of 3s. 8d. per mile. The reason why the matter has not been set out in the same way as in Queensland's case is that in some instances throughout the year the mails, instead of being carried from Melbourne to Launceston, are carried inward by way of Burnie. That shortens the distance by some forty or fifty

miles, and when the adjustments are made, the actual mileage will be calculated, and the average throughout the year may be less than 3s. 8d. per mile for 277 miles, as two or three mails running are sometimes taken by way of Burnie. The provision will never exceed more than 3s. 8d. for 227 miles.

Senator MACFARLANE.—Will the Minister say why it is proposed to pay for only twenty-six trips per annum?

Senator KEATING. — Because the Orient Steam Navigation Company will only make twenty-six trips per annum.

Senator MACFARLANE.—Will not the same credit be allowed in respect of trips made by the Peninsular and Oriental steamers?

Senator KEATING.—No; because they have no relation to this contract.

Senator MACFARLANE.—If it is reasonable to make this provision in respect of the service by the Orient Steam Navigation Company, why not make a similar provision in respect of the service by the Peninsular and Oriental Steam Navigation Company?

Senator KEATING.—That is a matter which should be separately dealt with. It cannot be dealt with in a motion relating to the adoption of this particular contract. I have said that the amount we pay under this contract, calculated between the United Kingdom and Sydney, is 3s. 8d. per mile. I wish to inform honorable senators that what we were paying previously, when our proportion of the subsidy was £72,000, was a mileage rate of 2s. 7d. per mile. This contract raises the mileage rate to 3s. 8d. The contribution of the United Kingdom to the Peninsular and Oriental Steam Navigation Company was only part of a total sum paid to that company in respect, not only of the Australian service, but of other services to the East, and the average payment was something like 4s. 7d. per mile.

Senator MATHESON. — The Australian contribution was £72,000.

Senator KEATING.—The Australian proportion of the contribution of £170,000 was £72,000. The Imperial Government paid the rest, and their total annual subsidy to the Peninsular and Oriental Steam Navigation Company gave an average of something like 4s. 7d. per mile. The two companies which carry on the service between the United Kingdom and Australia employ nine vessels each, and in this

the average value of a vessel is £250,000 in the case of the Orient Steam Navigation Company, and £300,000 in the case of the other company, I think, without going into minor details, I have given all the information which will be of value to honorable senators. They will see that the principle of ratification has been added to by the other House by a provision for the cases of Queensland and Tasmania, and it will, I think, meet with their approval. This contract was entered into by the late Government as far back as April last; upon the distinct understanding that it was to be subject to ratification by Parliament. So far the Government has not been in a position to make any payment to the contractors, and a sum of money is held in London until the contract is ratified. The amount of the subsidy payable, in the event of the agreement being ratified, is £29,011 from the 4th April to the 30th June, and £30,000 for the quarter ending the 30th September, making a total of £59,011.

Senator Lt.-Col. GOULD.—I think that a sum of £60,000 has already been appropriated for the purpose.

Senator KEATING.—In that case the money will be available for paying the company as soon as the contract is finally concluded. The contract is not perhaps all that we could have wished, and the reasons which combined to bring about that result I have pointed out. I hope that at no very distant date we shall be able to conclude one which will be much more satisfactory to the people of Australia, and which will bring about very much more desirable results in connexion with the communication with the old world, both postally and otherwise, than we can expect to flow from the present contract.

Senator DE LARGIE.—What will be the nature of the future mail service?

Senator KEATING.—There will be a considerable time in which to consider that question, and not a very little time, as there was on the last occasion. I hope that honorable senators will see that, in all the circumstances, the best of a bad position was made, and agree to ratify the contract, subject to the conditions contained in the motion.

Senator STEWART (Queensland).—As Senator Keating has indicated the terms arranged with the Orient Steam Navigation Company are not as good as might be desired by the Commonwealth, but on the

sible to obtain at the time. We have often heard of working men going on strike, but we had a most excellent instance of shipping companies going practically on strike when this contract was being entered upon. It was well known that the Commonwealth was unable to get more than one offer for no other reason than that the other shipping companies held off in the hope that they would be able to coerce the Government into coming to their own terms. As has been said, the Commonwealth was very much at the mercy of the shipping ring, and while it may be our best policy to knuckle down now, this experience ought to be a lesson to us in the future, and the Government should give notice at a very early period for the determination of the contract, advertise for tenders, and thus give the Commonwealth a clear opportunity of obtaining more favorable terms. There is one objection, however, to this contract, which I think may be very fairly urged from the Commonwealth point of view. To my mind, it unnecessarily mixes up the conveyance of produce with the carriage of mails. We have nothing to do with the export trade of the various States. All we ought to interest ourselves in is the carriage of mails from Naples to Adelaide. No doubt it is extremely desirable that vessels coming here should take away produce on the most favorable terms, but that is not our business; it is the duty of the States to arrange that matter. Would the Commonwealth make an arrangement between different post-offices within its jurisdiction for the carriage of goods as well as for the carriage of mails?

Senator DE LARGIE.—And if they did, what harm would result?

Senator STEWART.—To my mind, it would be a departure from its own business of carrying the mails. Of course, if any matter could properly be brought within the category of mail matter, it would be the business of the Post Office to arrange for its transmission. But surely it would not enter into competition with the railways in the carriage of wheat, or turnips, or potatoes! Under existing circumstances that class of business would be considered to be outside its sphere. The carriage of produce between Australia and Europe is in exactly the same category. No doubt it is desirable that we should have cold storage and low freights by steamers visiting the

different ports at regular intervals. But it is the business of the States to arrange for the steamers to call. When we have arrived at a state of unification, it will then be the duty of the Commonwealth to make the arrangements in these matters. Until that event occurs, however, we ought not to interfere with the functions of the States. In the contract it has been expressly stipulated that, whilst the mails are to be landed at Adelaide, the steamers must proceed to Melbourne and Sydney. They may also go beyond Sydney to Brisbane or Townsville, or anywhere they please, I suppose, but on the return journey they must call at Sydney and Melbourne.

Senator GIVENS.—On the return journey they must call at Sydney. Melbourne is not mentioned in that connexion, and that is the injustice done to Victoria.

Senator STEWART.—In any case, the vessels are bound to call at Melbourne and Sydney.

Senator MACFARLANE.—It was their own offer.

Senator STEWART.—In that case, why was it mentioned in the contract?

Senator KEATING.—I think that the company wanted it mentioned more than we did.

Senator STEWART. — The company may have wanted the stipulation made, but do they get any extra payment?

Senator KEATING.—No; but if they stopped at Adelaide they would want extra payment.

Senator STEWART.—If the company had to land the mails at Adelaide that would not stop them from sending their ships on to Melbourne and Sydney, and, if they pleased, to Brisbane.

Senator DRAKE.—Under the previous contract they were stopped. They were only allowed to go to Newcastle for coal.

Senator STEWART.—If the vessels are bound to proceed beyond Adelaide to Melbourne and Sydney for trading purposes, because it is not claimed that they go there on mail business—

Senator MATHESON.—It is.

Senator STEWART.—Well, the boats carry parcels and things which I think ought to be sent by train. In any case, the mails are landed at Adelaide, and the boats proceed to Melbourne and Sydney on their own business, because it pays them to go. If it was not mentioned in the contract, they would still continue to call. In that case,

why stipulate in the contract that they shall call? Or, why mention the provision for cold storage?

Senator PEARCE.—If the honorable senator could get something for nothing, would he not accept the offer?

Senator STEWART.—Surely the honorable senator does not believe that the Orient Steam Navigation Company are going to give the Commonwealth something for nothing! They are not quite simpletons. If the honorable senator does not understand why Sydney and Melbourne were named as ports of call in the contract, I can assure him that I do. It was simply that trade facilities might be afforded to those two ports; and I have not the slightest doubt that the fact of the company being compelled to contract to go to Sydney and Melbourne affected its price.

Senator MATHESON.—It would have gone in any case.

Senator STEWART.—But the Government said to the company—"In addition to landing the mails at Adelaide, you must go on to Sydney and Melbourne."

Senator PEARCE.—The tenders only mentioned Adelaide.

Senator STEWART.—I am not dealing with the tenders, but with the contract entered into.

Senator PLAYFORD.—The company made an offer, and the contract was based upon that offer.

Senator STEWART.—The contract is the only document which we have to consider. It says that the company must go on to Melbourne and Sydney, and that whether it goes further is a matter for itself to decide. On the return journey, it must also call at Sydney and Melbourne. That is what we, in Queensland, complain of. We object to Melbourne and Sydney being made ports of call, and to the Commonwealth paying for the company's boats calling at those ports for trade purposes.

Senator MATHESON.—The contract does not say so.

Senator STEWART.—How can the honorable senator say that? Surely, he can read a document. The company is paid £120,000 for carrying mails from Naples to Adelaide, and for proceeding to Melbourne and Sydney.

Senator KEATING.—No.

Senator STEWART.—Honorable senators seem to read this document according to their own particular desires.

Senator DE LARGIE.—Does the honorable senator say that these large steamers would come from the other side of the world and stay at Adelaide?

Senator STEWART.—I am not in the confidence of the Orient Steam Navigation Company, and I do not know. All that I know is, that the Orient Steam Navigation Company and the Commonwealth Government have entered into an agreement that the company shall carry our mails from Naples to Adelaide, and shall proceed to Melbourne and Sydney. That is all that appears on the face of the contract.

Senator PULSFORD.—The company would want £100,000 or £200,000 more if its vessels were not to go further than Adelaide.

Senator STEWART.—Who would prevent them from going further than Adelaide?

Senator PULSFORD.—No one, and, therefore, they can afford to take £120,000.

Senator STEWART.—I do not say that the Commonwealth ought to hinder the vessels from going past Adelaide. But there is a very great difference between hindering a company from doing a particular thing and compelling it to do a particular thing.

Senator PEARCE.—Can the honorable senator show that it costs us anything?

Senator STEWART.—I can show what is in the contract.

Senator PULSFORD.—But the honorable senator knows what it means.

Senator STEWART.—All that I know is that the company is bound by this contract to proceed past Adelaide.

Senator PULSFORD.—It is bound by the necessities of its trade, and is allowed to put the fact in the contract.

Senator STEWART.—But why? If I make a contract with Senator Pulsford to carry some articles to Albury, and if part of the agreement between us is that he shall proceed from Albury to Sydney, would he not consider that he had not finished my work when he had delivered the articles at Albury, but that he had to go on to Sydney?

Senator PULSFORD.—If I was going to Sydney, where I had a profitable business, I could afford to do something at Albury on cheaper terms than if I were not going to Sydney.

Senator STEWART.—That is the very answer that I was fishing for. In that event, it would not be necessary for me to make any bargain with Senator Pulsford to go

beyond Albury. I should simply say, "Will you take this article to Albury for me on certain terms?" That is all I should need to say. He could go wherever he chose afterwards. I maintain that the Commonwealth ought to have taken up exactly the same position. It should have said to the Orient Steam Navigation Company, "You will deliver our mails at Adelaide, and what you do after that is nothing to us." But the Commonwealth has not done that. It says, "After landing the mails at Adelaide, you must proceed to Melbourne and Sydney."

Senator MACFARLANE.—"In accordance with your offer."

Senator STEWART.—What has the company's offer to do with the matter?

Senator MACFARLANE.—If it had offered to go to Brisbane that condition would have been in the contract.

Senator STEWART.—I cannot bind honorable senators down to the terms of the contract. They will introduce something else. We have nothing under heaven except this contract before us.

Senator MILLEN.—Can the honorable senator prove that it costs the Commonwealth more because the vessels go to Melbourne and Sydney?

Senator STEWART.—I do not think it is necessary for me to prove that. Can the honorable senator prove the opposite?

Senator MILLEN.—Yes.

Senator STEWART.—Does he mean to say that the company is not paid for taking its vessels to Melbourne and Sydney?

Senator PEARCE.—No.

Senator STEWART.—Then why is this stipulation put in? Is the Orient Steam Navigation Company a philanthropic concern? We had a very fine exemplification of its philanthropy when tenders were invited. We could not get a single offer but that of the Orient Steam Navigation Company, for the simple reason that the shipping ring had entered into an agreement.

Senator GRAY.—The honorable senator has no proof of that.

Senator STEWART.—We know that we could not get more than one offer.

Senator MILLEN.—Because other companies were shut out.

Senator GRAY.—There was only one offer for the iron contract in New South Wales lately.

Senator STEWART.—That is a different thing altogether. There are any number of shipping companies in England.

Senator GRAY.—They are not going to do work for nothing.

Senator STEWART.—The Orient Steam Navigation Company is to receive £120,000 a year—a very much larger sum than was previously paid. It is absurd to say that it is doing the work for nothing.

Senator GRAY.—I did not say that. I said that the company would not do the work for nothing. It would require to make a profit.

Senator STEWART.—Certainly; I think it ought to make a profit. I do not think that any company or individual should work for nothing—except perhaps members of Parliament; and they ought to work for the honour and glory of the thing, and for the love of their country, as I am sure they do in most instances. What I suggest to the Government is this: In any future contract they should omit all reference to the cold storage of goods, and confine it exclusively to the carriage of mails. That is their business. Everything else referred to in the contract is entirely outside their province in dealing with mail matters.

Senator PLAYFORD.—The Government have been urged on all hands for years and years to make provision for the carriage of produce.

Senator STEWART.—Cannot the Minister see the reason? The trouble between the Commonwealth and the States is like that between local bodies and the States. The States practically say, "Let us get everything we can out of the Commonwealth."

Senator PLAYFORD.—Before the Commonwealth came into existence the same desire was expressed.

Senator STEWART.—We are not dealing with any period except the present, nor with any fact except this contract. We ought, I say, religiously to avoid mixing up the carriage of goods with the carriage of mails. We ought to confine ourselves rigidly to our own business. If the people of Victoria are anxious that these mail steamers shall call at Melbourne, the people of New South Wales that they shall call at Sydney, and the people of Queensland that they shall call at Brisbane, for trade purposes, let the States Governments pay, if any payments have to be made. The contract is not optional. The steamers must go on to the cities mentioned. The presumption is, if they must go on, that they are paid for going on.

Senator MATHESON.—It is a fact; it is not a presumption.

Senator DE LARGIE.—Was it the Orient Steam Navigation Company or the Commonwealth that proposed this further concession?

Senator STEWART.—I am not concerned with who proposed it.

Senator DE LARGIE.—The correspondence shows that it was the proposal of the Orient Steam Navigation Company.

Senator STEWART.—I find that if one turns to the correspondence and the preliminary negotiations one gets fogged.

Senator MATHESON.—They contradict themselves.

Senator STEWART.—Yes; each proposal contradicts the one that preceded it. The only reliable document before us is the contract, and the contract compels these vessels to proceed to Melbourne and Sydney. It has been suggested that we ought not to agree to the contract. I object to it probably as strongly as any one can, but I think that in all the circumstances of the case the wisest course is to adopt it, and to look out for a better contract on the next occasion. If we were to refuse to ratify this contract, we should immediately be consigned to the old poundage system, with all its uncertainty as to the arrival and departure of the mails. That would be a state of affairs which, I am sure, would not prove pleasant while it lasted, and would be of no advantage to the Commonwealth. While ratifying the contract, however, we should determine to make a better arrangement in the future.

Senator GRAY.—A wiser one.

Senator STEWART.—Yes; and probably a cheaper one. The amount paid in the way of subsidy to the Orient Steam Navigation Company is too much, but we are in the iron grip of circumstances, and I do not see what we can do unless we start a Commonwealth service. That, however, could not be accomplished in twenty-four hours, but I do not think that it is an impossibility. According to Senator Keating, the two shipping companies are running eighteen vessels, each of which cost something like £250,000, representing, perhaps, a capital of £5,000,000. Well, it is proposed to spend £5,000,000 on a trans-continental railway, and, if not on that scheme, it may probably be squandered on the Federal Capital. It would be much more profitable for the Commonwealth to

establish a Federal line of steamers. With these reservations, I think I shall be acting wisely, not only for Australia, but for the State I represent, if I vote for the ratification of the contract.

Senator MATHESON (Western Australia).—Many faults could possibly be found in the agreement, and to some of these Senator Stewart has called attention. It is with some pleasure, therefore, that I am able to turn to clause 10, which deals with the necessity of employing white labour on the mail steamers, and which, I am sure, nearly every senator—though I know not all—regards with much approval. It is a matter for extreme congratulation that the late Government, as well as the present Government, never deviated from this very excellent policy.

Senator DOBSON.—They could not.

Senator MATHESON.—From what one has seen of the action of Federal Governments, I am not personally convinced that there is anything they could not escape from, if they set their minds on doing so. It is perfectly certain, at any rate, that if either of the Governments tried to evade the White Australia policy they have not been successful; and, as a result, we have attained the object which the Federal Parliament desire, and, we feel satisfied, at no extra cost to the Commonwealth. I wish to make the latter point specially clear, because, when I was in England, the majority of the newspapers persisted day after day, and week after week, in asserting that this clause explained why the Commonwealth was unable to come to terms with the Orient Steam Navigation Company.

Senator WALKER.—The clause had a great deal to do with the trouble.

Senator MATHESON.—The secretary, the manager, and the chairman of the Orient Steam Navigation Company, and the various Prime Ministers who had to deal with the matter, one after another have pointed out that that assumption was erroneous. The fact is this clause made no difference whatever in the dealings of the Orient Steam Navigation Company in regard to the contract.

Senator WALKER.—The Peninsular and Oriental Steam Navigation Company would not tender under the conditions.

Senator MATHESON.—So far as that company is concerned, we have not had to contribute any share of the subsidy paid under the contract with the Imperial Government; we merely pay poundage rates, which are admitted to be cheaper. I

should very much prefer that the Peninsular and Oriental Steam Navigation Company were not paid any poundage, because I frankly admit that, in my opinion, it is not logical to refuse to make a contract because black labour is employed, and then to pay, in another form, for the carriage of the mails by the same vessels. That seems to me to be a most glaring evasion of the principle that underlies the resolution of the Commonwealth Parliament. At any rate, the Commonwealth has saved money by the transaction, so that I do not know of what Senator Walker has to complain.

Senator WALKER.—I am not complaining.

Senator MATHESON.—I understood Senator Walker distinctly to claim that the absence of a contract with the Peninsular and Oriental Steam Navigation Company had led to greater expense.

Senator WALKER.—The honorable senator is mistaken. What I said was that, owing to the conditions, the Peninsular and Oriental Steam Navigation Company would not tender, and that therefore the Commonwealth was confined to one tender.

Senator MATHESON.—My point is that this clause has caused no extra expense, and it was my statement to that effect that I understood Senator Walker to contradict. If the honorable senator did not contradict the statement there was no necessity for his interjection. The position is really very little understood. We, in our desire to have white men employed on mail-ships, are in advance of public opinion in England, but it is gradually drifting in the same direction. Every day there are undoubted evidences that the public of Great Britain are coming to appreciate the fact that, owing to the employment of coloured and alien labour, English seamen are steadily being displaced.

Senator GRAY.—What is the honorable senator's authority?

Senator WALKER.—Does the honorable senator wish to have a White Ocean?

Senator MATHESON.—I wish the honorable senator would allow me to proceed. I am now dealing with the manning of the British mercantile marine.

Senator PLAYFORD.—And of the British Navy.

Senator MATHESON.—And of the Navy. I am in no sense dealing with the navies of other countries, or with the ocean generally. I, and others who think with

me, have a special definite object in view, which we desire to see carried out. I suppose that Senator Gray would approve of Mr. Chamberlain as an authority.

Senator GRAY.—No, I should not.

Senator MATHESON.—Most people consider Mr. Chamberlain an extremely shrewd man, who is able to appreciate the drift of public opinion in England.

Senator GRAY.—Not a bit.

Senator MATHESON.—Mr. Chamberlain is a man whose capacity is appreciated everywhere, and whose intellect commands respect. Whether we believe in his policy or not, we must admit that, at the least, he is a very clever man. In a letter to the secretary of the Scottish Shipmasters and Officers' Association, at Glasgow, Mr. Chamberlain says—

The whole subject of the manning and officering of our mercantile marine demands reconsideration and the reversal of our present policy is urgently called for.

I shall not read the whole of the letter, but Mr. Chamberlain pointed out that it is necessary to encourage the employment of British subjects in the mercantile marine to the exclusion of aliens.

Senator GRAY. — "British subjects." Those coloured men to whom the honorable senator objects are British subjects.

Senator MATHESON.—What could be more ridiculous than to say that these coloured men are British subjects? They are subjects of the British, if the honorable senator pleases, but they are no more British citizens than are the kanakas of the Pacific Islands. It is folly for honorable senators to talk as Senator Gray is talking on the present occasion and to adopt quite a different policy when they are discussing Imperial defence. I wish to recall to honorable senators a fact which they continually forget.

The PRESIDENT.—Does the honorable senator propose to connect his remarks with the question of the mail contract?

Senator MATHESON.—I wish to point out that the British Indian is not placed by the British Government on a parity with the British white subject.

The PRESIDENT.—Has that anything to do with the mail contract?

Senator MATHESON. — Undoubtedly, because there is a clause in the contract which says that only white labour shall be employed. I wish to emphasize the reason for that clause, by showing that the coloured British Indian is not placed on a

parity with the British white subject, and is, therefore, properly excluded from employment on ships subsidized by the Australian Government.

Senator GRAY.—Is the British Indian not a British subject?

Senator MATHESON.—In calculations connected with the defence of the Empire the natives of India, Africa, the Straits, the West Indies, and all British dependencies are invariably omitted, only the white population being taken into account. Why so? Because, in the opinion of the British Government, at any rate, those natives cannot be depended upon for defensive purposes.

Senator GRAY.—Does not history prove that those British Indian subjects have been defenders of the Empire?

Senator MATHESON.—I do not care what history proves. I say that these natives are invariably left out of defence calculations by the British Government.

Senator DOBSON.—But not for the reason stated by the honorable senator.

Senator MATHESON.—I do not care what the reason is; these natives are omitted. We are told what the white man's duty is, namely, to pay 15s. per head towards the defences of the Empire; but this is parenthetical. What we want is British seamen.

Senator GRAY.—We cannot get them.

Senator MATHESON. — We can get them perfectly easily; and it was to provide for the employment of British seamen on the mail steamers that we advocated this clause. The Navy League in December last year issued a leaflet pointing out the enormous increase in the proportion of foreigners to British persons employed on British ships during the last thirty years, and urging that the remedy is to render the mercantile service attractive to British boys of good physique, and respectable parentage. They say—

and at the same time to make it worth the while of British ship-owners to employ such boys without compulsion, or other undue interference by the State with the conduct of the ship-owners' business.

That is what this clause amounts to.

Senator GRAY.—Does not the honorable senator's argument go to prove that Norwegians, Italians, and such people should not be engaged?

Senator MATHESON.—Undoubtedly it does; but we must advance in this matter by degrees. We cannot attain our object

in one bound. The first thing we have to do is to shut out the coloured races.

Senator WALKER.—What about Sir John Fisher, who is supposed to be half a Cingalee?

Senator MATHESON.—I do not know what he has to do with the subject. Another point urged against the clause is the temperature in which the stokers have to work in the Red Sea. We are told that it is most detrimental to their health. It is only within the last fortnight that we have learned that the miners of Bendigo work in almost the same temperature for eight-hour shifts.

The PRESIDENT.—Does the honorable senator really think that that is a reason why this contract should be accepted or rejected. He seems to me to be wandering from the subject. I have no wish to curtail discussion, but I would ask whether the temperature of the stokehold has any relation to the question of whether the contract should be accepted or rejected?

Senator MATHESON.—Certainly it has. I am pointing out the extreme benefit of this clause, for the special information of Senator Walker, and a few of my honorable friends, with whom this question is a *bête noir*, and because I think they fail to realize the advantages which might be derived from this clause.

Senator DOBSON.—Are we compelled to listen to a speech on labour politics on this motion?

Senator MATHESON.—The honorable senator is at perfect liberty to retire if these references are irksome to him. I am aware that the truth is very often unpalatable. The inconvenience of working in the stokeholds of these vessels is nothing compared with the discomfort which is put up with by white miners in the Bendigo district.

The PRESIDENT.—I really think that the honorable senator is wandering from the subject. I ask him to confine himself, so far as he can, to the motion.

Senator MATHESON.—Of course, if the President rules that these allusions to temperature are out of order, I bow to his ruling.

Senator MULCAHY.—They are not relevant.

Senator MATHESON.—I think they are, because they are the basis on which this particular clause 10 was inserted in the agreement.

Senator MILLEN.—The honorable senator should try a reference to cold storage after this.

Senator MATHESON.—I shall have much pleasure in gratifying Senator Millen later, as I have somewhat extensive notes on the subject of cold storage; but at present I propose to deal with the poundage system. Objection has been taken to this contract, because it is stated that by adopting the poundage system we should save £80,000. That is the figure given by the Postmaster-General. I point out that that view of the question is not altogether justifiable. There can be no doubt that the commerce of Australia would suffer very great inconvenience from an irregular mail service. This was made particularly clear when it became apparent, during the time the contract was under discussion, that the Orient Steam Navigation Company, during the dull season of the year, intended to run only one ship each month. In that case Australia would have been left without a fortnightly service for a portion of each year. I think that regularity of service is well worth paying for, but whether it is worth £120,000 a year is quite another question. I cordially agree with Senator Keating in hoping that the next agreement of this kind will provide for a subsidy on a very largely reduced scale. It is impossible to shut one's eyes to the fact that the prosperity of Australia is largely associated with the prosperity of the mercantile community. It may be perfectly true to say that farmers, graziers, and the people of the country districts generally are not interested directly in the regularity of the mail service. But the prosperity of Australia certainly interests them, and there can be no doubt that it largely depends on regular mail communication with Europe. I quite agree with Senator Stewart that there was no necessity whatever to have provided for anything more than a mail contract. As a matter of fact, only a small part of clause 8 deals with insulated space. There can be no doubt whatever that every one of these boats would have carried refrigerating spaces, exactly as they will under the operation of this contract, and without any special provision being made. The Peninsular and Oriental Steam Navigation Company's boats carry the same refrigerating spaces, and, so far as I know, there is no contract requiring them to do so. Doubtless Senator Keating can inform the Senate on that subject. I should like to suggest that the eight

or nine lines dealing with refrigerating chambers are entirely out of place in this contract, and might very well be struck out. Mr. Chapman, I believe, holds the view that it is *ultra vires* for the Commonwealth Government to enter into any contract in connexion with trade. I certainly think that a portion of clause 8 of this agreement is distinctly *ultra vires*.

Senator MILLEN.—Of what?

Senator MATHESON.—Of the Constitution.

Senator MILLEN.—Then we cannot subsidize a shipping line if we please?

Senator MATHESON.—Not to the exclusion of one State. My sympathies are entirely with the representatives of Queensland in that respect. I go further, and say that it is wrong to have such a clause in this contract, as well as absolutely unnecessary. I shall be quite prepared to support any honorable senator who will move to strike out this provision. I do not think it materially affects the contract in any respect, or that the omission of it would be likely to prevent its ratification. The clause introduces in a mail contract a provision dealing with trade.

Senator MULCAHY. — This contract has been signed.

Senator MATHESON.—That is so, but it is subject to our approval. I come next to the point raised by Senator Stewart as to why we should pay for these ships going on from Adelaide to Sydney. Undoubtedly we do pay for that under this contract. It is provided for in the contract, and, whatever Senator Keating may say to the contrary, I propose to prove that we do pay for that service.

Senator PULSFORD.—The honorable senator cannot do so.

Senator MATHESON. — Senator Pulsford is very bold. I refer him to sub-clause 5 of clause 2, which provides—

In any such case as is mentioned in the last sub-clause—

That is in case of a break-down—the contractors—

That is to say, the Orient Steam Navigation Company—

shall bear the cost of conveying to Sydney or to Melbourne and Sydney (as the case may be), all parcels on board the mail ship intended for transmission to those places, and also the cost of the necessary conveyance from Sydney or Melbourne to Adelaide of any parcels intended for transmission from Sydney or Melbourne to be conveyed by the mail ship on her homeward voyage.

Senator MULCAHY. — That is a postal matter.

Senator MATHESON.—Undoubtedly it is postal matter, and we say by this contract that it shall be carried from Adelaide to Sydney, and that if, in case of a breakdown, the mail-ship cannot carry this postal matter to Sydney, the Orient Steam Navigation Company must pay the Commonwealth for its transmission to that place in some other way. That is explicit, and I put it to Senator Pulsford whether he should not now withdraw his statement that I could not prove that we pay for this service.

Senator PULSFORD.—What on earth does that trumpery clause prove?

Senator MATHESON.—It proves that we pay the Orient Steam Navigation Company for the transit of mail matter from Adelaide to Sydney by their ships, and that, if they do not carry it in accordance with our request, they must pay us the cost of some other means adopted for its transportation.

Senator MILLEN.—That makes it a mail contract right through to Sydney.

Senator MATHESON. — It does. I give the Senate another reason why this is clearly a mail contract through to Sydney. The estimate of 3s. 8d. per mile is based on the mileage, not from London to Adelaide, but from London to Sydney, and that is the basis on which we propose to pay Queensland.

Senator GUTHRIE.—A lot more is paid under the Queensland agreement.

Senator MATHESON. — Queensland pays £26,000 under that agreement.

Senator GUTHRIE.—And the rest. She guarantees, if the ships get ashore, to get them off for the company.

Senator MATHESON.—In the circumstances, I do not see how we can possibly, in justice to Queensland, refuse to pay a corresponding mileage payment for the distance between Sydney and Brisbane, but I do protest most strongly against the manner in which that arrangement has been entered into. It would have been far better if the contract had provided that the service should terminate at Adelaide, with the power—just as it is expressed in connexion with Sydney—to go on to any other port the company thought fit. It would have been perfectly easy to provide for that in the contract. I intend to support the proposal as it stands under protest, because I think it is the only thing to be

ment will, as indicated, give notice of the termination of this agreement before the 31st January.

Senator GUTHRIE (South Australia).—So far as I can see, there is nothing for us to do as a Senate but to ratify the agreement made with the Orient Steam Navigation Company, because, to disallow it at the present time would have the effect of putting the whole of our arrangements into a very unsatisfactory state. I hope, however, that the Government will take into consideration the discussion which takes place in the Senate, and which has taken place elsewhere, and when the time for giving notice of the termination of the agreement arrives, will see to it that notice is given, and during the following two years will endeavour to make arrangements for the more satisfactory carriage of our mails. We might very easily secure a more satisfactory speed and more satisfactory terms than are provided for in this agreement. I rise to comment, not so much on the agreement with the Orient Steam Navigation Company as on the proposal to extend the voyages of the Orient Steam Navigation Company's boats to Brisbane. The motion says—

during the continuance of its present contract with the Queensland Government.

What is the nature of the agreement between the Orient Steam Navigation Company and the Queensland Government? It has not yet been placed before the Senate, and I should like the Minister to give an assurance that those words do not mean that in passing the motion we shall ratify the agreement.

Senator STEWART.—We have nothing to do with it.

Senator GUTHRIE.—We have a lot to do with the Queensland agreement. A great deal has been said by the representatives of that State to the effect that the contract entered into by the Government of the Commonwealth with this company was unconstitutional. But it is provided in paragraph 4 of section 85 of the Constitution that—

The Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

Certain Departments have yet to be transferred from the States to the Commonwealth. For instance, the Quarantine Departments can be taken over, and when the transfer is made their obligations will be assumed by the Commonwealth.

is not taking over any obligations in connexion with the Queensland agreement.

Senator GUTHRIE.—The contract, on its very face, acknowledges that certain obligations will be taken over by the Commonwealth when the Departments are transferred. Clause 16, for instance, says—

In case the Parliament of the Commonwealth of Australia shall fail to ratify such recited agreement of 25th of April, then this agreement shall be void.

Why was not the Queensland agreement laid before this Parliament to be ratified before it was asked to agree to this subsidy of 3s. 8d. per mile?

Senator DRAKE.—That agreement has not been circulated.

Senator GUTHRIE.—No; it is a State paper, so far.

Senator PLAYFORD.—That refers to the ratification of our contract with the company.

Senator GIVENS.—The honorable senator has found a mare's nest.

Senator GUTHRIE.—I have not found a mare's nest, as the honorable senator will realize directly.

The Contractors' Mailships, mentioned in the said recited agreement of the twenty-fifth April last, shall continue their voyage from Sydney to the Government Wharf at Pinkenba, in the Port of Brisbane, for the purpose of conveying passengers and all lawful merchandise and produce to and from Pinkenba and parts beyond the seas in the ordinary course of trade free of any restriction by any combination in restraint of trade, and as to refrigerated produce in refrigerated holds at rates of freight not exceeding those charged by them at the same time from the Port of Sydney, except as hereinafter provided.

That is all right, but what do they do for that assistance?

The services shall commence on the first September, one thousand nine hundred and five.

In consideration of the foregoing services, the Government of the State of Queensland agrees to pay to the contractors an annual subsidy of £26,000 by equal quarterly payments of £6,500 each, to be made in London on the thirty-first January, the thirtieth April, the thirty-first July, and the thirty-first October in each year during the continuance of this agreement, but the first payment covering two quarters is to be made on the first March, 1906, if the contractors have not availed themselves of the provisions of clause 15 of this agreement, and the second payment covering two months is to be made on the thirtieth April, 1906.

The contractors are to have the preference of carrying all Government cargo, and the passages of all assisted or other immigrants to Queensland under the control of the Government at current rates of freight, and passage money, but the contractors shall only be entitled to the passage money of immigrants who shall be landed at Pinkenba (or elsewhere in the State at the expense of

the contractors), which passage money shall be payable in Brisbane only.

The Government will encourage exporters of butter to ship with the contractors.

The said Government will provide efficient pilotage service from and to the wharf at Pinkenba and the open sea,—

If the Commonwealth were to take over the Pilotage Departments, it would have to assume that obligation of providing free pilotage for this company's ships.

Senator MILLEN.—Does the agreement say that free pilotage shall be provided?

Senator GUTHRIE.—It says—

The State Government will provide efficient pilotage service from and to the wharves at Pinkenba and the open sea.

Senator MILLEN.—That does not necessarily mean free pilotage. It only means that the State will insure efficient pilotage.

Senator GUTHRIE.—Waiving that point for the present, the agreement goes on to say—

and the assistance of the Government staff and plant in case of accident between those points.

The Government will not enforce any port dues or other charges ordinarily leviable on shipping in the Port of Brisbane. The Government will maintain a navigable channel between the open sea and Pinkenba Wharf, of not less than twenty-four feet depth, and will provide a swinging and berthing basin at Pinkenba Wharf, of sufficient area, and not less than twenty-six feet in depth.

The Government will grant the sole use of the wharf at Pinkenba to the contractors for the use of their mailships during their stay, and will provide suitable moorings and other accommodation to enable the said ships to berth with safety and convenience at all states of the tide.

The Government will grant free passages by rail between Pinkenba and Brisbane to the servants and agents of the contractors when engaged on the business of the contractors, and will carry between Pinkenba and Brisbane all coal, provisions and other requirements of the said mailships free of charge.

In case the said mailships are quarantined at Pinkenba, the Government will undertake the lightening of the cargo, and the taking and quarantining of the passengers.

Senator TURLEY.—The Commonwealth would not be pledged to Federal pilotage, even if it were to take over the Department to-morrow.

Senator GUTHRIE. — It would be pledged by the Constitution to fulfil the obligations of the Departments from the date of transfer.

Senator MILLEN.—The honorable senator will see that whether we adopt this contract or not, the liability of the Federation to accept these obligations will still remain.

Senator GIVENS.—If we do not ratify the contract, the agreement will not eventuate.

Senator GUTHRIE.—In this motion we are virtually asked to accept the conditions of the Queensland agreement.

Senator GIVENS.—The way to get out of the difficulty is to refuse to ratify the contract.

Senator GUTHRIE.—No; I think it can best be done by striking out the words I quoted at the beginning of my speech. Section 91 of the Constitution says—

Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth, expressed by resolution, any aid to or bounty on the production or export of goods.

What are we asked to do by Senator Keating? We are invited to pass a motion which, on its very face, merely proposes to make a rebate to Queensland in respect of a service which is not rendered; but behind it we are asked to give an aid to the export of goods from Brisbane.

Senator TURLEY. — The same as the honorable senator is asked to do in the case of Sydney, Melbourne, and Adelaide.

Senator GUTHRIE.—We are asked to do nothing of the kind. Adelaide receives no assistance in that regard.

Senator MILLEN.—In fact, it is rather distasteful to Adelaide.

Senator GUTHRIE.—According to the statement of the Minister, Adelaide not only handles all the mails for the States, but takes them from the anchorage and carries them to Serviceton without charging for special trains. Adelaide is not gaining much by the visit of the mailboats, but is providing a convenience to the other States.

Senator KEATING. — I think that the people of Adelaide are very glad that the mailboats call, and give them the mails to carry by rail.

Senator GUTHRIE.—I do not know how the people of Adelaide gain much by the visit of the boats.

Senator MILLEN.—Did they not make a little demur when the company threatened not to call there?

Senator GUTHRIE.—They did when the company suddenly stopped the service and capsized people's arrangements without giving due notice. Probably if the mailboats refused to call at any of the ports in Australia a little natural demur would be

made. The outcry was principally directed to the capsizing of arrangements which had been running on for years.

Senator GRAY.—Is not a large sum spent in Adelaide by the passengers who land from the boats and go forward by train?

Senator GUTHRIE.—That may or may not be the case; but I do not think it has any relevance to the question before the Senate. I believe that if the adoption of this motion means the ratification of the Queensland agreement, it is absolutely unconstitutional, because it is giving an aid to the export of goods. The Constitution does not permit a bounty to be granted by a State until it has been ratified by this Parliament. The main object of the Queensland Government in agreeing to give this bounty is to promote the export of butter. In fact, the agreement contains several clauses which say that certain persons who had previously made contracts with the Orient Steam Navigation Company are to get special rates and that other persons are not to get them. So that really the concessions which are granted by the Queensland Government in the agreement are aids to or bounties on the export of goods. I think I have shown that if this agreement be ratified the Commonwealth will be called upon to discharge certain obligations when the Pilotage and Quarantine Departments are transferred.

Senator TURLEY.—They will be State obligations.

Senator GUTHRIE.—In this agreement the State has contracted with the owners of the mail-boats to take over the whole of their cargo and passengers in the event of their being quarantined. Again, when the Pilotage Departments are transferred the Commonwealth will have to carry out what Queensland has agreed to do for this company.

Senator DRAKE.—When the Departments are transferred, the Commonwealth will honour their obligations, but the State of Queensland will have to pay the money required for their fulfilment.

Senator GUTHRIE.—That is questionable. Why did the framers of the Constitution so carefully provide that where aids were proposed to be given by a State to special industries or for the export of certain goods, the consent of the Commonwealth Parliament had to be obtained? What has been the result of the Queensland agreement? The mail-boats have gone to Brisbane and entered into a strong com-

petition with local seamen and ships. The *Ophir* is advertised to leave Brisbane in advance of her usual time, and is guaranteed to land passengers here in time to see the race for the Melbourne Cup. Here is a bounty agreed to be given to a foreign company—that is to say, a company which is not Australian—to compete for the coastal trade of Australia under conditions which are not nearly so favorable to employes as are the conditions prevailing on Australian vessels.

Senator GRAY.—That is the Federal feeling!

Senator GUTHRIE. — I do not know what the honorable senator means. But we have given special concessions to this company, which are denied to a local company that has its headquarters in Brisbane. We give the Orient Steam Navigation Company an opportunity to compete with an Australian company on unequal terms. That is not fair. I wish those honorable senators who time after time have pledged themselves to support local industries to understand the position exactly.

Senator GIVENS.—Then will the honorable senator vote against the contract?

Senator GUTHRIE.—No; but I will vote against the special concession in regard to Queensland. The motion refers to the contract with Queensland. We do not know exactly what that contract is. I think we ought to know. There is a constitutional question involved, because what I have referred to is absolutely a bonus paid in contravention of section 91 of the Constitution. I trust that before we are asked to vote the Minister will be able to give us an assurance that what is proposed is within the Constitution, and that we are not ratifying the Queensland agreement in passing the motion that he has submitted.

Senator MILLEN (New South Wales).—I think that the Senate is under an obligation to Senator Guthrie for having directed attention to a clause in the Queensland agreement with which, so far as I can gauge, honorable senators were previously unacquainted. I myself certainly had no knowledge that there was such a clause in the agreement, nor was I aware that the agreement remained to be ratified. The honorable senator's statement opens up a question which I should prefer to have discussed quite apart from that of the acceptance or rejection of the Orient Steam Navigation Company's contract. The whole question now raised is covered by

because the only other possible tender was rendered incompetent by that section of the Post and Telegraph Act.

SENATOR STANFORTH SMITH.—Does the honorable senator think that the other company would have tendered except for that section?

SENATOR MILLEN.—Undoubtedly. But suppose it does cost a little more? Honorable senators will say that they are willing to pay it, because of the principle underlying the section. But that is no reason for denying, or for doubting, that but for that section in the Post and Telegraph Act, the Imperial authorities would have been able to arrange with the Peninsular and Oriental Steam Navigation Company, as it did before, for the continuance of the mail contract to Australia, and back to England. The correspondence shows that the Imperial Government was prepared to make an arrangement with the Peninsular and Oriental Steam Navigation Company of that nature, but that owing to the existence of the section to which I have referred, it was not possible to do so.

SENATOR SIR JOSIAH SYMON.—The proof of that is, that the Commonwealth Government is not a party to the English contract with the Peninsular and Oriental Steam Navigation Company.

SENATOR MILLEN.—We are not in that contract at all. The retention of the section has rendered it impossible for us to be parties to it. And that brings me down to this further point—that, having shut out one of the competitors—as far as we know there were only two to whom we could look—we were practically at the mercy of the remaining one. And regarding that one, no language which you, Mr. President, would tolerate would enable me to express the contempt which I entertain for the action of that company during the period of the negotiations. It certainly did strike me that the action of the company was such as we should not have expected from a large corporation which for many years had been doing business with the Commonwealth. It showed its spirit by its action both with regard to its threatened stoppage at Adelaide, and its refusal to receive certain mails and to land them at certain ports.

SENATOR SIR JOSIAH SYMON.—And consider the action in stopping an extra mile or two out in the gulf at Largs Bay.

part, and it is to me a matter of personal regret that we are obliged to accept the tender submitted to us. I say "obliged" because there is nothing else to be done. I believe that the ex-~~minister~~ Governor, who conducted the negotiations, did everything that it was possible for him to do to obtain the best terms under the circumstances. I think the late Government did that. But at the same time, the matter is none the more palatable to me, or to the people of Australia, and I hope that before the present contract expires arrangements will be made to give us an equally efficient service, and on terms far more acceptable to the people of this country. With regard to the matter to which I first referred—the constitutional aspect—looking at the contract again, I hardly know how it would be possible to consider it without negating the motion, or indefinitely delaying a settlement. I do not want to take any action which might deprive Queensland of the convenience which she expects to gain from the contract.

SENATOR GIVEN.—We should strike out the whole contract.

SENATOR MILLEN.—I do not propose to submit any amendment. The objections which I have ought to be stated, but beyond that I hardly feel prepared to go, because I am not quite clear whether any action that might suggest itself to my mind would clash with any action which others may desire to take.

SENATOR PEARCE (Western Australia).—I do not propose to go into the matters affected by the contract at any length, because we all recognise that there is no other course for the Senate to pursue than to adopt the motion which Senator Keating has proposed. But I do hope that the Government will terminate the contract at the earliest possible moment; and, furthermore, that they will energetically make preparations for entering into a new contract under better terms than those of the present one. With that expression of opinion, I pass from the question of the provisional contract. But we are asked to do something more—we are asked to indorse another contract, which was entered into by the Government of Queensland with the Oriental Steam Navigation Company, and which the Commonwealth is asked to shoulder because of the action of that Government.

SENATOR DRAKE.—We are not asked to indorse that agreement.

fact remains that we had only one tenderer for the mail contract. And why? Because the only other possible tenderer was rendered incompetent by that section of the Post and Telegraph Act.

Senator STANFORTH SMITH.—Does the honorable senator think that the other company would have tendered, except for that section?

Senator MILLEN.—Undoubtedly. But suppose it does cost a little more? Honorable senators will say that they are willing to pay it, because of the principle underlying the section. But that is no reason for denying, or for doubting, that but for that section in the Post and Telegraph Act, the Imperial authorities would have been able to arrange with the Peninsular and Oriental Steam Navigation Company, as it did before, for the continuance of the mail contract to Australia, and back to England. The correspondence shows that the Imperial Government was prepared to make an arrangement with the Peninsular and Oriental Steam Navigation Company of that nature, but, that owing to the existence of the section to which I have referred, it was not possible to do so.

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Senator Sir JOSIAH SYMON.—And consider the action in stopping an extra mile or two out in the gulf at Largs Bay.

Senator MILLEN.—Yes; all these things were little to the credit of the company, and it is to me a matter of profound regret that we are obliged to accept the tender submitted to us. I say "obliged" because there is nothing else to be done. I believe that the ex-Postmaster-General, who conducted the negotiations, did everything that it was possible for him to do to obtain the best terms under the circumstances. I think the late Government did that. But, at the same time, the matter is none the more palatable to me, or to the people of Australia, and I hope that before the present contract expires arrangements will be made to give us an equally efficient service, and on terms far more acceptable to the people of this country. With regard to the matter to which I first referred—the constitutional aspect—looking at the contract again, I hardly know how it would be possible to consider it without negating the motion, or indefinitely delaying a settlement. I do not want to take any action which might deprive Queensland of the convenience which she expects to gain from the contract.

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Senator DRAKE.—We are not asked to indorse that agreement.

Senator PEARCE.—We are; and our indorsement will, to the extent of nearly £5,000, relieve that State Government of their payment towards the subsidy of £120,000. The State Government of Queensland entered into an arrangement with the Orient Steam Navigation Company without in any way consulting the Commonwealth Government, and that arrangement is now used as a lever to relieve the State Government of a certain proportion of responsibility in connexion with the British mail contract. I know that the arrangement is justified on the ground that it is something more than a contract for the carriage of mails, but if we adopt the proposal now before us, it will be an admission by the Government that a certain proportion of the additional expenditure has been incurred, because of the trade conditions laid down in the contract. The Government have no need to allow themselves to be placed in that position, because the original tender was for a larger sum, and provided for a service terminating at Adelaide. It was the shipping company's own offer that the service should terminate at Sydney, and the contract eventually entered into was for a sum less than that originally asked for a service terminating at the South Australian port. It cannot be said that any part of the expenditure is due to the fact that in the contract there is a clause providing that the boats shall go on to Sydney. I ask what reasons can be advanced for the proposal that the Federal Parliament shall remit Queensland's share of the expenditure to the extent of £5,000? Further, I ask whether Parliament is prepared to extend similar conditions to other States in contracts of the kind. Very shortly we shall be dealing with the Vancouver mail service, the contract for which certainly involves what is more a trade subsidy than the subsidy in the contract now under discussion.

Senator MATHESON. — The Vancouver subsidy is entirely a trade subsidy.

Senator PEARCE.—If Queensland and Tasmania are entitled to a rebate because of this mail service terminating at Sydney, I contend that Victoria, Tasmania, South Australia, and Western Australia are entitled to a rebate, because the Vancouver service terminates at Brisbane and Sydney. We cannot justify the singling out of these States in this way.

Senator Lt.-Col. GOULD.—The Tasmanian contract is only for the carriage of mails.

Senator PEARCE.—Nominally that is so, but actually we know that it is a trade subsidy.

Senator GIVENS.—How does the honorable senator know?

Senator PEARCE.—We know that the subsidy is far in excess of what would be required to carry on a mail service; it is given for the purpose of opening up and facilitating the American trade. I move—

That all the words after the word "ports," line 9, be left out.

The motion will then be one to ratify the arrangement entered into by the Government with the Orient Steam Navigation Company, and that is all that this Chamber ought to be called upon to indorse. If the Government wish to relieve Queensland of a share of her contribution to the mail subsidy, for the reason that the State does not enjoy all the benefits that flow from the mail contract, the question ought to be dealt with apart and on its merits. The question should not be discussed as having reference to only one State, but as connected with all the States, having in view the mail contracts entered into by the Commonwealth Government. It is unfair and invidious to single out two States in the manner proposed.

Senator KEATING.—What about Western Australia? The mails from Adelaide to Western Australia and back again are not paid for by the Western Australian Government, and that Government is the only one which does not pay for such carriage.

Senator PEARCE.—Western Australia pays her proportionate share.

Senator KEATING.—Every other State pays the whole expense of carrying its own mails.

Senator PEARCE.—All we ask is that Western Australia should be treated in exactly the same way as are other States.

Senator KEATING.—The Western Australian Inter-State mails are carried under this subsidy by the Orient Steam Navigation Company.

Senator PEARCE.—As I said before, if this treatment is to be meted out to Queensland and Tasmania, a similar course should be taken with Western Australia, Victoria, Tasmania, and South Australia in connexion with the Vancouver service.

Senator DOBSON.—Did the Queensland Government not ask that Brisbane should be included as a port of call long before the arrangement was entered into with the Orient Steam Navigation Company?

Senator PEARCE.—That is so, but my complaint is that the terms of the arrangement were never submitted to the Federal Government—that the Federal Government were never consulted—but that when it had been entered into, and the House of Representatives could not be induced to take over the whole responsibility, it was agreed, as a solatium to Queensland's feelings, to give that State some advantage which could not have been obtained but for the arrangement entered into by the State.

Senator DOBSON.—Is it not only fair to say that Queensland entered into that arrangement because her requests were ignored by the Commonwealth Parliament?

Senator PEARCE.—That may be the reason, but what I say is that the arrangement entered into has been used as a lever to extract this concession to Queensland and Tasmania.

Senator GIVENS (Queensland).—Before dealing with the specific contract, I should like briefly to reply to some of the arguments used by Senator Pearce in support of his very un-Federal amendment concerning Queensland and Tasmania. I submit that we are not asked to indorse the arrangement which has been entered into between the Queensland Government and the Orient Steam Navigation Company. That agreement in no way effects the original contract between the Commonwealth Government and the shipping company, nor are we asked to take on ourselves the burden of that arrangement. All we are asked to do by the resolution is to pay mileage rates on the mail steamers going from Sydney to Brisbane, similar to those paid by the Commonwealth on the steamers from the old country to Sydney; and the same proposal is made in regard to Tasmania. It is a simple act of justice on the part of the Commonwealth Government to place the ports of Brisbane and Tasmania on the same footing as the chief ports of the other States. Senator Pearce complains that the Queensland Government entered into this arrangement without in any way consulting the Commonwealth Parliament or Government; and I, as a representative of Queensland, at once plead guilty. Queensland did not consult, nor could they consult, the Commonwealth Go-

vernment or Parliament, seeing that the representations of the State in the matter had been entirely ignored. For a number of months before the Commonwealth contract was entered into, the Queensland Government had been continually making representations to the Commonwealth Government with a view to better treatment being extended to the State in this connexion. Those representations were completely ignored, and, therefore, the Queensland Government, in order to safeguard in advance the interests of the citizens of the State, were compelled to enter into independent negotiations.

Senator Lt.-Col. GOULD.—Why did the Queensland representatives not mention the matter in Parliament?

Senator GIVENS.—The representatives of Queensland were constantly bringing the matter before Parliament, but Parliament was not sitting when the contract was arranged.

Senator GRAY.—It must also be remembered that Queensland gets the least advantage of the passenger traffic en route.

Senator GIVENS. — That is so; and Western Australia, which is kicking up the greatest noise, gets the most advantage. We are told that the same treatment must be meted out to every State. That is a fine and noble principle; but will the representatives of Western Australia have the courage to express their willingness to reimburse the Commonwealth for the expense unfairly undertaken by the Commonwealth for the benefit of that State? Western Australia is the only State in the Commonwealth which does not pay for the carriage of its own Inter-State mails. Under the contract we are now discussing the Inter-State mails are carried to and from Western Australia and Adelaide without any payment whatever by Western Australia.

Senator DE LARGIE.—Is that not for the convenience of the eastern States as much as for the convenience of Western Australia? Do the mails go only one way?

Senator GIVENS.—Does Western Australia contribute any payment for the carriage of her Inter-State mails?

Senator DE LARGIE.—The honorable senator has discovered a mare's nest.

Senator GIVENS.—Tasmania has to pay for her Inter-State service.

Senator MULCAHY.—Both ways.

Senator DE LARGIE. — Nothing of the kind.

riage of the mails benefits Western Australia; but Western Australia wraps herself up in selfishness, and will not contribute a farthing of the cost. Yet honorable senators from that State are always talking about the "Federal spirit."

Senator DE LARGIE.—Western Australia pays a proportion of the cost of the service to Tasmania.

Senator KEATING.—Yes, £36 out of £13,000.

Senator GIVENS.—If Western Australia paid her proper proportion of the cost of carriage of Inter-State mails, instead of getting the other States to do it for her, there might be more ground for this talk about the Federal attitude.

Senator DE LARGIE.—Does the honorable senator deny that the Inter-State mails are not carried both ways?

Senator GIVENS.—I do not; but I say that Western Australia does not pay her fair proportion of the cost. If we take the case of Tasmania, are not the mails carried both ways there?

Senator DE LARGIE.—Certainly, and the other States have to pay.

Senator KEATING.—They do not. Western Australia pays £36 out of £13,000.

Senator GIVENS.—Senator Pearce says that the proposed concession to Queensland is unconstitutional; but if the honorable senator takes up that attitude, I challenge him to vote against the ratification of this contract, because it is entirely unconstitutional, inasmuch as it provides for trading facilities for the benefit of some States, without extending the advantage to all.

Senator DE LARGIE.—These facilities can be taken advantage of by all the States.

Senator GIVENS.—We are, under this contract, subsidizing a line of boats to go to some States and not to others. That is a distinct disadvantage to the States to which the boats will not go. I challenge the Western Australian representatives to take up that attitude, and to say that, because, on that ground, the contract is unconstitutional, they will not agree to ratify it.

Senator MILLEN.—Does the honorable senator contend that the Federal Government cannot subsidize a line of steamers running between the United Kingdom and Australia unless the boats call at every port in the Commonwealth?

Senator GIVENS.—It would not be necessary that they should call at every

under which one State will secure an advantage that is not given to another. There is nothing in the Constitution about treating each port of each State alike, but all the States must be treated alike. On the face of this contract, it is to a large extent a trading contract, which discriminates between State and State, and is, therefore, unconstitutional. I am firmly of opinion that if any State, feeling itself aggrieved, brought this contract before the High Court it would be disallowed, notwithstanding any ratification we might give it. For my part, despite the tardy recognition, proposed in a paltry way, of the just demands of Queensland in this matter, I am prepared to vote against the whole thing, and I ask honorable senators from Western Australia if they are prepared to adopt the same attitude in support of their contention that the proposal is unconstitutional?

Senator DE LARGIE.—The parasite State is doing very well in the Federation, in getting sugar bounties and everything else.

Senator GIVENS.—If honorable senators will look at the public works appropriations submitted to Parliament this session, they will see that Western Australia is doing remarkably well also.

Senator MULCAHY.—The "parasite" State did not ask for a transcontinental railway.

Senator GIVENS.—We have built our own railways in Queensland, and we have not felt sore because other people have not helped us to pay for them. We have been asked whether the concession proposed to Queensland in this instance will be given to other States in connexion with the Vancouver mail service. I should be prepared to provide that the vessels engaged in the Vancouver mail service should go not only to Fremantle, but right round to Port Darwin, if that were necessary, and if the company would accept such a contract. And if the other States are prepared to do what Queensland has done in dealing with the Orient Steam Navigation Company, and contribute £30,000 or £40,000 per annum to induce the Vancouver boats to call at their ports, I shall be willing, in dealing with the contract for that service, to extend the same concession to those States that is being given to Queensland in the paltry recognition of her demands proposed in

that the Vancouver service is purely a trading service. So far from that being the case, it is purely a mail service, and there are no provisions in that contract for a trading service at all. On the face of the contract we are now asked to ratify, provision is made for cold-storage space, refrigerating machinery, and that the boats shall call at ports at which it is not necessary they should call to provide a mail service. All these provisions are made palpably for the purpose of affording facilities for trading. When the late Postmaster-General, Mr. Sydney Smith, had entered into the contract with the Orient Steam Navigation Company on behalf of the Commonwealth Government, he wrote a very long minute in justification of his action, and on page 17 of the correspondence I find the following passage in the honorable gentleman's minute:—

The contract entered into applies not only to Commonwealth mails, but covers all mails irrespective of the country of origin or destination. Provision has also been included in the contract for insulated space and refrigerating machinery for the carriage of perishable products.

I defy any honorable senator to say that that is not a trading contract pure and simple. There can be no doubt that the whole contract is directly in contravention of the Constitution, which says that no action shall be taken by the Commonwealth which shall discriminate as between State and State. If I can get any support, I am prepared to vote against the ratification of this contract, because I am satisfied that a much more favorable bargain can be made by the Commonwealth Government. I am convinced that we shall be no better off in respect of the carriage of our mails under this contract than we were under the poundage system. It was in response to an outcry made by interested members of the trading community in Melbourne and Sydney that the late Postmaster-General receded from the attitude that he had at first assumed, that he would not "cave in" to the "bluff" of the Orient Steam Navigation Company. He stated over and over again that £100,000 was the limit of the subsidy which he was prepared to give for a fortnightly mail service with the old country. Yet we find that, in response to the outcry of interested persons, he subsequently yielded to the "bluff" of the company, and agreed to pay no less than £120,000.

Senator Givens.

company wanted £150,000, and fought very hard for it too.

Senator GIVENS.—I propose to refer to that point. Senator Pearce, in support of the amendment he has moved, said that the fact that the company at first demanded £150,000 for a service to Adelaide, and subsequently accepted £120,000 for a service to Sydney, proved that the extension to Sydney added nothing whatever to the cost. It proves nothing of the kind. If the honorable senator so desired, he could argue as strongly in the opposite direction, and I have not the slightest doubt that if ever the necessity arises he will do so with equal effect. The question of going to Sydney and Melbourne was in the minds of the authorities of the Orient Steam Navigation Company when they asked £150,000, just as much as it was when they accepted £120,000. I say that the company were openly "bluffing" all the time, and the question of the terminal port had really nothing to do with the arrangement of the contract. It was only when they found that the people of Australia would not tolerate their extortionate demands that they reduced them to something like reason. That is why they accepted a subsidy of £120,000, and not because of any concession to the boats to go to Melbourne, Sydney, or anywhere else. It has been pointed out by some honorable senators that the Vancouver service may be quoted as a reason why Queensland should not get any recognition of her demands in this instance. I point out that the Queensland Government, in conjunction with the New South Wales Government, entered into a purely mail contract with a line of steamers running to Vancouver. That purely Australian service has been, for a number of years, paid for by New South Wales and Queensland. Whilst the other States have received the benefit of that service, they have not contributed a single cent. towards its cost. I have here a memorandum of what the service cost to New South Wales and Queensland. Upon the transfer of the Post and Telegraph Department to the Commonwealth the subsidy paid by Australia for the service was £17,500 per annum, of which New South Wales paid £10,000, and Queensland £7,500. In 1903, the Commonwealth Government extended that contract for a further period of two years, the Australian subsidy being

still being borne only by Queensland and New South Wales. The contribution of New South Wales, under the extended contract, was £13,636 7s. per annum, and of Queensland £10,227 5s. 3d. That contract is in existence at the present moment, and though the other States are enjoying the benefit of it as much as are New South Wales and Queensland, they are not contributing a single farthing towards the subsidy.

Senator Lt.-Col. GOULD.—That is being altered now.

Senator GIVENS.—It is to be altered in a new contract, which, I believe, will shortly come before us, and under which the subsidy will be further increased to £26,626 16s. This amount is to be apportioned amongst the six States on a *per capita* basis as follows:—New South Wales, £9,738 9s. 9d.; Victoria, £8,088 4s. 2d.; Queensland, £3,486 2s. 3d.; South Australia, £2,490 11s. 4d.; Western Australia, £1,619 3s. 6d.; and Tasmania, £1,204 5s. So that, in future, if the contract for that service is ratified, the people of Western Australia, whose representatives are raising the present outcry against the little concession proposed to Queensland, will be asked to pay only £1,619 3s. 6d. If any State will reap a greater advantage from the contract which we are asked to ratify than another, it is Western Australia, because Fremantle is the first port of call on the inward trip and the last port of call on the outward trip. When the mail-boats arrive at that port, they are loaded with passengers, who spend a great deal of money in Fremantle and Perth. Therefore, I think it comes with exceedingly bad grace from the representatives of the State which derives the chief advantage from this contract to try to deprive Queensland of the small advantage which is proposed to be given to her by the motion. Queensland will get no advantage similar to that which will be obtained by Western Australia in that respect, because 95 or 98 per cent. of the inward passengers will be landed before the boats go to Brisbane, and the outward passengers will be very few compared with the total number who will be carried.

Senator GUTHRIE.—But the boats will do coastal trade.

Senator GIVENS.—The coastal trade which the boats will do between Brisbane and Sydney will be infinitesimal, because

which the steamers will call, and the chief object in getting them to call there is to enable dairy produce and produce of a like nature to be carried direct from the State to the markets of the old world. I think I have dwelt sufficiently long on the Queensland aspect of this question. Of course, I shall vote against the amendment, and I challenge Senator Pearce, if he is in earnest in upholding the principle that no contract which is not exactly constitutional shall be entered into or maintained between the Commonwealth and any company, to join with me in voting against the ratification of this contract. Because, so far as Queensland is concerned, notwithstanding this little sop which has been given to her—

Senator GUTHRIE.—It is a sop.

Senator GIVENS.—It is a miserable, paltry recognition of Queensland's just claim to fair and Federal treatment, to allow a rebate of 3s. 8d. per mile for the voyage of the boats from Sydney to Brisbane. Were it not for the fact that it is a recognition of the principle that all the States must be treated alike in future contracts of this description, I should place very little value upon it, and I believe that my view is shared by a considerable section of the public in Queensland. The recognition of that principle is a valuable one. The contract, as it stands, is not only unjust to Queensland, inasmuch as it forces a contribution of about £21,000 from the State over and above what she has to pay as a State of the Commonwealth in order to get the same service. But, in addition to that, the contract is, I maintain, inherently bad, and for that reason I am prepared to join any honorable senators who are ready to vote against the motion. I shall briefly state the reasons why I believe the contract should not be ratified. Of course, I agree with Senator Matheson, who pointed out that in one respect it is a valuable contract, inasmuch as it has entirely disposed of the old, worn-out theory that was held by honorable senators on the other side, that it was impossible to get an efficient or cheap service unless the boats were manned with black labour.

Senator WALKER.—Remember that there was only one tender sent in.

Senator GIVENS.—It was not by reason of the conditions in regard to labour that only one tender was sent in, but because of the shipping combine.

Senator GRAY.—The honorable senator says that there is a combine, but nobody has ever proved that there is.

Senator GIVENS.—I ask the honorable senator if he only believes in things which are capable of clear legal and physical proof?

Senator GRAY.—The honorable senator states what is a fact, but he cannot prove it.

Senator GIVENS.—The honorable senator has said hundreds of things which are facts, but which he cannot prove.

Senator GRAY.—What are they?

Senator GIVENS.—If the honorable senator were asked for legal and physical proof of the Christian faith that is in him he could not give it.

Senator DAWSON.—Mr. Anderson said that the black labour conditions was not the reason why the company asked for a larger subsidy.

Senator Lt.-Col. GOULD.—It is wonderful how pleased the members of the Labour Party are to quote Mr. Anderson as a witness in this matter.

Senator GIVENS.—We do not want the evidence of partisan witnesses; we prefer to put our political enemies in the box, and make them prove our case. At a meeting of the company on the 29th April last, Mr. F. Green, chairman of the board of directors, referred to this very contract in these terms:—

One of the obligations imposed upon them by the new contract was that they were to carry only white crews, but they would part with their Lascars with regret, for the latter were efficient firemen, and were more fitted for work in the tropics than were white men. The idea that they had asked for an increased subsidy owing to this obligation was erroneous. There was very little difference in the cost of employing white or black crews; more black men—more Lascars—had to be employed, as they were not so strong as white men, and the increased number about compensated for the higher pay given to white crews.

Here is the chairman of the board of directors of the company speaking with knowledge and authority. I agree with Senator Matheson that, in making provision for the manning of our boats with white crews Australia is adopting a far-sighted national and racial policy, because, as everybody will admit, if ever our race should have to fight for its existence it will be exceedingly necessary that our first line of defence—our naval forces, no matter in what part of the Empire they may be—shall be available and efficient. Unless we have a white mercantile marine to draw upon for the manning of our naval defences it will

be utterly impossible for us to have available in the time of need a large and efficient body of men of our own race and colour to help us to maintain our position. If a large section of our mercantile marine is to be manned by coloured crews, where shall we get that large reserve of white naval men to draw upon? They will not exist. If the policy of employing coloured crews to any large extent is to prevail then “the boys of the bulldog breed” and “the sons of the sea” will not be available. I ask those honorable senators who are so fond of advocating the employment of coloured crews on our mail-boats and other vessels why they should not look upon this national and racial aspect of the question, especially when, as pointed out by the chairman of the Orient Steam Navigation Company, the same work can be done by fewer white than coloured men. It has been continually hurled at those who are in favour of only white seamen being employed on the mail boats that they want to force their policy upon outside people, that they want to establish a White Ocean, although the ocean is not under the control of the Commonwealth. No later than this evening Senator Walker hurled that sneer across the Chamber. We do not want to do anything of the kind. We say to the owners of the boats which come here to trade, “You can employ any crews you please, but we shall not subsidize you for any service if you employ coloured labour.”

Senator WALKER.—We sent our letters by the poundage system.

Senator GIVENS.—That is not a subsidy. If this contract were based on that principle we should save £80,000 a year. The service was quite as efficient under the poundage system as it is under the present contract. Our letters were taken to and delivered in England then just as regularly and expeditiously as they are now, and *vice versa*.

Senator WALKER.—Not so regularly.

Senator GIVENS.—Yes, just as regularly and expeditiously.

Senator TRENWITH.—Sometimes the mails were an hour and a half or two hours late.

Senator WALKER.—And sometimes a week.

Senator GIVENS.—There was not anything of the kind. We do not wish to enforce a White Ocean policy. We have no desire to go outside our own jurisdiction. But when we are spending our good money in subsidizing any service we should have something to say as to the conditions under

which it is spent. Those who do not want to receive subsidies from us can employ any labour they choose.

Senator DOBSON.—That is the argument of the cruel and tyrannical boycotter.

Senator GIVENS.—There is no boycotting about it. I have a right to select with whom I shall deal, and under what conditions. In examining this contract and the correspondence which led up to it, I find that the amount to be paid is £20,000 more than the late Postmaster-General considered to be fair and reasonable. Mr. Sydney Smith stated emphatically that he would not consent to pay more than £100,000.

Senator GRAY.—But pressure from the commercial world necessitated it.

Senator GIVENS.—The commercial world! A little handful of big merchants, wielding a disproportionate amount of influence in Sydney and Melbourne, could bring pressure to bear on the Commonwealth Government to have this wrong done. And they did bring pressure to bear. We are told that the Labour Party favours class legislation, yet here we have Senator Gray shamelessly admitting that the Government which he supported was guilty of a gross piece of class legislation in making this contract.

Senator GRAY.—Absolutely nothing of the kind.

Senator GIVENS.—That is the logical effect of the honorable senator's statement. The influence of a handful of traders in Melbourne and Sydney, calling themselves the commercial world, could, because they had the press at their back, bring about the making of this contract. Every one knows that enormous pressure was brought to bear upon the Reid-McLean Government by the commercial people of Melbourne and Sydney, but the matter did not affect the general public of the Commonwealth one iota. They did not care whether the contract was entered into or not. Our mails were as regularly and expeditiously carried under the poundage system as they are being carried now, at £80,000 per annum less cost. That, surely, is a very important consideration. When on the top of that we have an admission from the late Postmaster-General that not a penny beyond £100,000 ought to have been paid, the contract is surely sufficiently condemned.

Senator DOBSON.—The amount we pay is only £110,000 nett, because we get back £10,000.

Senator GIVENS.—I am inclined to believe that that set off is very mythical indeed. I also take up the ground that the contract is unconstitutional, because it discriminates between State and State. It is undoubtedly a trading as well as a mail contract. We are making a payment of £120,000 a year to the Orient Steam Navigation Company to obtain certain concessions and specified services, included in which are the providing of refrigerating machinery and cool storage. Every one must admit that cool storage is not required for the carriage of mails. Therefore, the conditions requiring the company to provide refrigerating machinery are outside the requirements of a mail contract. They are, I contend, unconstitutional, because the same facilities are not provided for each State. The contract practically offers a bounty to those States at whose ports the vessels are compelled to call. It will be admitted that the mail boats have practically finished their work, so far as a mail contract, strictly speaking, is concerned, as soon as they have delivered their mails at Adelaide. But the contract compels them to go on to Melbourne and Sydney. They may proceed beyond Sydney if they choose, but they must call at that port on the way back. Clause 3 of article 4 of the contract says—

The contractors shall be at liberty at their own option to continue the outward voyage (that is, from the United Kingdom) of any mail ship beyond Sydney, after calling at Sydney, and to commence the homeward voyage (that is, to the United Kingdom) of the said mail ship, from any port, provided she calls at Sydney.

It is remarkable that Melbourne is not mentioned in that clause as well as Sydney. It appears to me that Melbourne has been overlooked in that instance. But I maintain that the provisions to which I have referred make it a trading contract which offers special facilities to some States that are not extended to others. Therefore, the provisions are unconstitutional; and I believe that if any State which felt itself to be aggrieved were to have the point tested by the High Court, the contract would be disallowed. I am glad that the present Government have recognised, in a small way, the just claims of Queensland in this matter. But, nevertheless, I believe that my State has been grossly and shamefully ill-treated. So also has Tasmania. I hold that it is the duty of the representatives of those States

in the Senate—which is a States House—to make an effective protest in defence of their rights. I am prepared to go the full length of refusing to ratify the contract, and if any honorable senator calls for a division against the motion, I shall vote with him. It has been urged that we must make the best of a bad bargain. I do not share that view, because our position, if we refuse to ratify the contract, will be no worse than it was before it was prepared. Under the poundage system, we were as well served in respect of the conveyance of our mails as we have been since.

Senator GRAY.—The mail boats did not go to Queensland, though.

Senator GIVENS.—Queensland is under no obligation, either to the Commonwealth, or to the Orient Steam Navigation Company. She has to pay about £26,000 for the privilege of having the boats calling at Brisbane. If there was no mail contract at all, I believe the vessels would go to Brisbane for that payment just the same. I do not believe that it costs a great deal more because we compel the vessels to call at Melbourne and Sydney, but I do object to the recognition by the Commonwealth of the principle of compelling the vessels to call at those two ports, without extending the same privilege to every other State. I also take up the position that a mail service of this kind should be paid for as a mail service only, and that we should not incur the expense attached to providing subsidiary services. The Commonwealth should enter into a mail contract purely as a mail contract, and if it were desired that trading facilities should be afforded by the same vessels, that should be done by agreement with the States, and every State should pay for the privilege. Then, if any particular State stood out from the agreement, it would not have to pay its share of the cost.

Senator GUTHRIE.—Then the vessels would not take mails to the States that did not pay.

Senator GIVENS.—They only take mails to Adelaide now. The Commonwealth should concern itself with the mail contract, and nothing else: but the States could make arrangements with the Commonwealth for trading facilities on the vessels which the Commonwealth subsidized. If that were done, Queensland would have no cause of complaint, because she would not have to pay more than her proportionate share. If, on the contrary, Queensland

did propose to come in, she would enjoy to the full the facilities for which she was paying. But under the mail contract system, which is abortive so far as some of the States are concerned, Queensland has to pay her full proportion, while she does not get her fair share of the benefits. We have been told times out of number, whenever it has been proposed to introduce a radical measure which would be for the benefit of the masses of the people, that the powers of this Parliament are limited by the Constitution, and that we should not engage in trading or trespass on the rights of the States. But here we have had the Commonwealth Government trespassing on the rights of the States in this contract.

Senator MILLEN.—Is this not a case of a State trespassing on the rights of the Commonwealth?

Senator GIVENS.—Queensland has not done anything of which she need be ashamed, but only what she was compelled to do for her own protection.

Senator GUTHRIE. — Constitution or no Constitution!

Senator GIVENS.—There is nothing unconstitutional in the arrangement entered into by the Queensland Government.

Senator MILLEN.—I referred to granting aid to exporting, without the consent of the Federal Parliament.

Senator GIVENS.—Queensland has not done that. Senator Guthrie has discovered a mare's nest.

Senator MILLEN.—I was not referring to that point. What I say is that Queensland is granting a subsidy to the Orient Steam Navigation Company, as a means of aiding production and export; and section 91 of the Constitution says that that cannot be done unless both Houses of Parliament consent by resolution.

Senator GIVENS.—I read the Constitution somewhat differently. That section applies only when one State attempts to obtain Lounties or facilities for trading which no other State may enjoy.

Senator MILLEN.—The section does not say anything about any other State.

Senator GIVENS.—Section 91 of the Constitution is as follows:—

Nothing in this Constitution prohibits a State from granting any aid or bounty on mining for gold, silver, or other metals, nor for granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.

Senator MILLEN.—This is surely an aid?

Senator GUTHRIE. — It is an aid of £6,000 for the export of butter.

Senator GIVENS. — Queensland is not granting any aid or bounty for the export of goods. All that Queensland does is to provide, by her own action, for her producers and exporters the same facilities that are given to the producers and exporters of other States, with the exception of Tasmania, at the Commonwealth expense. The Commonwealth Government provide those facilities for New South Wales, Victoria, South Australia, and Western Australia at the expense of the people of Queensland, along with people of the other States, but the same facilities are not provided for Queensland or Tasmania. Queensland had to step in and take action for the protection of her own citizens; and are we to be told that such action is illegal and unconstitutional? I, for one, intend to stand up for the fair and just treatment of the smaller States; and I hope other honorable senators will do the same. I shall vote against the amendment; and I challenge Senator Pearce, if he is sincere in regard to the Constitution provisions about which he made such a "blow," to help me to destroy the contract altogether. I venture to say that he is not "game" to do so.

Senator DE LARGIE (Western Australia).—Had it not been that on several occasions you, Mr. President, have refused to decide questions of the kind, I should have asked you to say whether the portion of the motion which it is proposed to expunge, is in conformity with the Constitution. However, under the circumstances I am quite content to discuss the motion as it appears before us. Every honorable senator will, I think, agree that the Commonwealth Government had no option but to enter into this contract with the Orient Steam Navigation Company.

Senator GIVENS.—I suppose the honorable senator says that because the contract suits Western Australia?

Senator DE LARGIE.—I do not see why the honorable senator should make that remark. As a matter of fact, Western Australia is quite indifferent in this matter, because it is certain that whatever other ports may be passed by the mail boats, Fremantle, owing to the trade which is there to be found, is bound to be a port of call. This contract had to be entered into, or the Commonwealth mails

carried on the poundage system; and, under the circumstances, I do not see that the Government could have made a much better bargain, although there is a substantial increase in the subsidy. Whatever Government had been in office, I dare say the same set of circumstances would have brought about the same result. But something must be done to insure that the same circumstances do not again arise. Senator Keating has intimated, in an indefinite kind of way, that some steps will be taken in the future to that end; but we have not been taken into his confidence as to what is proposed. If something is not done, there is no doubt that, as the time for the termination of the contract approaches, we shall find ourselves in a similar predicament to that of some months ago. There is no lack of evidence that, not only amongst the oversea shipping companies, but also amongst the coastal shipping companies there is a ring; and unless drastic means are taken, the evil influence of the combination will be felt whenever contracts of this nature are under negotiation. On the coast the effects of the ring are not so apparent, because the mail contracts with the local companies are of a comparatively minor character. It is only when a large sum—such a sum as £120,000—is involved, that we realize the full power of a combination of the kind I have indicated. Some time ago a Select Committee, of which Senator Keating was chairman, considered proposals for the provision of better shipping facilities between the mainland and Tasmania, and unless the recommendations in the report of that Select Committee, or others of a like character, are taken advantage of, State-owned railways ought to be followed by State-owned shipping.

Senator Lt.-Col. GOULD. — How far would the honorable senator propose to send the State-owned steamer—to England?

Senator DE LARGIE.—I should send the vessels as far as the service required. Whether State-owned vessels are sent to the other side of the world, or only to Tasmania, does not affect the principle. The railway companies of England own the steamers which carry the mails to the Continent of Europe and to Ireland; so that the suggestion I am making is no innovation. When our pockets are hit, as in the case of the present contract, honorable members must realize that private enterprise is not such a sacred thing after

all. The late Senator Reid advocated the advisability of State-owned steamers as a means of lowering the freightage in the interest of the merchants of Flinders-lane, so that even the most ardent advocates of private enterprise sometimes abandon the principle when their own interests are at stake. Some time ago a Royal Commission was appointed in Western Australia to consider the question of ocean freights, and notwithstanding the fact that all the witnesses were drawn from the commercial classes, a large number advocated State-owned steamers, with a view of lowering the oversea charges. In proof of that, I quote the following from the report of the Commission:—

The majority of the witnesses examined, whilst expressing dissent from Government interference with private enterprise as a general principle, were in favour of Government taking action in the case of a monopoly so opposed to the general interests as that of the shipping ring. Whilst your Commissioners would welcome the establishment of an Australian mercantile fleet under Commonwealth control, for the transport of mails and cargo between Australia and the United Kingdom, and capable of being commissioned in time of war, we believe this ideal is not yet within measurable distance.

Senator Lt.-Col. GOULD.—I suppose that Commission was formed of members of Parliament?

Senator DE LARGIE.—Yes.

Senator GRAY.—Oh!

Senator DE LARGIE.—There is an old adage of which I should like to remind Senator Gray: "It's an ill bird that fouls its own nest." Why should Senator Gray cast reflections upon members of Parliament?

Senator GRAY.—I was not doing so. I was referring to the statement that this is a purely commercial transaction.

Senator DE LARGIE.—The majority of the witnesses who gave evidence before that Commission were commercial men. They admitted that extortionate freights were being charged and that it was necessary that something should be done to remedy the existing state of affairs. No one who has given consideration to the matter, who is aware of the freights charged to Western Australia, not only from the United Kingdom, but from the eastern States, and also of the system of deferred rebates and the way in which it operates in Western Australia, can wonder that the gentlemen connected with commercial life in that State should be anxious for an improved condition of affairs. The Commission received evi-

dence that rebates were being withheld for as long as three years, in order to bind merchants to do business with certain steamship companies.

The PRESIDENT.—Does the honorable senator think that has anything to do with the Orient Steam Navigation Company's contract?

Senator DE LARGIE.—I think it has.

The PRESIDENT.—The question is whether we shall affirm or shall not affirm a contract with the Orient Steam Navigation Company.

Senator DE LARGIE.—I think the remarks I am making are quite pertinent to that question. If they have no bearing on it, I am at a loss to understand what we have been discussing all the night.

The PRESIDENT.—The Senate has been discussing a mail contract with the Orient Steam Navigation Company.

Senator DE LARGIE.—It is a mail contract, but it is also something else.

The PRESIDENT.—It conveys no suggestion of a shipping ring.

Senator DE LARGIE.—Has it not been argued over and over again that it is because of the existence of a shipping ring that the Commonwealth Government has been "got at" in the way it has been under this contract? It has been contended that it is because of the existence of a shipping ring that there was only one tenderer for the contract.

The PRESIDENT.—Not a shipping ring amongst local steam-ship owners.

Senator DE LARGIE.—We are certainly not dealing with the local steam-ship owners at the present time; but I merely mentioned that there was a local shipping ring as well as a shipping ring controlling oversea ships.

Senator GRAY.—The honorable senator cannot prove either.

Senator DE LARGIE.—If Senator Gray takes any interest in this matter he will have very little trouble in obtaining plenty of proof of the existence of a ring in both instances.

Senator GRAY.—If the honorable senator has the proof, why does he not give it to the Senate?

Senator DE LARGIE.—I have not the proof at hand, but I can tell Senator Gray where he can get it in abundance. He has only to read the evidence taken by the Navigation Commission and by the Western Australian Commission to which I have referred.

Senator PULSFORD. — The honorable senator must be aware that for many years oversea freights have been relatively very low as compared with coastal freights; and it is with oversea freights that we are now dealing.

Senator DE LARGIE.—I quite grant that; but Senator Pulsford must admit that, whilst freights between the United Kingdom and Australia are lower than Australian coastal freights, owing to the action of a strong shipping ring in the United Kingdom, freights are much lower from America to Australia than from the United Kingdom to this country.

Senator GRAY.—The American freights are so low that the companies are losing money.

Senator DE LARGIE.—To which companies does the honorable senator refer?

The PRESIDENT.—I must ask the honorable senator not to be led away from the subject. American freights have really nothing to do with the question before the Senate.

Senator DE LARGIE.—I should like to say that the Orient Steam Navigation Company at the present time charges a freight rate of 65s. per ton between London and Perth.

Senator GRAY.—For what class of goods?

Senator DE LARGIE.—I cannot say, but I should imagine that would be about the average rate charged. The same company charges freight between London and Melbourne, six days further steaming, at the rate of only 50s. per ton for the same kind of cargo.

Senator Lt.-Col. GOULD.—And to Sydney, I suppose, they would charge only 40s. a ton.

Senator DE LARGIE.—I cannot say that the rate is lower to Sydney than to Melbourne, but I will say that it is more likely to be less than more. I attribute that to the fact that a small port like Fremantle cannot do as big a trade as a port like Melbourne, and is, in consequence, not in so good a position to secure low rates of freight. I assume that the Government, instead of making any special arrangement for the advantage of Melbourne and Sydney, would decide that a uniformly fair rate should be charged in respect of all ports.

Senator GRAY.—If we had State steamers the honorable senator would advocate a mileage freight rate?

Senator DE LARGIE.—I suppose that the Government would charge according to the services rendered to the people. We have had sufficient evidence given before the Navigation Commission, the Western Australian Commission, and the Select Committee presided over by Senator Keating to show that, unless we are prepared to take the bull by the horns, and provide a proper service of our own, we shall never be in any better position than we have been in the past to secure an economical service for the carriage of our mails and produce. It rests with the Government to say whether they will recognise that. I may be told that what is proposed is a new departure, and a dangerous experiment which we should not undertake; but I have already pointed out that the railway companies of the United Kingdom have their own steamers, and it would certainly be to our advantage if we had our own steamers. Commander Colquhoun, who had many years service in the mercantile marine, as well as in the Navy, in giving evidence before the Select Committee, presided over by Senator Keating, said that steamers could be built in such a way that they might be used as fast cruisers for Commonwealth defence, and for the carriage of mails and ordinary cargo at other times. That is the opinion of a man whose evidence should have some weight, and it should convince the Government that something should be done to provide our own steamers.

Senator GRAY.—We can provide anything if we like to pay for it.

Senator DE LARGIE.—I am afraid that we have to pay a great deal now and get very little for what we do pay. We have to pay for ships that are supposed to be able to defend Australia, and we have had Ministers at the same time declaring that they are nothing short of death-traps, and are of no use for Australian defence. If we can throw away £200,000 a year on vessels of that kind—

Senator PLAYFORD.—No Minister referred to the vessels of the Squadron in that way; the reference was to our own little boats like the *Cerberus*.

Senator DE LARGIE.—I think that it will be found that the Vice-President of the Executive Council was referring to the boats of the present Australian Fleet.

Senator PLAYFORD.—Decidedly not.

Senator DE LARGIE.—At any rate, we are paying a very large sum of money

time; and I question whether, when it becomes necessary to use them in the defence of Australia, they will be found any more serviceable for that purpose than steamers which could be made use of for commercial purposes, and also be used as fast cruisers in time of war. Senator PLAYFORD smiles at these remarks, but I doubt whether the honorable senator can be quoted as an authority against a gentleman of the standing of Commander Colquhoun.

Senator PLAYFORD.—Does the honorable senator mean to say that Commander Colquhoun said that we could get ships to carry mails which would be in fighting power as formidable as the vessels of the Squadron?

Senator DE LARGIE.—I do not mean to say that Commander Colquhoun contended that fast steamers useful for the carriage of mails and cargo would be as serviceable for purposes of defence as an iron-clad. We may have to transport men from one part of Australia to another, in order to defend this country.

Senator PLAYFORD.—The honorable senator has been comparing them with the Auxiliary Squadron, and to its disadvantage, and I contend that he is wrong.

Senator DE LARGIE.—If it is correct, as we hear from time to time, that the Auxiliary Squadron is somewhat out of date, and that some of the ships are obsolete, even a fast cruiser of the kind referred to by Commander Colquhoun would be quite as useful as, if not more useful than, some of the boats we have here. Whether I am correct or not time will tell. I dare say that much can be said on either side of the question. I do not pose as a naval expert. I have quoted my authority for whatever statements I have advanced. But I do hold that our steamers could be made use of for the purposes of defence. It is the duty of the Government to see that a step is taken at once to provide for a mail contract in the future, and not to wait until the last few months of the present contract before taking any action when, as occurred quite recently, the Commonwealth would have to accept the inevitable position of having to pay through the nose for a mail service.

Senator DOBSON (Tasmania).—I rise for the purpose of supporting the motion and opposing the amendment. It is a mystery to me how our fair-dealing friend, Senator Pearce, could ever have had the temerity to move the amendment. I have

been said, but it appears to me that the Queensland Government were practically driven into adopting the course which they did. I regret that, although every effort was made by Queensland to induce the Minister of the day to include Brisbane in the new contract as a port of call—

Senator PLAYFORD.—Every effort was made by the late Minister to get it done.

Senator DOBSON.—Yes, and when the Government of Queensland found that Brisbane was left out in the cold they took the only course they could of making a contract for themselves. I am not prepared to enter into the constitutional aspect of the question, because it involves most intricate points on which I am not prepared to express an opinion. I do not think that section 91 of the Constitution, which forbids a State to grant any aid to the exportation of goods without the consent of both Houses of Parliament, applies, because no particular goods or products are singled out. When Queensland was left out in the cold, and it was found that Brisbane was the only State capital which was not to be visited by the mail-boats, her Government set to work to make a contract for a special service.

Senator DE LARGIE.—Hobart is visited by the mail-boats.

Senator DOBSON.—The mail-boats do not visit Hobart under the terms of the contract, but in the fruit season they pick up an exceedingly good freight. Any honorable senators who take the point that what Queensland has done is contrary to section 91 of the Constitution, might also consider whether it is not contrary to the Constitution to have a mail contract which compels all the mail steamers to call at four States out of the six, leaving the other two States out in the cold. For that reason, I think that the amendment ought not to be considered for one moment. It seems to me to be an unfair proposal which, on its merits, ought to be rejected. Senator Pearce seems to have quite forgotten the advantageous position in which his own State stands, as against, for instance, Tasmania. Not only have the people of Tasmania to pay their share of the subsidy of £120,000, but they have to pay for delivering the letters from Tasmania to Melbourne, and for taking our foreign correspondence from Melbourne to Tasmania. But our friends in Western Australia, for their share of the subsidy of

carried from Western Australia to Adelaide for practically nothing.

Senator DE LARGIE.—What does that cost Tasmania?

Senator DOBSON.—It does not cost Tasmania anything directly; but, in addition to our share of that subsidy, we have to pay for other services which are rendered to Western Australia for practically nothing. Many questions arise under the contract which some day will have to be settled by the High Court. What I particularly wish to deal with are some statements made by Senator Matheson, which, of course, were backed up by members of the Labour Party. I believe that the cause of the whole trouble, and the extra expense, despite Mr. Anderson's statement to the contrary, is the "white labour" section in the Post and Telegraph Act. It is perfectly true that under certain circumstances Mr. Anderson said that the necessity of replacing the lascars with white labour only would not increase the subsidy. But I think that certain facts could be submitted under which he would probably change his mind. Leaving that gentleman to speak for himself, the extra subsidy of £40,000, and all the trouble and suspense which were caused to a little handful of merchants, or, as Senator Givens said, the commercial community, was entirely due to the fact that, owing to the white labour provision, we had no competition for the service. We had to break away from the Imperial contract, and to give up the little claim which we had to Federation with the mother country. We were at the mercy of the Orient Steam Navigation Company, and we simply had to make the best terms we could. I think it is perfectly clear that, owing to the absence of any competition, we had to pay a higher subsidy.

Senator MATHESON.—Surely the honorable senator did not expect that there would be any competition between that company and the Peninsular and Oriental Steam Navigation Company.

Senator DOBSON.—My honorable friend has got a little point there; but it is answered by the fact that England made with the Peninsular and Oriental Steam Navigation Company a contract of which we could have taken advantage, at a saving of some £40,000. I leave my honorable friend to his little theoretical point, but I beg to remind him that the direct result of the white labour

for the pleasure of driving our British black subjects out of the stoke-holds. I was very much astonished to hear him use that argument. He generally gets up his case very well, and is usually well versed in the facts, but the British Government has happened to call 280,000,000 persons in India British subjects. My honorable friend denied that fact, and went on to make the most extraordinary statement that these coloured citizens in India were not treated on a parity with other British subjects, as it was considered that they were not fit to take part in the defence of the country. He quite forgot that there are about 70,000 coloured soldiers in India, and that they have been used for the defence of the Empire. He seems to have forgotten that some of the Indian troops were the first to get inside the legations at Peking, and save the British Ambassador and his wife from being massacred. If he did not forget that fact he ignored it, in order to make a little point. He seems to imagine that these black fellow-subjects of ours were absolutely discarded because they were unfit to be soldiers.

Senator MATHESON.—It is a matter of fact that they were discarded, as I can prove.

Senator DOBSON.—I venture to say that my honorable friend is wrong in that respect. He also made another very great mistake. He said it was astonishing to find how many people in England believed that the white labour section would greatly increase the cost to which the Commonwealth would be put for the conveyance of its mails. I can quite understand that thousands of persons in Great Britain were of that opinion, because every member of the Labour Party in the Senate, and every labour member and agitator outside the Chamber, denied what Senator Givens read just now. They would not take any of the evidence that was submitted that there would be little, if any, difference in the cost of white as compared with black labour. They all declared in their arguments, letters, and newspaper articles, that it was simply because black labour was so cheap that it was retained, and as they were in favour of class legislation, they wanted to turn their black brothers out of the stoke-holds to make room for their white brothers. I do not think I ever heard Senator Matheson before make so many atrocious blunders or statements which were contrary to the fact.

Senator DE LARGIE.—We made the honorable senator climb down from his attitude, anyway.

Senator DOBSON.—I do not think that my honorable friends did. I look upon the white-labour provision as most unjust and inhumane, as I have said in every part of my little State, and the day will come when my honorable friends will have to alter the section. Do they suppose that the Government of Great Britain are going to alter it? Do they suppose that they can carry on with this system? Do they suppose that, while the motherland, with her millions of citizens, acknowledges these coloured men as our fellow citizens, we can say that they are not? If my honorable friends are going to cut Australia off from the Empire, and set up a republic with a president, then Senator de Largie will be right. But until that is done, he is entirely in the wrong. I propose now to deal with Senator Stewart. It is all very well, when an honorable senator has one compact in front of him, and one point to consider, to theorize and lay down the law. When my honorable friend says he believes in entering into a mail contract only, and not in considering the requirements of the producers, or what refrigerating accommodation the mail-ships should provide, he is simply going contrary to the opinion of every producer, shipper, and merchant in the Commonwealth. As Senator Playford interjected, the merchants and producers from one end of a State to the other have demanded that this accommodation shall be provided. They see with the eye of common sense that when you are asking certain boats to come here to carry your letters it would not cost much to ask them to come with their holds in such a condition that they could take away perishable products. It would be simply ridiculous to confine this contract to the carriage of letters. Even if the carriage of produce is a State matter, we ought to co-operate with the States, and still make the one contract. Fancy honorable senators who pretend to be business men wanting to place us at the mercy of the ship-owners by entering into a contract for the carriage of mails, insisting upon the provision of refrigerating chambers, and possibly also the carriage of general cargo. Is that the way in which to make a good bargain? On the contrary, is it not the way in which to play into the hands of the shippers?

Senator MATHESON.—There is no necessity for a contract about refrigerating chambers. Has the Peninsular and Oriental Steam Navigation Company got a contract to provide refrigerating chambers?

Senator DOBSON.—I have heard my honorable friend say that there is no occasion for us to pay a subsidy to the British Navy because if we did not we should get just the same protection from the British Navy as we do now. I decline to argue with any one who uses that sort of argument. If my honorable friend now says that there was no occasion to stipulate for the provision of refrigerating chambers because the mail steamers would call at all the ports, and that, therefore, we ought to pay nothing, I do not quite agree with that view.

Senator MATHESON.—Do the Peninsular and Oriental Steam Navigation Company get a subsidy for providing refrigerating chambers?

Senator DOBSON.—My honorable friend forgets that that company is subsidized by Great Britain to bring out letters.

Senator MATHESON.—And for providing refrigerating chambers?

Senator DOBSON.—I do not know that that stipulation is in the contract.

Senator MATHESON.—Exactly so.

Senator DOBSON.—Suppose that it is, is it not much better to be sure than to be sorry? Is it not much better when we know that we have butter, fruit, rabbits, and lambs, which require special accommodation, to arrange for a contract covering all that we require?

Senator MATHESON.—Not unless it is necessary.

Senator DOBSON.—Is not that common-sense business? I venture to say that if my honorable friend were making a contract on behalf of himself he would consider it necessary to have one contract, and to secure all the advantages thereunder that he could get.

Senator GUTHRIE.—If it had been left to the Imperial Government, would they have taken all these things into consideration?

Senator DOBSON.—I dare say that the Imperial Government would have taken into consideration anything which we represented, but of course they would not have carried it out. They had to take into consideration the fact that the Commonwealth was going to repudiate 200,000,000 citizens of the Empire. Honorable

senators know perfectly well that the Imperial Government has always given the fullest attention to the most petty details we want in before them as to our requirements.

Senator FLETCHER.—In 1861 or 1865 the Imperial Government, when asked by the Agents-General, refused to have anything to do with the carriage of produce or with refrigerating machinery, and said that they only wanted a mail contract.

Senator DOBSON.—How long ago was that?

Senator FLETCHER.—It was while I was Agent-General for South Australia; I think in 1865.

Senator DOBSON.—It is all very well for Agents-General to come back to Australia ten years out of date. But the world has gone ahead since 1865. I think that the British Government now recognises that a great deal of the butter and meat consumed in the people of England comes from this part of the world, and that it can only be taken to England by providing means for its carriage.

Senator FLETCHER.—The Imperial Government has made no such provision in the contract with the Peninsular and Oriental Steam Navigation Company, and that is a proof that they do not want to do it.

Senator DOBSON.—What is the use of talking nonsense like that, when the British Government knows that its people require millions of pounds' worth of perishable produce, and that we want to send it to them? Of course, it is not the purchaser who wants to enter into a contract for the carriage of produce; it is the producer who wants such facilities. I do not say that this new contract is an advantageous one. It will cost us more by £40,000 than the old one. But that is owing to the white labour section. I have no sympathy with the idea of establishing a line of steamers owned by the Government, for the carriage of our mails. We should lose hundreds of thousands of pounds a year from it. That is the last thing that I hope to see the Commonwealth do. Whether we are going eventually to socialize everything is more than I can say, but I hope it will not be in my time. I intend to vote for the contract, though I repeat that the increased payment is due to the white labour section.

Senator WALKER (New South Wales).—Like Senator DOBSON, I intend to vote

in favour of the contract with the Orient Steam Navigation Company. There is not the slightest doubt that one of the greatest mistakes we made was in not calling for tenders for a mail service earlier. We left the matter until too late to improve our position.

Senator DRAKE.—Tenders were invited in September, 1903.

Senator WALKER.—I am glad to hear Senator Drake's remark. I must be wrong upon that point. But it strengthens my argument that the increased price must have been due to the white labour section.

Senator GIVENS.—Then the chairman of the Orient Steam Navigation Company must be a liar?

Senator WALKER.—He is not the chairman of the whole of the shipping companies. Something has been said about the commercial community being only a handful of people in Australia. The commercial community is the whole community. Senator Givens is a member of it, and so am I. I was one of the deputation which waited upon the late Postmaster-General in reference to this matter, and we certainly represented more than a mere handful. As to Senator Matheson's remark in reference to the term "British subjects" not including Indians, I suppose that he would not include the Maories.

Senator MATHESON.—They are subjects of Great Britain.

Senator WALKER.—When I was in England at the Coronation, no troops were more admired than the Indians. Some of the men were as big as members of the British cavalry. One reason why I support this contract is that because it is intended to carry postal matter it is nominally a postal contract; and that gets over the difficulty which has been mentioned in regard to section 91 of the Constitution. All the States are treated alike in respect to the carriage of mails. Some remarks have been made with reference to the poundage system, and it has been said that we got our letters just as quickly by that system as we do now. That is absolutely not the case. Recently, in Sydney, mails were delivered by the Peninsular and Oriental Steam Navigation Company in thirty-one days from the time of their leaving London.

Senator STANFORTH SMITH.—The Peninsular and Oriental Steam Navigation Company's boats are not quicker than are the French and German boats.

Senator WALKER.—Mails come to Sydney by the Peninsular and Oriental Steam Navigation Company's boats much quicker than by any other vessels. I admit that the French and German lines are magnificent, but their vessels stop longer *en route*. I am surprised that the Western Australian senators have not emphasized the fact that when the railway connecting that State with the eastern States is completed, it will not be necessary to make a contract with the mail companies to go further than Fremantle. I am one of those who think that a mail contract should be confined to mail purposes, but, as other States receive extra advantages, I do not see why Queensland should not be included. As to Queensland, however, it must be remembered that Brisbane is not the whole State, and I expect that Rockhampton will begin to grumble that the capital is being too liberally treated. Honorable senators are mistaken in thinking that we have no right to expect the mail companies to do more than carry our mails. It must be remembered that mail coaches are compelled to carry so many passengers. In many cases we do not permit our mails to be carried on horse-back when that might be done, but provide that coaches shall be employed, for the convenience of passengers. A similar agreement is made in this case, and there is no harm in it.

Senator GIVENS.—Provided that all States are treated alike.

Senator WALKER.—Of course, they should be treated alike. A mail contract involves a *per capita* tax all round. I am totally opposed to the idea of the Commonwealth Government owning vessels to carry mails.

Senator GIVENS.—Why?

Senator WALKER.—I am an individualist, not a Socialist.

Senator DE LARGIE.—Then why does not the honorable senator carry his own mails?

Senator WALKER.—I have no mails to carry.

Senator GIVENS.—Is the honorable senator in favour of privately-owned railways as against State-owned railways?

Senator WALKER.—I am in favour of private as well as State railways, and when I was a young man at Rockhampton I remember opening a debate in favour of that proposition. Great Britain has gone ahead by reason of private enterprise, at all events. My vote will certainly go with the Government in this matter, and I hope that those honorable senators who have

not yet addressed the Senate will follow my example in making a brief speech.

Senator MACFARLANE (Tasmania).—I should not have risen except for the purpose of removing a misapprehension. I shall support the motion in the first place, because we are committed to the contract with the Orient Steam Navigation Company, and are already enjoying the privileges which it secures to us. Secondly, I support it because we cannot do any better. We cannot expect any competing company to enter the field. For that reason, I am surprised to hear several honorable senators say that there is a combine or a shipping ring that has prevented a number of tenders from being submitted. That statement is quite contrary to fact. I prove that in this way. Two years ago Senator Drake was full of expectation that he would receive a large number of tenders. I pointed out to him and to the Senate that there is not the number of fast steamers on the British register to enter the field. There are only forty-six steamers on the British register sailing over sixteen knots an hour. We require eighteen of those vessels for Australia, leaving a very small number for the Atlantic trade. That was the case two years ago. It is still true. I have before me *Whittaker's Almanac* for this year, which shows that the increase in the number of fast steamers has been very small indeed. I really think that those who talk about having fast steamers owned by the Commonwealth do not know the meaning of what they are saying.

Senator DE LARGIE.—What are the rates at which the mail steamers travel now?

Senator MACFARLANE.—They have to be capable of steaming sixteen knots sometimes, in order to carry out their contract of fifteen knots; because, when a vessel experiences very bad weather, she possibly cannot make more than twelve or fourteen knots per hour. She has to make up the loss in fine weather. That is simply a matter of fact. A vessel to keep her time has to make up in good weather what she loses in bad. In view of the small number of fast steamers available I do not know how any one can suppose that a shipping ring has prevented tenders being sent in.

Senator GIVENS.—That does not prove that there is not a combine.

Senator MACFARLANE. — There are not enough fast steamers to make it worth while to form a combine.

ney by the Peninsular and Oriental Steam Navigation Company's boats much quicker than by any other vessels. I admit that the French and German lines are magnificent, but their vessels stop longer *en route*. I am surprised that the Western Australian senators have not emphasized the fact that when the railway connecting that State with the eastern States is completed, it will not be necessary to make a contract with the mail companies to go further than Fremantle. I am one of those who think that a mail contract should be confined to mail purposes, but, as other States receive extra advantages, I do not see why Queensland should not be included. As to Queensland, however, it must be remembered that Brisbane is not the whole State, and I expect that Rockhampton will begin to grumble that the capital is being too liberally treated. Honorable senators are mistaken in thinking that we have no right to expect the mail companies to do more than carry our mails. It must be remembered mail coaches are compelled to carry many passengers. In many cases we permit our mails to be carried on horse coaches when that might be done, but private coaches shall be employed, for the convenience of passengers. A similar arrangement was made in this case, and there is no fault in it.

Senator GIVENS.—Providing the Colonies and States are treated alike.

Senator WALKER.—I think we would have been treated alike if the Government had involved a *per capita* system. The Steam Navigation Company, first of all asked the Government to eventually reduce the mails.

Senator GIVEN.—I think we should bear in mind, to come

Senator WALKER.—I think Senator Pearce is a dualist, not a

Senator DE VRIES.—The Orient Steam Navigation Company after they first put in their

Senator WALKER.—As far as the ports of call were concerned, the tender was

From the first, the tender was to carry mails at Adelaide, and then

Senator WALKER.—Melbourne and Sydney, as before. In fact, the company were tendering

Se.—on the lines of the old contract, and under the same conditions. The Postmaster-General

I.—and again endeavoured to induce the Orient Steam Navigation Company to

what sum they would require additional to go on to Brisbane; and, although

there were a great many interviews, the result is given in the minute of the Postmaster-General which appears on page 16

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Senator MACFARLANE

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they were working on the model of

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sion that made Sydney the terminus. In

that contract, made by the late Postmaster-

General, though he failed to obtain the in-

sertion of a clause providing that the steam-

ers should go to Brisbane, he secured "the

open door;" he removed the old condition

which made Sydney the terminus, and left

it open to the steamers to pass that port, as

soon as arrangements could be made to make

it worth their while to do so. It would

have been impossible for the Queensland

Government to make the arrangement they

have if this contract had been drawn ex-

actly on the lines of the original contract

to which the Colonies had previously as-

sented. It was the striking out of the em-

bargo in clause 4, and the provision made

in the new contract, that enabled the

Queensland Government to make this ar-

rangement. It is not surprising that, at

the time the contract was made with the

Federal Government, the Orient Steam Na-

avigation Company would not name an

amount for which they would allow their

steamers to go to Brisbane, because the

Queensland Government had then some sort

of an arrangement—I do not know exactly

what—with the Aberdeen Company, from

which the steamers of that line came

been circulated. This advertisement contained the following:—

Alternative Services.

A. Between Adelaide and Naples, Brindisi or other suitable port in the Mediterranean, *via* the Suez Canal, fortnightly each way, calling at Fremantle, and at such other ports as may be mutually agreed on.

I ask the Senate to note the following:—

Tenderers are invited to state the additional sum, if any, required to proceed further (1) to Melbourne, (2) to Sydney, (3) to Pinkenba in the port of Brisbane, and (4) to all or any of these ports.

There, again, the conditions were put in the widest possible way, so that there should be no favouritism.

Senator TURLEY. — The advertisement did not ask tenderers to state what additional sum would be required for calling at Brisbane.

Senator DRAKE.—I shall deal with that matter directly.

B. Between a port in Australia and a port in the United Kingdom, by such route as may be specified by the tenderer, fortnightly each way.

The Senate is aware of the long negotiations which took place afterwards with the Orient Steam Navigation Company. There were only two tenders—one by the Orient Steam Navigation Company, and one by the Scott Fell Company. The latter was for a service to Bombay only, for which £95,000 was asked, with an additional £20,000 for calling at Brisbane. As the service was to Bombay only, it would have been, for commercial purposes, practically useless. The Orient Steam Navigation Company, in their tender, first of all asked for £170,000, and eventually reduced the sum to £120,000, their tender being, honorable senators must bear in mind, to come to Adelaide only. I think Senator Pearce was wrong in saying there was any alteration in the Orient Steam Navigation Company's offer, after they first put in their tender, so far as the ports of call were concerned. From the first, the tender was to land the mails at Adelaide, and then proceed to Melbourne and Sydney, as before; in fact, the company were tendering on the lines of the old contract, and under the old conditions. The Postmaster-General again and again endeavoured to induce the Orient Steam Navigation Company to state what sum they would require additional to go on to Brisbane; and, although there were a great many interviews, the gist is given in the minute of the Postmaster-General which appears on page 16

of the paper circulated. In that minute Mr. Sydney Smith says—

I therefore suggested to Mr. Anderson that the conditions of any proposed contract should as closely as possible follow the whole of the provisions of the 1897 agreement between the Imperial Government and the Orient Company, and also that the necessary conditions as to white labour, and, if possible, making Brisbane a port of call, as well as providing for cold storage accommodation, should be inserted in any agreement between the company and the Commonwealth Government.

I know personally that Mr. Smith tried hard to induce the company to make some arrangement of the kind, and in his minute he proceeds—

I strongly urged Mr. Anderson to arrange for the vessels of the Orient line to journey from and to Sydney and Brisbane on each trip, but he informed me such an arrangement would necessitate the employment of an additional vessel, which the company could not undertake at the present juncture to employ. He promised, however, that the matter would receive attention at an early date, and clause 4 of the agreement has been so worded as to permit of the desires of both myself and the Queensland Government in this respect being given effect to as soon as the Orient Company is in a position to do so at a reasonable cost.

Clause 4, of which he speaks, omits—they were working on the model of the old agreement of 1897—the provision that made Sydney the terminus. In that contract, made by the late Postmaster-General, though he failed to obtain the insertion of a clause providing that the steamers should go to Brisbane, he secured “the open door;” he removed the old condition which made Sydney the terminus, and left it open to the steamers to pass that port, as soon as arrangements could be made to make it worth their while to do so. It would have been impossible for the Queensland Government to make the arrangement they have if this contract had been drawn exactly on the lines of the original contract to which the Colonies had previously assented. It was the striking out of the embargo in clause 4, and the provision made in the new contract, that enabled the Queensland Government to make this arrangement. It is not surprising that, at the time the contract was made with the Federal Government, the Orient Steam Navigation Company would not name an amount for which they would allow their steamers to go to Brisbane, because the Queensland Government had then some sort of an arrangement—I do not know exactly what—with the Aberdeen Company, by which the steamers of that line came into

the Queensland ports, and took practically all the cargo.

Senator TURLEY.—The arrangement was only a remission of the port dues; there was no contract.

Senator DRAKE.—Was there not an understanding that the Queensland Government would encourage shippers to use that line? In the contract which was read by Senator Guthrie, there were not only remission of port dues and other concessions, but the Queensland Government undertook to encourage the shippers of produce to favour those steamers.

Senator TURLEY.—But there was no real contract in existence.

Senator DRAKE.—Whatever the arrangement may have been, the Aberdeen liners were induced, by the remission of port dues, to go to Brisbane, and they practically secured all the trade. The Orient Steam Navigation Company would not, for any sum that we could afford to pay, take their steamers to Brisbane empty and bring them away empty. It was, I suppose, owing to the termination of the arrangement with the Aberdeen Company that the Queensland Government have been able to invite the Orient Steam Navigation Company to send their vessels to Brisbane; and, in the arrangement made, the Queensland Government have undertaken to encourage shippers of produce to ship with the vessels of that company. It was, therefore, the prospect of trade that enabled the Orient Steam Navigation Company to name the sum of £26,000 agreed upon. It has been suggested that this arrangement is unconstitutional, but if that be so, it was unconstitutional, in the first place, for the Federal Government to endeavour to arrange with the company to take the vessels on to Pinkenba. In both the advertisements I have read, tenderers were asked to say what additional sum they would require to go to the port of Brisbane, and, clearly, at that time, it was considered perfectly constitutional that such a subsidy should be paid. The only obstacle in the way was that the Orient Steam Navigation Company would not name a price, because it was not worth their while to send their steamers to that port. Subsequent events, the cessation of relations with the Aberdeen line, and the fact that the freight previously secured by that line was left open to the Orient Steam Navigation Company, enabled them to name a price. So that they are doing now what they were not able to do at the time we

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were asking for tenders. It seems to me that there is nothing unconstitutional now in paying the company a certain amount to extend their service from Adelaide, past Melbourne and Sydney to Brisbane.

Senator WALKER.—That is what we really wished them to do at first.

Senator DRAKE.—In making the contract, we opened the door in order to enable this very arrangement to be made, and now that it is found that it can be made, it seems to me that it would be a very unfair thing for us to take advantage of the fact that the company were not able to name an amount for this service at the time they entered into the contract, and to quibble by saying, now that the thing is past and gone, and Queensland has made an arrangement, that we cannot constitutionally take the burden off her hands. I admit, of course, that it is quite a fair thing for the Parliament of the Commonwealth to consider what amount should fairly be borne by the Commonwealth Government.

Senator DOBSON.—The Commonwealth is getting off very cheaply, I think.

Senator DRAKE.—It would, perhaps, have been too much to ask that the whole amount of the subsidy which Queensland has agreed to pay should be recouped, but it seems to me that £6,000 is a very small proportion of it.

Senator CLEMONS.—Is the Queensland Government going to be satisfied with £6,000 out of £26,000?

Senator DRAKE.—I do not know. The principle on which Governments have always gone in dealing with mail services on land is to pay more, in proportion to business done, for outlying services than for services nearer centres of population. In the same way, it is not unnatural to say that we should pay a higher rate for an oversea service at the extremity than between intermediate ports. I think that the Commonwealth Government and Parliament might very well have agreed to pay a larger proportion than is proposed. It would perhaps be ungracious to make too much of that. The House of Representatives has agreed to this amount, and I suppose it is a question now of ratifying the contract with this condition in it, or of refusing to do so. On the whole, I think that the contract should be accepted, but I thoroughly agree with honorable senators who have affirmed the desirability of notice being given next January to terminate

the contract. That will give two years in which to secure a new service, and experience has shown that two years is not too long a time for the purpose. When the Government of which I was a member called for tenders in the first instance, we found that almost immediately there were complaints that the time allowed was too short. It takes some time for the conditions of tendering to become known at the head-quarters of the shipping companies. When they are known the companies require the best part of a year in which to make up their minds and to tender, and a company that is not already engaged in the business of carrying mails will also require, if their tender is accepted, a long period of time in order to get their ships ready to carry out the contract. Taking everything into consideration, therefore, if we aim at having what we might call a real Australian service, we must allow for at least two years in which to make the necessary arrangements.

Senator TURLEY (Queensland).—I do not know that Queensland has asked for any extra consideration in this matter. In the correspondence which passed originally between the Government of that State and the Prime Minister of the Commonwealth, it was clearly pointed out that Queensland asked for nothing which was not granted to the other States. The Prime Minister of the Commonwealth had been holding a meeting in Brisbane, and had stated that the new service was to terminate at Adelaide, and I quote the following passage from a letter written on 17th December, 1903, by the Premier of Queensland to the Prime Minister of the Commonwealth:—

In the speech referred to you employed language which clearly imports that in your view the existing mail contract makes Adelaide the terminus of the service, and the companies concerned are under no obligations to send their mail ships to Melbourne and Sydney. Of course, if this view were correct, Brisbane, in regard to the contract, would be on a footing of absolute equality with Melbourne and Sydney, and could not reasonably protest against being denied a privilege which Melbourne and Sydney would owe entirely to the commercial inducements they offer to the mail companies.

That shows the position which was taken up at that time by the Queensland Government, and so far as I understand the matter that is exactly the position which is taken up at the present time, not only by the Queensland Government, but by the representatives of that State in the Federal Parliament. They contend that the contract

now submitted for ratification is not only a mail contract, but is also a commercial contract. That being so, they simply ask that the same facilities shall be given to Queensland as are given to the other States. It is all very well for honorable senators to say that if the service terminated at Adelaide, the amount of the subsidy asked would be the same. That is not the question. The fact remains that conditions are included in the contract that the vessels used in the service must call at Adelaide, Melbourne, and Sydney. There is a further condition that they must make provision for the carriage of perishable products, and it has been pointed out that the arrangement with respect to the carriage of parcels is that they shall be taken on to Sydney. I have risen to speak chiefly in order to refer to some of the remarks which have been made by Senator Guthrie, who states that if we accepted this contract, as now proposed, the Commonwealth would be rendered liable to a great many obligations. I have only just seen the Queensland contract, but I am unable to discover that the Commonwealth would, under it, be rendered liable to any particular obligations. Clause 7 of the Queensland contract provides that—

The contractors are to have the preference of carrying all Government cargo, and the passengers of all assisted or other immigrants to Queensland under the control of the Government, at current rates of freight and passage money, but the contractors shall only be entitled to passage money of immigrants who shall be landed at Pinkenba (or elsewhere in the State at the expense of the contractors), which passage money shall be payable in Brisbane only.

There is nothing in that. If there are passengers for whom the State Government are paying, they have a perfect right to make a contract with any steam-ship company to do the work they require to be done. Clause 9 of the contract provides that—

The said Government will provide sufficient pilotage service from and to the wharf at Pinkenba and the open sea, and the assistance of the Government staff and plant in case of accident between those points.

Senator Guthrie has stated that this clause will interfere with the Federal pilot service in the event of this Department being taken over during the currency of the contract.

Senator DRAKE.—We cannot take over a pilot service.

Senator TURLEY.—Even suppose that we can make the pilot service a Federal Department, the clause of the contract to which I have referred does not provide that the

Government shall supply persons from the pilot service to do the necessary work. They are to provide people efficient to act as pilots to take the company's vessels in from Cape Moreton to Pinkenba. There is a sufficient number of men in the service of the Queensland Government competent to do this work without calling on the Queensland pilot service. When the British India Company's boats used to run through Torres Straits, where navigation is most difficult, the services of men who did not belong to the pilot service were availed of. There would be no trouble in securing efficient men to carry out the work mentioned in clause 9 of the Queensland contract. The next clause of that contract provides that—

The Government will not enforce any port dues or other charges ordinarily leviable on shipping in the port of Brisbane.

If the Federal Parliament takes over the ports and harbors of the Commonwealth, there will be nothing to prevent the Queensland Government giving the facilities proposed to be given to the Orient Steam Navigation Company under this clause.

Senator PEARCE.—When we take them over, we must do so subject to the conditions of all existing agreements.

Senator TURLEY.—That is so; but in this case the Federal Government would not require to accept any responsibility, as it might be a condition with the State Government of Queensland that they should make up in a subsidy to the company the amount which they previously gained in being exempt from harbor dues.

Senator CLEMONS.—We have heard that sort of argument before, but in practice the result has been different, where the Federal Government has taken over liabilities.

Senator TURLEY.—That has not been under a definite contract. Every one knows that this contract is subordinate to the contract being entered into between the Commonwealth and the Orient Steam Navigation Company. One clause states that if the contract between the Federal Government and the Orient Steam Navigation Company is not ratified this proposal will drop out, and whenever that contract is terminated, if it should be ratified, the conditions under this proposal will also terminate.

Senator CLEMONS.—That exposes the false consideration of 3s. 8d. per mile.

Senator TURLEY.—I contend that the Federal Government should have undertaken to pay the whole amount of the sub-

sidy which the Queensland Government agreed to pay to the Orient Steam Navigation Company, and that there should not have been any difference made, at any rate between the capitals of the States. In connexion with railways and wharfage, the State Government have agreed to grant certain concessions to the Orient Steam Navigation Company on condition that the boats shall call at Brisbane. Previously when they gave similar concessions to another steam-ship company no bother was raised.

Senator CLEMONS.—What about quarantine?

Senator TURLEY.—The agreement contains this condition—

In case the said mail ships are quarantined at Pinkenba, the Government will undertake the lightering of the cargo, and the taking and quarantining of the passengers.

Suppose that when a mail steamer arrives from Sydney she is quarantined at Pinkenba, which is situated at the mouth of the Brisbane River, the State Government are prepared to accept the responsibility of removing the passengers and the cargo, as the Federal Government would compel them to do, and, at their own expense, place them at the quarantine station, so that she may be able to leave the port. Whatever expense was incurred, it would have to be refunded by the State Government to the Federal authorities. So far as the lightering of the cargo is concerned, there would be no expense to the Federal Government. The cargo would be placed in the lighters, which would have to lie there until the ship was released, unless they resorted to fumigation. The passengers would have to be found with provisions on the island, and, instead of the Federal Government being called upon to bear the expense, the State Government would have to refund any expenditure in that connexion. Senator Guthrie has urged that the mail steamers are entering into competition with the coastal steamers. I have always raised my voice against any competition of that description. In connexion with the Navigation Bill, or any other measure, I shall always be opposed to sea-going vessels being permitted to carry cargo or passengers from port to port on our coast. They have a right to land any passengers or cargo which they may bring from overseas, just as they have a right to pick up any passengers or cargo which they wish to

take oversea. I think it would be utterly wrong for the Government of the Commonwealth or of a State to assist oversea lines to compete with coasting vessels, which are paying considerably higher wages and giving far better conditions to their crews. I am not particularly wrapped up in this contract, and, with Senator Givens, I think that, if anything is going to be done, Queensland is entitled to receive as much consideration as the other States. If Senator Peace is prepared to vote against the ratification of the contract he shall have my support, and I should not be sorry if we were able to secure a majority against the motion.

Senator HIGGS (Queensland).—I am also very much in favour of voting against the ratification of this contract. But if the Federal Government are going to arrange for the payment of £120,000 to a company, and the contract is to provide for cold storage for exports from Melbourne, Sydney, and Adelaide, then I think we must do our best to get a similar concession made for exports from Brisbane and Hobart, and any other important port in the Commonwealth which demands that accommodation. I consider that this system of calling for tenders for a mail contract, and laying down a number of conditions referring to cold storage and the shipment of perishable products is a breach of the Constitution. Without a doubt, it is a bounty upon the exportation of goods. These bounties have a right to be uniform throughout the Commonwealth; but they are not uniform when they are confined to three or four States. If the Queensland Government had not arranged for the Orient Steam Navigation Company to get certain concessions if it agreed to provide the additional service for £26,000, I have no doubt that they would have tested this point in the High Court, where, I believe, they would have succeeded. I desire to say a few words in praise of the late Postmaster-General—Mr. Sydney Smith—for the splendid fight which he made against this company. Certainly he disappeared towards the close of the negotiation, but I assume that he had to take a back seat, so to speak, when Mr. Reid, the Prime Minister, intervened. The latter was very much against the contract until a certain resolution was passed by the Employers' Association in Sydney. Up to that point he was almost as strongly as Mr. Sydney Smith against accepting the

terms of the company. I think he made a mistake when he gave way, because the people of the Commonwealth were, without a doubt, supporting his colleague in the stand he was taking.

Senator DRAKE.—The pressure was from all round, and not from any particular quarter. Nearly all the States complained as soon as the mails began to arrive irregularly.

Senator HIGGS.—A so-called great outcry was made by the various Chambers of Commerce throughout the Commonwealth, but those institutions do not represent the great bulk of the people, who, I suppose, do not receive more than half-a-dozen letters each per year from the old country, and are not particular to a week or two as to when they arrive. They were getting a very fair service under the poundage system, which was adopted prior to the conclusion of this contract. The owners of these mail-boats belong to a great shipping combine which is acting like the pirates of the olden time. Senator Drake will remember that not very long ago a Brisbane merchant, Mr. T. C. Bierne, complained bitterly of the action of this combine in preventing the Aberdeen line of steam-ships from taking goods directly from the old country to Brisbane. The combine actually forced the Aberdeen line to abandon their proposal to have twenty-six trips per year to Brisbane. They said, "No, you shall not run a vessel once a fortnight; we shall permit you to run a vessel once every three weeks." Instead of twenty-six trips a year we had only seventeen trips. Not only did the combine interfere in that way, but they also said to the Aberdeen line, "You may take butter, but not meat." Is it not a dreadful state of things when a shipping combine can order a company to run only seventeen trips a year instead of twenty-six, and threaten the company if they do not abide by these terms, with a competition which might lead to their extinction. Some years ago the Australian Steam Navigation Company tried to put up the price on the Queensland Government for the carriage of the northern mails from about £14,000 to £26,000. There was then at the head of the Government a very firm and forcible character in the person of the late Sir Charles Lilley, who was afterwards Chief Justice. He defeated the proposal to levy this toll upon the people of Queensland by going to Sydney and commissioning Messrs. T. S. Mort

called the *Governor Blackall*, I think, at a cost of £16,500. The steam-ship company held out until they saw the *Governor Blackall* steaming up the Brisbane River, while crowds on its banks cheered her approach. Thereupon the company came down several thousand pounds in their terms, and the action of Sir Charles Lilley, so he claimed, saved Queensland the sum of £50,000.

Senator DRAKE.—What was the sequel? The company bought the steam-ship, and then put up the rates again!

Senator HIGGS. — If the politicians who surrounded Sir Charles Lilley had not the same backbone as he had, and thought he was improperly interfering with private enterprise, that does not detract from the credit which is due to him, nor does it show that the action taken by a Premier of Queensland was not one to be taken by the Prime Minister of the Commonwealth. If the latter were to hold out against the shipping combine in a similar manner, we should find a different state of affairs brought about.

Senator TURLEY.—There has been a big change in public opinion, too, since that time.

Senator HIGGS.—No doubt there has been.

Senator DRAKE.—£16,000 a year would not do it now.

Senator HIGGS.—The honorable senator will see that, if the Government of Queensland could get a steamer at a cost of £16,500 to carry the mails up the northern coast, the Government of the Commonwealth might very well undertake to threaten the steam-ship companies in a similar way with regard to the carriage of the oversea mails. I shall be prepared to join any one in defeating this contract as a whole; but if a majority of members of Parliament are willing to pay the Orient Steam Navigation Company a subsidy of £120,000 per annum for certain services, I think that Queensland should get its share, and that the Commonwealth should pay the sum which it has agreed to pay in connexion with the carriage of mails from Brisbane.

Senator O'KEEFE (Tasmania). — I do not like the contract, and should prefer to vote against its ratification; but if the motion is going to be carried—and I believe that it commands a majority in the Senate—I shall certainly vote against the amend-

amendment of Senator Pearce, because it must be manifest to every one that this is a mail contract pure and simple which we are asked to ratify. It should have been entered into only as regards the carriage of mails. But as the Government has gone further, and laid down the stipulation that certain facilities are to be provided in the interests of the producers, I do not think that it is fair to discriminate between State and State, as this contract certainly does. I am quite in favour of the idea that the producer should be assisted, but this is not the proper way to do it. As the contract provides that the steamers are, after delivering the mails at Adelaide, to call at Melbourne and Sydney, I think that Queensland and Tasmania are not securing any unreasonable concessions. In fact the concession made to them is a miserable one. If the contract is to be agreed to at all, I trust that the Senate will, in fairness to Tasmania and Queensland, reject Senator Pearce's amendment. At the same time, I believe that the earliest notice should be given of the termination of the contract at the expiration of the period.

Senator GIVENS.—The earliest notice we can give is to refuse to ratify the contract at all.

Senator O'KEEFE.—I am prepared to vote against it if Senator Givens calls for a division; though I am satisfied that there is a majority in favour of it. I think the contract should never have been entered into, and would not have been, except that the late Government allowed itself to be bullied and dragooned by a small number of merchants into paying £38,000 more of the money of the taxpayers than there was any need to pay. There was no demand from nine-tenths of the people of Australia for departing from the poundage system.

Senator MACFARLANE.—The position was intolerable under the poundage system.

Senator O'KEEFE.—There was no outcry against it except from a few big merchants.

Senator WALKER.—Merchants and bankers.

Senator O'KEEFE.—How much inconvenience did they suffer? I venture to say that ninety-nine people out of a hundred did not know that our mails were being carried by the poundage system.

Senator WALKER.—The intelligent people did know, but, unfortunately, the majority of people are not intelligent.

Senator O'KEEFE.—It is not given to all of us to have the intelligence of my honorable friend, but still, there are a number of people who think they are endowed with some little intelligence, and who, nevertheless, hold the opinion that Australia had a far better bargain under the poundage system than she has under this contract. It has to be remembered that if the merchants and others to whom Senator Walker has referred had had their way, Mr. Sydney Smith would have accepted a tender for £150,000. It is a well-known fact that there was a large amount of correspondence purporting to make it appear that the commercial interests of Australia were being ruined because the contract was not signed, and that £150,000 was not too much to pay. But Mr. Sydney Smith stuck to his guns up to a certain point, and eventually secured a fair reduction. If the contract is to be ratified at all, I certainly think that Queensland and Tasmania should receive the small concession that it is proposed to give to them. It is to me almost inconceivable how their interests were overlooked in the first place.

Senator DRAKE. — They were not overlooked; the honorable senator could not have been here when I read what took place.

Senator O'KEEFE.—I was here, and heard what Senator Drake said, but that does not affect what was contained in the contract. Certainly Tasmania and Queensland have not had those facilities granted to them for the export of produce that the other States have enjoyed. It is an improper thing to discriminate between State and State. Therefore, small as the concession is, yet, regarding it as a measure of compensation to Queensland and Tasmania, added on at the tail end of the agreement by the House of Representatives, I as a Tasmanian representative have to be thankful for the small mercies vouchsafed, and to accept them.

Senator PULSFORD (New South Wales).—I desire to make a few remarks on this matter, which is of considerable importance to Australia at large. I have on more than one occasion in the Senate expressed my dissent from any policy which made the Post Office subsidize national industries. I have said that if

the Government desired to promote any special industry, funds should be found for that purpose apart from the Post Office. Now that a contract is about to be entered into with the Orient Steam Navigation Company, and the ships are to call at the principal ports of four States, and an agreement is made by a fifth State by which it pays a considerable sum to induce the vessels to go there, I cannot but realize that there is some justice in asking the Commonwealth to pay something towards that increased sum. I should have preferred, as I have said, a simple contract for the conveyance of mails from Adelaide to Europe. That is what Australia wanted. But that not having been done, Queensland has some right to complain if an agreement is entered into which confers certain benefits in which she does not participate. Queensland having made an arrangement by which the Commonwealth purse is drawn upon, naturally Tasmania also has some claim to be remembered. It appears to me that the following is something like the position in which Queensland will be supposing the motion is carried as it stands. Towards the first sum of £120,000. I think Queensland will have to contribute about £15,000. Then Queensland has undertaken to pay to the Orient Steam Navigation Company a sum of £26,000. Out of that the Commonwealth undertakes, by this contract, to pay £4,600; but the Commonwealth will again debit Queensland with £930, her proportion towards the £4,600, and towards the cost of the concession to Tasmania. Queensland will pay £15,000 towards the £120,000, and £22,300 under the new contract, making a total of £37,300, plus a considerable sum in remitted port dues. How large that sum is will be apparent when I say that the amount which Queensland will pay towards the maintenance of the Orient Steam Navigation Company's service, with the extension to Brisbane, is substantially equivalent to what the relatively more populous State of Victoria will pay. Western Australia, from whose representatives the principal objection to the proposal has come, would pay towards the £120,000 about £7,000. I would, however, remind honorable senators that, in proportion to population, the business interests of the great western State are proportionately greater than those of other States, and that, if Western Australia were to pay, in proportion to the value

portion to the number of the male population, she would be called upon to pay, not £7,000, but a sum much nearer £10,000. Under these circumstances, I think Western Australia has very little ground for complaint, and much cause for gratification. Then the geographical position of Western Australia gives her relatively much greater benefit from the mail service. From the eastern States a certain proportion of the mails for England, and all the mails for America, are taken either by the San Francisco or the Vancouver route, whereas Western Australia has the advantage of greater proximity to Europe, and much greater benefit relatively from the Suez service. Therefore, I think that Western Australia, for the reasons I have given, and for other reasons advanced during the debate, stands very well indeed in connexion with this contract. Then Tasmania would appear to have a very happy position. That State, towards the £120,000, will contribute, in proportion, about £5,400, but, as she is to be credited with £2,600 on the mileage system, she is called upon to pay only about £2,800 net towards the cost of the Orient Steam Navigation Company's service. Nowadays it is the policy of all great countries, whether it be free-trade England or protectionist France, Germany, or the United States, to maintain swift mail services. Japan, which has lately entered the family of nations, has also begun to pay considerable subsidies to her mail steamers. It would be very strange if Australia should, under the circumstances, be unwilling to bear a reasonable share of the cost towards the maintenance of a valuable mail service under the British flag.

Senator STANFORTH SMITH.—Germany does not subsidize her fleets for the mail service.

Senator PULSFORD.—I do not care what is the purpose; at any rate, the German steamers which are subsidized carry mails. Germany, France, and the United States all subsidize mail steamers to a very considerable extent.

Senator PEARCE.—Will the honorable senator mention a single steamer on the Atlantic subsidized by the United States Government?

Senator PULSFORD.—The United States Government are paying very large sums for the conveyance of the mails to England.

sidy, but as poundage.

Senator PULSFORD.—It does not matter whether the payment is called poundage or subsidy, if it be at a high rate.

Senator STANFORTH SMITH.—The poundage paid is at the Berne rate.

Senator PULSFORD.—The United States Government pay a high rate of poundage to vessels under the American flag, and a low rate to vessels under foreign flags. I should like to draw attention to one little fact which has surprised a good many gentlemen. Even Mr. Reid was very much astonished to learn that no tender was made for the mail service by Australian ship-owners. But on looking through *Lloyd's Register* of last year we learn that in Australia and New Zealand there were only six steamers of over 15 knots, the majority of which belonged to New Zealand; only seven steamers of 14½ and 15 knots; forty-one steamers of 12 to 14 knots; and ninety-seven steamers under 12 knots. That is the reason why the ship-owners of Australia were not in a position to tender for the conveyance of mails to the old country. Besides, the Australian vessels were engaged in profitable trade. I think every one knows that the coastal trade of Australia is infinitely more profitable than the overseas trade between Australia and Europe; that is one of the well-known facts of commerce. If there are any gentlemen who doubt my statement, or do not know the facts, I am quite sure they could easily find verification for it. On that point I have a quotation from the evidence given by Sir Thomas Sutherland before a Select Committee of the House of Commons in 1901 on the question of steam-ship subsidies. Sir Thomas Sutherland said:—

The difference between mail steamers and cargo steamers is enormous, and I have no hesitation in saying that, without a subsidy, no steamers such as we employ for mail services would ever be built for the eastern trade. I assume to-day, for instance, that a good cargo steamer would be built for £9 a ton on the registered tonnage, not the carrying capacity. If you count on the general tonnage, and come to what I call an intermediate steamer, a steamer capable of steaming twelve or thirteen knots, and carrying a certain number of passengers, that ship would cost you on the registered tonnage £16 to £17. That is what I might call an intermediate steamer. When you come to a mail steamer capable of steaming seventeen or eighteen knots, you get your price considerably above £30 a ton. I am sorry to say, taking into account this very important fact as affecting the eastern passenger trade, namely, that the steamers never fill with passengers except for two months in the year outwards, and two months in the year homewards. I have

no hesitation in saying that a cargo steamer is a more profitable instrument than the mail steamer, even with the passage money and subsidy the latter earns.

That is the sworn evidence of the chairman of the Peninsular and Oriental Steam Navigation Company.

Senator CLEMONS.—Sir Thomas Sutherland was dealing with a 17-knot service, whereas the service now under discussion is 14 knots.

Senator PULSFORD.—It is all relative; a 14-knot service does not cost so much as a 15-knot service, while a 10 or 11-knot service is very much cheaper than a 14-knot service. I have here quite a remarkable memorandum by Sir Thomas Giffen, the well-known statist, who says that the profits of the unsubsidized portion of the fleet of the Norddeutscher Lloyd Steam Navigation Company increased between 1895 and 1900 from £95,000 to £1,085,000, whilst the profits on the whole of the subsidized portion only grew from £60,000 to £90,000. These are very important facts as illustrating the truth, which I am inclined to press on the Senate, that vessels capable of running as mail steamers are very costly; and that if any Government or postal administration desire to avail themselves of such services they must pay in proportion. I have here an extract from the *Shipping World* of 1904 which contains some statements worth noting. The extract is as follows:—

The publication of the ratified contract between the Government and the Cunard Company caused more stir in the world of ships than any other event of the year 1903. The Company, in return for building and running two vessels of twenty-five knots speed, and keeping their entire fleet subject to Government order, are, as we stated last year, to receive a yearly subsidy of £150,000, besides the loan of the money for building these two new ships at 2½ per cent. per annum. The attainment of the one and a half knots more than any previous record for large liners is a great undertaking; and consequently a Commission, including several prominent ship-builders and owners, has been formed to consider the best method of engineering these vessels. The Commission has not yet reported, but experiments are being made, and it is generally conceded that the twenty-five knot ships will require from 76,000 to 80,000 horse-power to drive them; that is to say, more than twice the power necessary on the Deutschland to attain twenty-three and a half knots. No machinery of such huge dimensions as this has ever before been attempted; and the difficulties of the transmission of such an enormous amount of power, and other considerations, led to the suggestion that the new steamers should be engined with turbine machinery; and there is a general belief that the deliberations of the Commission will end in the recommendation that this form of machinery be adopted.

As a matter of fact that form of machinery has been adopted. These vessels, which are now, I believe, nearly complete, are amongst the most costly models of marine architecture that has ever been built. Sir Hiram Maxim, in an interesting article some time ago, on the "growth of speed," stated that whilst a ship can be driven across the Atlantic, at the rate of 20 knots, with the use of 20,000-pound horse-power, it would require 160,000 horse-power to drive a vessel at the rate of 40 knots. All that shows the costliness of high speed. I have here a quotation from Coghlan's *Seven Colonies*, which I shall not take up the time of the Senate by reading, but I may say that he makes the statement that the British India Company, to which the Queensland Government had been paying a considerable subsidy, requested that it might be discontinued, and that they might run their vessels in the ordinary way without a subsidy. Coghlan in referring to the matter, says—

The subsidy was abandoned by the shipping company, who preferred to run their steamers without restriction.

I have here another quotation on a page which I tore out of a *Cassell's Magazine*, which I came across some little time ago. In a few words a very strong illustration is given of the enormous expense involved in the maintenance of these great vessels. I find it stated that—

The ordinary public have little idea of the difficulties and expense of the ship-owner in overhauling and re-painting his steamers. The great Atlantic liners are, as a rule, re-painted every trip. This in itself is no mean task. The sides of the average first-class liner from water-line to rail represent an area of about an acre. The outworks of decks and cabins amount to almost as much more, while the outside surface of the two great funnels and masts total over half an acre. Thus there is an area of about two and a half acres to be covered on the big liners at the end of every voyage.

It is evident that statements like these can be multiplied almost indefinitely. If the Senate were informed of all the details of the enormous expenditure which these great shipping companies must undertake to keep a line of steamers in first-class order, prepared to meet all weathers and to maintain what is known as a "time-table service," honorable senators would be very much surprised by the facts which would be disclosed, and they would not grudge paying what is, I admit, a very considerable sum. £120,000 is a large sum, but the question is: Is it a sum which is largely in excess of what the State ought to pay? I should

like to say a few words on the matter of tenders. We know that when tenders were called for only this one tender was sent in. We know also that the Peninsular and Oriental Steam Navigation Company, year in and year out, have contracts arranged with the British Government time after time for ten-year periods. This all indicates that we cannot, at our own sweet will, draw tenders from the ship-owners of the world, because swift or fairly swift steamers are scarce, and a fleet cannot be created at once. I wish honorable senators to take note of the fact that there is, to a greater or less extent, something in the nature of a partnership between a great mail line established for the service of a particular country, and the Government of that country. I will say at once that it is the bounden duty of a company like the Peninsular and Oriental Steam Navigation Company, or the Orient Steam Navigation Company, which is partly maintained by a subsidy, to deal with the subsidizing Government with the utmost frankness. They should let them know their position. They should maintain their service with economy and efficiency, and should be prepared, when time permits, to consent to a reduction of the subsidy. On the other hand, the subsidizing Government, on its part, requires to recognise the difficulties and the expense involved in the maintenance of the service, and should be prepared to deal liberally with the company when it performs its duty to the public well.

Question—That the words proposed to be left out be left out—put. The Senate divided.

Ayes	...	...	6
Noes	...	...	19
<hr/>			
Majority	...	...	13

AYES.

Croft, J. W.	Story, W. H.
de Largie, H.	
Guthrie, R. S.	<i>Teller:</i>
Henderson, G.	Pearce, G. F.

NOES.

Baker, Sir R. C.	Mulcahy, E.
Dawson, A.	O'Keefe, D. J.
Dobson, H.	Playford, T.
Drake, J. G.	Pulsford, E.
Givens, T.	Smith, M. S.
Gould, A. J.	Stewart, J. C.
Higgs, W. G.	Turley, H.
Keating, J. H.	Walker, J. T.
Matheson, A. P.	<i>Teller:</i>
Millen, E. D.	Macfarlane, J.

PAIR.

McGregor, G.

Findley, E.

Question so resolved in the negative.

Amendment negatived.

Senator CLEMONS (Tasmania).—I suggest that this is a reasonable hour at which to adjourn the debate. I desire to propose an amendment, but I am aware that if I state it I shall not be at liberty to move the adjournment of the debate. I ask Senator Playford, in the circumstances, to allow the debate to be adjourned at this stage.

Senator PLAYFORD.—At 11 o'clock I will consent to an adjournment of the debate.

Debate (on motion by Senator CLEMONS) adjourned.

WIRELESS TELEGRAPHY BILL.

Assent reported.

Senate adjourned at 10.44 p.m.

House of Representatives.

Wednesday, 18 October, 1905.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

BRITISH TREATIES AND ALLIANCES.

Mr. HIGGINS.—I desire to ask the Prime Minister whether it is usual for the Imperial authorities to furnish the Commonwealth Government with official copies of the treaties, alliances, or other engagements entered into with foreign Powers? If not, does he think it advisable to request that the Commonwealth authorities should be so supplied?

Mr. DEAKIN.—There are copies of a number of treaties and agreements on the files of the papers relating to such subjects in the office of the Department of External Affairs; but I am not in a position to say whether they were forwarded with or without request. I shall inquire into the matter.

FEDERAL CAPITAL SITE.

Mr. WILKS.—I desire to ask the Prime Minister a question regarding the Federal Capital Site. It is stated in a Sydney telegram in this morning's newspapers—

The State Attorney-General returned from Melbourne to-day, after conferring with the Federal Attorney-General in respect to the Federal Capital. Mr. Wade does not take a very hopeful view of the proposal for driving in a peg as constituting the case for the High Court. A com-

subject to-morrow.

Does the Prime Minister hold a similar view, and, further, is it his intention to propose an amendment of the Seat of Government Act, altering the permissive clause relating to the territory to be acquired, by making it mandatory and thus permitting of a case being submitted to the High Court?

Mr. DEAKIN.—I can hardly be expected to be acquainted with the state of Mr. Wade's mind at the time of his return to Sydney after his visit to this city. But I can inform the honorable member that last night I received a memorandum from the Attorney-General relating to the interview between himself and the Attorney-General of New South Wales, and that as the question is still one of a strictly legal character, I have asked him to communicate with the Attorney-General of New South Wales. His letter will be forwarded by this afternoon's or to-morrow's mail.

Mr. WILKS.—Will the Seat of Government Act be amended?

Mr. DEAKIN.—The honorable member will have an opportunity of ascertaining that later.

ALLEGED PURCHASE OF TORPEDO VESSELS.

Mr. CARPENTER.—I desire to ask the Minister representing the Minister of Defence whether it is true that the Government are purchasing torpedo boats, and torpedo-boat destroyers, and if so, whether he is prepared to give the House any information on the subject?

Mr. EWING.—I have no information to give the honorable member on that point. I do not know whence he derived his information, but if he will repeat his question, and I have any information to impart, I shall at once give it to him.

BRITISH NEW GUINEA.

Mr. BROWN.—I desire to know from the Prime Minister when the report of the Secretary for External Affairs, relating to British New Guinea, will be presented to the House?

Mr. DEAKIN.—The report is very nearly completed. It will be laid on the table, and be printed for the information of honorable members, as soon as it is ready.

Mr. R. R. EDWARDS (for Mr. JOHNSON) asked the Minister of Trade and Customs, *upon notice*—

1. Were the hats recently seized by the Customs Department invoiced as "Panama" hats?

2. Are the hats "Panama" hats?

3. Was the seizure of those hats made on the Minister's authority, or did the Customs officials act on their own responsibility?

4. Is it true, as alleged in the press, that a serious blunder has been made in this matter, and that a similar consignment of hats last year was disposed of at the retail price of 3s. and 3s. 6d. each in this city?

5. Have the Minister or his officers taken any steps to test the accuracy of the allegation of Messrs. Henty and Co.'s representative (as published in the *Argus* of 17th instant) that the process of bleaching such hats as those seized results in a shrinkage to half their original size?

6. Is the Minister correctly reported as having said that his reason for not instituting a prosecution for fraud against the firm of Henty and Co. was that the "Crown Law authorities advised against a prosecution on the ground that an indenting company was only technically wrong"?

7. Has an indenting company *carte-blanche* to perpetrate frauds on the Customs without being subjected to the same penalties as direct importers guilty of similar acts, or is it true that what is only a technical wrong in the one case is a punishable actual fraud in the other?

Sir WILLIAM LYNE.—The answers to the honorable member's questions are as follow:—

1. The hats were passed by the importers under sight entry only, and no invoice of them was presented.

2. They are not "Panama" in the sense implying that they were made in the Isthmus of Panama, but according to information supplied are known and sold in the trade as "Panama."

3. The goods were taken over from the importers under the powers conferred on the officials by section 161 of the Customs Act and the Regulation thereunder (No. 122). The authority of the Minister is not required in cases under this section, and in cases of seizure the Collector has power to act.

4. No blunder has been made. The Department is not aware that hats exactly similar to those referred to were sold for the price alleged.

5. The information supplied by experts is that such hats can be bleached, but none of this particular shipment have been experimented on by the Department.

6. No. The advice is that there is no evidence of fraud.

7. No.

Mr. HUTCHISON asked the Minister of Trade and Customs, *upon notice*—

1. Is the statement in Tuesday's press correct—That the Crown Law authorities advised against the prosecution of Henty and Co. for fraud in connexion with the importation of Panama hats, on the ground that, as an indenting company, they were only technically wrong?

2. If correct, does that mean that indent agents may perpetrate unlimited frauds without risk of

further penalty than purchase of the goods by the Customs Department at importers' declared value?

3. If indent agents are on a different footing to other traders with respect to liability for prosecution in cases of fraud committed, will the Minister at once introduce legislation placing all traders on an equality?

Sir WILLIAM LYNE.—The answers to the honorable member's questions are as follow:—

1. The advice is that there is no evidence of fraud.

2. No.

3. No legislation is necessary. Every person presenting an invoice which is not genuine, or making or producing any untrue declaration or document to the Customs, is liable to prosecution.

Mr. BRUCE SMITH asked the Minister of Trade and Customs, *upon notice*—

1. Is it not now admitted by the Customs officials that the shipment of 1,000 hats recently seized by his authority consists of "rush" hats, manufactured in Formosa?

2. Is it not true that they were valued by the importers for a duty basis at £60, or about 1s. 2½d. each at the place of manufacture or shipment?

3. Is it not a fact that the importer has to add to that first cost, freight, insurance, duty, cartage, indent charges, and profit in order to make up the wholesale selling price in Melbourne?

4. Is it not a fact that a similar shipment was imported in 1904, valued in the same way for Customs duty, allowed to pass the Customs without protest, and actually sold wholesale in Melbourne as low as 2s. each?

5. Is it not a fact that the public were able to and did purchase similar hats out of that shipment of 1904 at the Mutual Stores, retail, at about 3s., after further work had been expended upon them?

6. If the Customs authorities do not know of such wholesale and retail sales, have they endeavoured to ascertain the facts?

7. Has it not been recently demonstrated to the Customs officials by the importers' representatives that the hats in question are incapable of being bleached without being wholly destroyed as a merchantable article?

8. Is it not an incorrect statement, as made by the Customs officials, that these hats can be bleached for 1s. 6d. each and sold as "Panama" at a guinea each?

9. Did he not, as a first step, order the goods to be seized for forfeiture, and, as soon as he received notice of action from the importers, change the proceedings, so as to avail himself of another procedure under the Customs Act, by which the importer would be deprived of a remedy in a court of law?

10. Is not the reason now given to the press, that the Crown Law officers have advised that an indent agent is only "technically wrong," only an excuse for withdrawing from the proceedings originally taken, so as to avoid investigation by a court of law?

11. If it is not so, will the Minister lay the whole of the papers, including the Crown Law officers' opinion, and the statement submitted to them for that opinion, on the Table of the House?

12. Is the Minister aware that the Customs officials have stated to the press that, by taking the course now adopted of seizing and selling the shipment, "the importers have no remedy"?

13. Is he aware, and is it a fact, that a high Customs official has been personally interviewing possible purchasers and inviting them to tender for the hats in question?

14. Does he consider this course a proper or fair or dignified one for a high official to take under the circumstances?

15. Having regard to the arbitrary character of the Customs Act, which was so framed to provide for cases of undoubted fraud, does he consider such a course, in this instance, either high-minded on the part of the Department or just to a firm of old and well established reputation?

16. If the Minister is now satisfied that his officials have made a mistake, would it not be better in the public interest to require them to admit it, or otherwise take proceedings of a character which would enable the importer to vindicate his good name and reputation before a court of law?

Sir WILLIAM LYNE.—The question of the honorable and learned member is a very long one, and assumes the form of a series of interrogatories such as are prepared for use in the Courts. The answers are as follow:—

1. The officials have all along been well aware of the nature and origin of these hats.

2. The value for duty stated by the consignees (*i.e.*, the invoice value *plus* 10 per cent.), was as given (£60), but the value at the place of shipment was 1s. 1d. only.

3. It is presumed that certain expenses have to be incurred in transmitting the goods from the place of manufacture to Australia, but the Department is not aware what the importers' arrangements are.

4. The Department is not aware.

5. Unable to say.

6. The Department has endeavoured to ascertain the facts in regard to the present shipment.

7. No.

8. The Department is not aware that the statement which was made on expert opinion is incorrect.

9. No. The Minister gave no instructions in regard to the proceedings to be taken, nor was he aware of the same. The action taken by the officials was in accordance with law, section 161, regulation 122.

10. No.

11. At the proper time I shall not have any objection to present the papers.

12. No.

13. It is not a fact.

14. Answered by 13.

15. The provision in the Customs Act is an ordinary one, and a similar power was the law in England seventy years ago. Provisions as to fraud are entirely different from the section under which the action complained of was taken.

16. No mistake has been made.

MACDONALDTOWN POST OFFICE.

Mr. G. B. EDWARDS asked the Postmaster-General, *upon notice*—

1. What is the annual amount of business done at the Macdonaldtown, New South Wales, Post Office?
2. What is the annual sum paid to the official in charge for rent and services?

Mr. AUSTIN CHAPMAN.—The answers to the honorable member's questions are as follow:—

1. £157.
2. £37. As this is a non-official office, accommodation is provided free.

DUTY ON HARVESTERS.

Mr. CHANTER asked the Prime Minister, *upon notice*—

1. Whether his attention has been directed to the operations of the International Harvester Company of America in reducing the price of harvesters to £70, with the avowed object of capturing the Australian trade and crushing out the existing industries of the Commonwealth?
2. Will he give Parliament a speedy opportunity of recasting the Tariff, with the view of preventing this combination from attaining their ends and possibly inflicting a serious blow to the Australian manufacturer and the large number of workers now employed?

Mr. DEAKIN.—The answers to the honorable member's questions are as follow:—

1. Attention has been directed to the reduction in price of the harvesters, and further inquiry is being made into the facts of the case.
2. The Tariff Commission is taking evidence upon these machines, and a progress report is expected at an early date. It will be taken into consideration without delay. The operations described can also be dealt with by other means.

CANADIAN MAIL SERVICE.

In Committee:

Mr. AUSTIN CHAPMAN (Eden-Monaro—Postmaster-General).—I move—

That the House approves of an extension of the arrangements entered into on the 30th October, 1903, by the Commonwealth Government for the carriage of mails between Australia, Fiji, and Canada, by the steamers of the Canadian-Australian Royal Mail Line, upon the following terms:—

- (a) That the period of the contract be further extended from 1st May, 1905, to 31st July, 1906, with a proviso that if neither party gives not less than three months' notice of termination prior to the latter date, the contract shall continue until the 31st July, 1907.
- (b) That the amount of subsidy payable by the Commonwealth be at the annual rate of £23,863 12s. 3d. for the period from 1st May to 31st July, 1905, and at the annual rate of £26,626 16s. from

the 1st August, 1905, the difference between the two amounts being the Commonwealth proportion of a total increase of £6,000 per annum.

This contract, or rather, extension of contract, with an addition to the subsidy, was entered into by my predecessor. The particulars relating to this mail service are so well known to honorable members that it is unnecessary for me to enter into details, especially in view of the fact that the extension applies to such a short period. Moreover, the route traversed has been so well advertised, not only in this House, but outside of it, as the "All Red" route, that it would be unwise on my part to take up the time of the House at any length. For the information of honorable members who are not familiar with the detailed history of the service, I might say that a contract was entered into, in 1893, for a service between Sydney and Vancouver. At that time, New Zealand was a party to the contract, which was made between the Postmaster-General of New South Wales and Mr. James Huddart. In 1896 the contract was extended for three years, and in 1899 for a further term of four years. Under the latter extension, Messrs. Burns, Philp and Co. replaced Mr. Huddart, and the contract provided that a steamer should be despatched every four weeks instead of once every calendar month. In 1899 Queensland replaced New Zealand as a party to the contract, and Brisbane replaced Wellington as a port of call. In 1903 the Commonwealth Government extended the contract for a further period of two years, the Union Steamship Company then replacing Messrs. Burns, Philp and Co., and during the present year the late Postmaster-General entered into a contract, subject to ratification by Parliament, extending the contract for a period of fifteen months. That is, for three months at the old subsidy, and for twelve months at the increased subsidy. The resolution is made to cover fifteen months, for reasons of a legal character, and because the ratification will thereby be simplified. The contract contains a provision that if either party to it desires that it shall terminate at the end of its present currency, notice must be given before 30th April, 1906. Otherwise it will continue in force until 31st July, 1907. For the period from 1893 to 1903 the subsidy paid to the contractors by New South Wales was at the rate of £10,000 per

annum, and from 1899 to 1903 the contribution by Queensland was at the rate of £7,500 per annum. Consequently the total subsidy paid by the two States up till 1903 amounted to £17,500 per annum.

Mr. CAMERON.—Will those States still pay the subsidy?

Mr. AUSTIN CHAPMAN.—No. It is to be paid upon a *per capita* basis. I will supply the Committee with particulars as to the way in which the expenditure works out presently. Under the agreement entered into in 1903 between the contractors and the Commonwealth Government, the Australian subsidy was increased from £10,000 to £13,636 7s. per annum in the case of New South Wales, and from £7,500 to £10,227 5s. 3d. per annum in the case of Queensland—or from a total sum of £17,500 to £23,863 12s. 3d. per annum. Under the proposed extension of contract now before the House, it is intended to increase the Australian subsidy from £23,863 12s. 3d. to £26,626 16s. per annum. Of that amount we shall receive about £600 back in poundage rates from New Zealand. The actual amount received by the Commonwealth as postage on its mail matter would be about £3,200 per annum.

Mr. CAMERON.—Are the two States to which reference has been made still paying this subsidy?

Mr. AUSTIN CHAPMAN.—Not from the 1st July last. Canada and Fiji have regularly subsidized the service, and prior to Queensland becoming a party to the contract, New Zealand paid the contractors £7,500 per annum. It has been stated in the press—indeed, only this morning I received a newspaper clipping to the same effect—that the Postmaster-General of New Zealand is prepared to subsidize these vessels to the extent of £20,000 per annum. At the time this contract was being dealt with an offer was made to supply us with a service for £20,000 per annum, which really represents a reduction of over £6,000 per annum if the vessels were allowed to call at New Zealand instead of Queensland. It is well known—in fact, it has been openly stated—that the Queensland Government do not attach much value to this service. The subsidies received by the contractors have been as follow:—For the first ten years, ending 30th April, 1903 at the rate of £44,000 per annum, viz., Canada, £25,000 per annum; New South Wales, £10,000; New Zealand first, and then Queensland, £7,500 per annum; Fiji, £1,500 per annum—total, £44,000;

for the two years and three months ended 31st July, 1905, at the rate of £60,000 per annum, viz., Canada, £34,090 18s. 8d.; New South Wales, £13,636 7s.; Queensland, £10,227 5s. 3d.; Fiji, £2,045 9s. 1d. Under the proposed extension of contract the payment will be at the rate of £66,000 per annum, viz., Canada, £37,090 18s. 8d. per annum; Australia (six States on a *per capita* basis), £26,626 16s.; and Fiji, £2,282 5s. 4d. Australia's contribution works out as follows:—New South Wales, £9,738 9s. 9d. per annum; Victoria, £8,088 4s. 2d.; Queensland, £3,486 2s. 3d.; South Australia, £2,490 11s. 4d.; Western Australia, £1,619 3s. 6d.; and Tasmania, £1,204 5s.

Mr. CAMERON.—It is really an old service.

Mr. AUSTIN CHAPMAN.—This is a new contract. From a perusal of these figures honorable members will see that we pay about £23,000 per annum more than we ought to contribute from a postal standpoint—that is, if our mail matter were carried at poundage rates. Consequently, this subsidy of £23,000 per annum is to a very large extent a trade subsidy.

Mr. WATSON.—What do we get for the increased subsidy that is now proposed?

Mr. AUSTIN CHAPMAN.—We really get nothing. The whole trend of these contracts has been towards an increased subsidy. There has been no increase in the speed of the boats, and no improvements in the vessels themselves. The only change has been in respect of the price which we have to pay for the service. In this connexion I would point out that the Canadian subsidy is not paid by the Postal Department, but by the Department of Trade and Commerce. Regarding our trade with Canada, it may be interesting to honorable members to learn that its present tendency is downward. In 1900 the value of our imports from Canada was £237,707, in 1901 it was £330,788, in 1902 £346,560, in 1903 £352,939, and in 1904 £222,064.

Mr. FISHER.—Was the whole of that trade carried by these steamers?

Mr. AUSTIN CHAPMAN.—Practically the whole of it.

Mr. CAMERON.—What goods did they take from us in return?

Mr. AUSTIN CHAPMAN.—As a matter of fact, a great proportion of the postal matter carried by these vessels comes from

America, although we have another line of steamers running to San Francisco, which carry a much larger quantity of mail matter than do the Vancouver vessels.

Mr. WILKS.—And without a subsidy?

Mr. AUSTIN CHAPMAN.—Yes. Honorable members will see that in 1903 the value of our imports from Canada was £352,939, and that the following year it dropped to £222,064—a very serious decline. The value of our exports to Canada in 1900 was £67,857, in 1901 £37,543, in 1902 £33,622, in 1903 £24,837, and in 1904 £29,352, or a total volume of trade in 1900 of £305,564, in 1901 of £368,331, in 1902 of £380,182, in 1903 of £377,776, and in 1904 of only £251,416.

Mr. CAMERON.—In other words, we are paying these steamers to bring their goods here.

Mr. KNOX.—Has the Postmaster-General any notes as to the articles of trade to which his figures relate, because I think he will find that our imports from Canada were largely in consequence of a "slackness" in wheat.

Mr. AUSTIN CHAPMAN.—The chief items of imports last year were: Apparels and textiles, £20,656; boots and shoes, £9,854; drugs, chemicals, medicines, and perfumery, £17,747; fish, £23,495; agricultural implements and machinery, £26,926; machines and machinery, £10,498; timber, £59,966; bicycles and parts, £13,648; whilst the chief items of export during the same year were: Butter, £3,054; coal, £4,347; cocoanut oil, £2,022; skins and hides, £4,684; undressed timber, £2,307; and wool, £2,620. I have here a statement showing the relative value to Australia of the Vancouver and San Francisco mail services from a postal stand-point. I find that the weight of mail matter carried in 1904 *via* Vancouver was as follows:—Letters, 3,000 lbs.; parcels, 2,000 lbs.; other articles, 33,000 lbs.; total, 38,000 lbs. The weight of mail matter carried *via* the San Francisco service was: Letters, 8,000 lbs.; parcels, 1,000 lbs.; other articles, 72,000 lbs.; total 81,000 lbs. Thus the amounts which we should be called upon to pay at the regular poundage rate would be: *Via* Vancouver, £370; *via* San Francisco, £930. At Postal Union rates, and charging 2d. per lb. for parcels, we should pay to the Vancouver service £1,150 per annum, and to the San Francisco service £2,750 per annum. As honorable members are aware, the

average time of transit of the mails between Sydney and London is 37 days 10½ hours by the former line, and 35 days 7½ hours by the latter. More than two-fifths of the correspondence conveyed by the Vancouver service is for the United States of America and Honolulu, for the conveyance of which mail matter the San Francisco service is chiefly used. It will thus be seen that, from a postal point of view, this service is of very little value. The vessels employed are of small tonnage—about 3,500 tons—and their average speed is only between 13 and 14 knots per hour. During the whole period of its existence the service has not been accelerated, and the weight of mail matter carried is comparatively small. The contract was originally entered into largely from a sentimental consideration, viz., to provide an all-red route, and that must be the chief reason for its continuance, Canada being very desirous of maintaining direct communication between that country and Australia. The service is a sort of Empire connexion, and it was hoped that it would be the means of developing trade with our own people. Of course, the San Francisco boats are very highly subsidized by the United States Government, and they receive in addition a large sum of money from New Zealand. The interjection of the honorable member for Bland, a little while ago, was a very pertinent one, and his remark is applicable to this service as well as to that which is provided by the Orient Steam Navigation Company. It is perfectly true, as he suggests, that while the subsidy has been increased with the renewal of each contract, better steamers have not been provided, no increase has taken place in their speed, and trade is falling off.

Mr. BAMFORD.—The Minister did not give the House the figures relating to our imports *via* the San Francisco service.

Mr. AUSTIN CHAPMAN.—I am afraid that I have not those figures. The speed of these vessels averages from 13 to 14 knots per hour, and the subsidy per mile works out at about 5s. 3d., of which our share would be 2s. 1d., Canada and Fiji paying the balance. The contract is for a service every four weeks, and the vessels are required to call at Brisbane, Fiji, Honolulu, and Vancouver. The time occupied in the delivery of mails from Brisbane to Canada is about 22½ days, or 37 days 10 hours to England, as against 33 days 7 hours by the Orient Steam

Navigation Company's vessels, and 31 days 16 hours by the Peninsular and Oriental Steam Navigation Company liners. These facts are pretty well known to honorable members. I repeat that the service was primarily established with a view to promoting trade. Unfortunately, our trade has not increased as we should have liked, and from a postal stand-point the service does not commend itself very much to us. There is no doubt—and the fact can be borne out by those who have crossed the Pacific—that if a better service were provided, by means of larger steamers travelling at an increased rate of speed, a great development might be made in that particular direction. So far, however, we have not managed to attain that desirable result. I presume that one of the reasons which prompted my predecessor to extend this contract for twelve months was his desire to afford us an opportunity to arrange for a better service in the interim. My predecessor in office was at the time confronted with great difficulties in regard to the renewal of the mail contract with the Orient Steam Navigation Company, and consequently had to proceed very warily. I think that under the circumstances the best possible course has been pursued, and that we should ratify this contract, knowing that we shall have an opportunity before it expires to ascertain whether some improvements cannot be made in the service. From a postal stand-point, the service is of little or no value to us, and, unfortunately, the trade carried on by means of these steamers is also on the down grade. That, however, may be due to special circumstances which can be remedied. I am sure that if we could do anything to improve this service, and so place us in closer communication with other parts of the Empire—if we could, at a reasonable cost, do anything to promote trade between Australia and Canada, in addition to giving facilities to travellers—it would be a step in the right direction.

Mr. WATSON.—What is the net increase in the cost to the Commonwealth?

Mr. AUSTIN CHAPMAN.—Nearly £3,000 for the one year. Having all these facts in view, I think I can with confidence ask the House to agree to the motion.

Mr. GLYNN (Angas).—There does not appear to be a disposition to discuss the motion, but surely one of the ex-Postmaster-Generals will speak to the question.

Mr. DEAKIN.—It is merely an interim arrangement.

Mr. GLYNN.—But the Postmaster-General appeared to damn it with faint praise. I should therefore like some one more conversant with the details of the contract than I am to throw some further light on this part of the preferential trade proposals of the Government. It cannot be denied that this is part of the Government's Imperial scheme to keep trade routes open on the easiest terms, and to increase trade with the rest of the Empire by preferential rates. It seems to me that the failure to extend our trade by means of this subsidy throws a very curious light on the other preferential trade proposals made by the Ministry. If we have been unable, by means of a direct subsidized steam-ship service, to encourage trade between Australia and Canada, I fail to see how we shall accomplish that object by the remission of a small part of our import duties in favour of the exports of that part of the Empire.

Mr. WATSON.—The trouble is that Canada and Australia produce the same class of goods.

Mr. GLYNN.—That is so; but the result of this subsidy shows the folly of resorting to artificial expedients to encourage trade which, under ordinary circumstances, follows the line of least resistance. As the proposal, however, is merely to extend the contract for twelve months, I do not feel disposed to oppose it.

Mr. SYDNEY SMITH (Macquarie).—I did not think it was necessary to speak to the motion, but in view of the remarks of the honorable and learned member for Angas, I may say that I accept the full responsibility for having entered into this contract when holding office as Postmaster-General. I think that the contract was originally entered into some years ago by Sir Edmund Barton, who was at the time Premier of New South Wales.

Sir WILLIAM LYNE.—I think it was first entered into by the State Government of which I was leader.

Mr. SYDNEY SMITH.—At all events, I know that Sir Edmund Barton made a promise to enter into such a contract, and that the proposal met with the approval of Queensland.

Mr. WATSON.—What reasons did the company give for demanding an increased subsidy?

Mr. SYDNEY SMITH.—I shall deal presently with that point. I thought at one time that it might be possible to avail ourselves of this service for the conveyance of our mails to England, and I inquired whether the company could put on a fast line of steamers between Sydney and Vancouver, with a view to our making more satisfactory arrangements with Canada for the speedy delivery of our mails in London at a much lower rate than that at present paid. I was informed, however, that the company would require two years' notice to enable them to secure the steamers necessary to land our oversea mails within anything like the time occupied by the vessels of the Peninsular and Oriental Steam Navigation Company, and that a much larger subsidy would be required.

Mr. CAMERON.—How did the subsidy which they demanded compare with that paid to the Orient Steam Navigation Company?

Mr. SYDNEY SMITH.—I think that they asked for a subsidy of something like £240,000, but that was a proposal that I could not accept. I felt, however, that it would be undesirable to allow the contract to lapse while the House was in recess. The service connects us with an important part of the Empire—

Mr. GLYNN.—But Canada is entering into arrangements with France and other countries.

Mr. SYDNEY SMITH.—At all events, I was anxious that, if possible, we should maintain this connexion between Australia and Canada, as it would be free from many of the complications that might arise in time of war in connexion with our mail service *via* the Suez Canal. It seemed to me that we might be able to arrange for a more expeditious service, which would possibly enter into competition with those of other companies.

Mr. CAMERON.—Why should we give them this increased subsidy?

Mr. SYDNEY SMITH.—When the company were first approached with a view to securing a renewal of the contract they demanded an increase of something like £20,000, but eventually agreed to accept an increase of £6,000 per annum, our share of the increased payment being less than £3,000 per annum. The company stated that the line had not been as successful as had been anticipated, and, while it was hoped that it would develop, they would be unable to continue the service in the ab-

sence of an increased grant. A proposal was also made that the vessels of the company should call at New Zealand instead of at Queensland ports, but it did not meet with the approval of the late Government. We considered that it would be undesirable to terminate this connexion between Sydney, Brisbane, and Vancouver, especially when there was a possibility that it might be used as a mail service.

Mr. GLYNN.—Apparently it is a 20 per cent. subsidy on the trade.

Mr. SYDNEY SMITH.—I recognise that the subsidy is a large one, but we have to remember that Canada contributes largely to it.

Mr. CAMERON.—Her trade with Australia is greater than is our trade with her.

Mr. SYDNEY SMITH.—That is unfortunately the case, but having regard to all the circumstances, I thought it desirable to renew the contract for another twelve months, so that Parliament might have an opportunity to consider the whole question. Had I remained in office I should have taken steps—and I dare say the present Minister will adopt this course—to ascertain whether we could not secure an improved service, and so develop our trade relations with Canada, and have come to Parliament with a clear and definite policy with respect to this and other oversea mails. It would have been a mistake to abandon the service whilst Parliament was in recess, rather than agree to pay the increased subsidy. We all hope that the Empire line, as it has been described, will grow in popularity, and that the time is not far distant when it will be greatly improved. In that event it is quite possible that we shall be able to land our mails in England nearly as quickly by this service, as by that of the Orient Steam Navigation Company. If the service had been abandoned great difficulty would have been experienced in inducing another company to take it up.

Mr. CAMERON.—Who seeks for it?

Mr. SYDNEY SMITH.—It may be a matter of sentiment, but I must say that I am strongly in favour of maintaining the connexion between the old country and Australia by means of this route, if it can be secured for a reasonable rate of subsidy. In view of all the circumstances, it seems to me that the best thing was done when it was determined to continue the service for another twelve months. In the

meantime the Government and the Parliament will again have the opportunity to deal with the whole question, and possibly the present company, or some other, may then see its way clear to put on better and faster boats, and thus relieve us of the possibility of trouble such as we have recently had in arranging for our mail service with the old country *via* Suez.

Mr. WATSON (Bland).—I do not blame the ex-Postmaster-General for having made a tentative arrangement to give an opportunity to allow this matter to be looked into again, with a view to securing a mature decision in regard to it; but it appears to me that, unless circumstances change very much indeed, the service will not be worth subsidizing in the future. In regard to what has been said about our trade with Canada, I think that most of the timber coming here from the Dominion is brought by sailing vessels, and will continue to come here, even if the present line of steamers ceases to run. The point that concerns us is that, while we have a contract with the Orient Steam Navigation Company, and various other outlets for our mails, the Canadian service is worth comparatively little from the postal stand-point; and the subsidy really means that we are practically paying £1 for every £1 worth of goods exported from Australia. Last year we exported £29,000 worth of goods, and paid a subsidy of £23,000; and this year we shall pay a subsidy of £26,000.

Sir JOHN FORREST.—We also imported a large quantity of goods.

Mr. WATSON.—Yes; but we cannot be expected to subsidize the carriage of goods sent here from other countries. When the period for which it is proposed to renew the contract expires, Parliament will have to seriously consider whether it is worth while to continue the subsidy. On present prospects, I do not think that it will be; though, of course, the circumstances may change.

Mr. SYDNEY SMITH.—It would be a pity to abandon the service until the whole matter can be thrashed out.

Mr. WATSON.—I do not think that it will be wise to continue to pay a large subsidy for the maintenance of the trade referred to by the Postmaster-General. I believe in giving new avenues of trade a fair opportunity to develop; but this line has been in existence now for a number of years, and its business has shown very little im-

provement. Unless there is a considerable improvement in the near future, I think that we should discontinue the subsidy.

Mr. WILKS (Dalley).—As an old parliamentarian, sir, I ask if you have ever heard a Ministry urge the passing of a motion more apathetically than the Postmaster-General has urged the passing of this motion. He practically condemned the proposal throughout his speech, although he concluded with the expression of an earnest desire that the motion would be agreed to. The Prime Minister has only just returned from Sydney, where he unfolded a banner on which is inscribed "Australia for the Australians," and yet the first thing he asks us to do is to subsidize a line of steamships to convey the exports of Canada to this country. Have honorable members opposite been converted to the creed of fiscal freedom, so that they are ready to open Australia to the trade of the world? For the next few days, I suppose, we shall hear of practically nothing else but harvester machines. I notice the Minister of Trade and Customs getting quite red about the gills already, because of what has been said. Yet, despite what he has done to keep out these machines, he now finds himself committed to a proposal to subsidize a line of steamers for bringing these machines to Australia.

Mr. HUTCHISON.—The honorable member ought to be delighted at that.

Mr. WILKS.—So I am; but it seems very strange to find a Ministry declaring at one moment that they are for the policy of Australia for the Australians, and then, in the next, asking Parliament to vote thousands of pounds to support a line of steamships to bring the manufactures of another country to Australia. The honorable member for Bland spoke in condemnation of the present proposal, but only two years ago he favoured the granting of this subsidy, his argument then being that the Canadian-Australian steamship line should be supported, because it would reduce the time of transporting our mails to London to twenty-six or twenty-seven days.

Mr. HUTCHISON.—He now sees how things have worked out.

Mr. WILKS.—He is now willing to agree to a renewal of the contract for another twelve months; but surely if two years were not enough to allow the company to obtain better boats, another year will not be of much advantage to it. The honorable member for Bland

said that a two years' contract would induce the company to put on faster boats, and to provide better facilities for the carriage of perishable produce; but they have not done so. The fact is, that this company, which is subsidized by Canada, the Commonwealth, and Fiji, has to meet the fiercest competition from an American subsidized line, whose boats run from Sydney to San Francisco, and are owned by Spreckels, the sugar king. That line is running the Canadian British-owned and British-manned service off the Pacific. The Union Steam-ship Company is also making it more difficult for the Canadian-Australian line to get trade. The volume of our trade with America is to be measured, not by what the Canadian-Australian boats carry, but by what is carried by them, and by the San Francisco and Union boats. I am not prepared to say at this juncture that I am entirely opposed to the payment of subsidies. When nations like America and Germany are forcing their trade throughout the civilized world by means of subsidized steam-ship companies, it is necessary for us to consider whether it would not be wise for British communities to follow their example. No doubt, if I voted for such a line of policy, I might be considered as acting contrarily to the creed of a free-trader; but my action would certainly not be stranger than that of the present Ministry, who at one moment declare for the policy of Australia for the Australians, and the next bring forward a proposal like that now under discussion. I presume that twelve months hence we shall be asked to renew this contract again, if not on the terms now arranged for, still under terms which will involve the payment of a heavy subsidy. When Sir Edmund Barton urged the payment of this subsidy, he argued that the existence of the Canadian-Australian line would make it possible for the Commonwealth to make better terms in connexion with the mail service *via* Suez; but it was recently shown, when the contract with the Orient Steam Navigation Company was being arranged for, that the Commonwealth received no advantage from the existence of the Canadian-Australian Company.

Mr. SYDNEY SMITH.—I am not so sure about that.

Mr. WILKS.—Of course, the honorable member knows more about the matter than I do, and I am sorry that he did not refer

to it when addressing the Committee. In arranging the contract, I am sorry that an opportunity was not taken to require the company to undertake the training on board its vessels of a certain number of boys from our reformatories. If they were apprenticed to these subsidized lines, we should gradually build up a force to man our Australian Navy and mercantile marine, a very necessary thing, seeing how difficult it is to induce our people to go to sea. I believe that the shipping company would have been willing to take a certain number of these lads as apprentices, and the training of them would have been of great future advantage to the Commonwealth. I intend to vote for the motion, but I again emphasize for the comfort of the Minister of Trade and Customs the fact that it strikes a direct blow at his action in resisting the importation of harvester machines.

Mr. KNOX (Kooyong).—I am glad that Parliament is being asked to ratify this contract. The statement of the Postmaster-General shows that the business of this steam-ship line is not increasing as we hoped it would. At present in our trading relations with Canada, the balance is against us; that is, we are importing more goods from that country than we are exporting to it. One of the reasons for this is, I think, that Canada has representatives in Victoria and New South Wales, whose business it is to push her trade in Australia. But we have in Canada no representative to push our interests, and in that respect we are failing in our duty to our producers. I was recently in the Dominion, and met the members of its Board of Trade, who expressed a desire to reciprocate with us. They referred to the large amount which Canada pays to maintain this steam-ship line, and spoke of their desire to see its business increase. Unless special inducements are offered to passengers and traders in the shape of better accommodation and increased speed, the Canadian service will never take the place of that which is conducted *via* the Suez Canal. I feel that we can do nothing but ratify this contract. It would be disastrous to our relations with Canada and the Empire, as a whole, if the service were to be discontinued, and I think the late Postmaster-General acted wisely in extending the contract. It is painful to notice the lack of interest on the part of honorable members in this important subject. It is quite true that the lion's share of the

trade between America and the Commonwealth is being absorbed by Messrs. Spreckles and Co., whose line of steamers between San Francisco and Sydney is heavily subsidized by the United States Government. I have been unable to ascertain the amount of the subsidy paid to Messrs. Spreckles and Co., but I am sure that it is much larger than the amount paid to the Union Steam-ship Company. The traffic over the Vancouver route will never increase until we have placed on it steamers similar to those of the Empire line, trading between San Francisco and Yokohama. Those vessels are perfect palaces, travel at a high rate of speed, and return a handsome profit to their owners. The Postmaster-General should seriously consider the whole question, and inquire into the reasons why a large trade is being developed between the United States and Japan, whilst our trade with Vancouver is dwindling away. I think it is due to us that the Postmaster-General should say what steps he proposes to take in anticipation of the expiration of the present contract. Within a very short time the present arrangement will come to an end, and it will be necessary to enter into a fresh contract. Surely the Postmaster-General will not allow matters to drift as was done in connexion with the last English mail contract, at the termination of which the Government found themselves at the mercy of one or two influential shipping firms. I was surprised to find that such a small amount of mail matter was carried over the Vancouver route, but I trust that when better facilities are provided the service will be more largely availed of for the carriage of mails, passengers, and cargo. The Union Steam-ship Company are progressive, and I think we should help them in every possible way to compete with the heavily-subsidized line of steamers owned by American capitalists now trading between San Francisco and Sydney. Our trade with San Francisco is a very valuable one, and I do not wish to see it interfered with; but there is something wrong in the present conditions, and we should seek to apply the remedy. I think that arrangements should be made for the representation of the Commonwealth in Canada. Canadian merchants are fully alive to their own interests, and they have in Mr. J. S. Larke, their commercial representative in Sydney, a very able and efficient officer. We should spare no efforts to develop our

trade with the Dominion, and I am sure that any work that the Postmaster-General may be able to accomplish in that direction will meet with the cordial approval of the whole community.

Mr. JOSEPH COOK (Parramatta).—It would be affectation on my part to say that I was not disappointed at the condition of affairs revealed by the Postmaster-General with regard to the Vancouver service. After having subsidized the line for from twelve to fourteen years, it is not encouraging to find that our trade is a dwindling quantity, and that the outlook for the future is anything but hopeful. I certainly expected that, on the inauguration of the Pacific cable, a great fillip would have been given to our trade with Canada and other parts of Northern America. However, it seems that the more we multiply the means of intercourse, and the more we pay for them the less we get out of them in the way of business, and direct intercourse between the various peoples of the Empire. I agree with the honorable member for Kooyong that it is time that the Government seriously tackled this problem, and made a thorough investigation into it, with a view to recommending a policy for the future. We certainly cannot continue for an indefinite term to pay a larger amount by way of subsidy than the value of our total export trade with Canada. I was bitterly disappointed when I heard the figures that were read by the Postmaster-General. Ten years ago our export trade with Canada was something substantial, but gradually it has dwindled away until it now represents a value of only £29,000 per annum. I felt the more keenly disappointed because of the very great interest I took in this enterprise some years ago. I remember that, when the mail service was first started in New South Wales, a very great struggle was entered upon, and one man—the late Sir James Huddart—is now in his grave largely owing to the difficulties he had to encounter. He was the pioneer of the line, and if it should succeed in the future, to him will belong the chief credit for having established this means of intercourse between Canada and Australia. He embarked upon the enterprise in the hope and belief that the development and expansion of our Empire trade would assume proportions far greater than we have seen in recent years. It has been said by the Postmaster-General that this is not merely a mail subsidy. It has

never been so regarded. As a mail service it has been worth very little to Australia, because the mails cannot be so expeditiously sent by that route as *via* the Suez Canal. Our support of the service has always been based upon sentimental and Imperial considerations, as well as upon those relating to the carriage of the mails; and the case made out abundantly justified the inauguration of the service. We cannot, however, go on in the present lackadaisical and haphazard way. I hesitated to speak upon this subject, because, I felt that I should much prefer to have been able to say something in favour of the service. It is unusual for a Minister to make a proposal of this kind without having anything to say in its favour; but we must sympathize with him when we investigate the facts, and find them so unpromising. In my opinion, there are several directions in which we might conduct inquiries in order to ascertain what our prospects are. In the first place I would refer to the advent to our shores of Earl Jersey, who has been in Canada, who has taken a very keen interest in all matters relating to Inter-Imperial trade, and who is, perhaps, one of the best authorities upon such subjects. He has also taken a keen interest in the inauguration of the Pacific Cable, and I believe that he attended one or two conferences on the subject in Ottawa, and is, perhaps, more *au fait* with our relations with Canada than is any other disinterested man in London to-day. I think the Government might very well obtain his opinion as to the prospects of our trade with Canada as well as with regard to the successful working of the Pacific Cable. Whilst we are paying a subsidy of £30,000 per annum for the Pacific Cable connexion with Canada, and £26,000 for our commercial connexion by means of the Vancouver mail service, the volume of our export trade represents a value of only £29,000 per annum. These facts cannot be regarded as unsatisfactory. We have recently received some large importations from Canada, but I regret to say that these are on the down grade—instead of increasing, they appear to be decreasing very materially. The statistics for the last year, for which we have the returns, show a falling off of £100,000 in the value of our imports from Canada.

Mr. LONSDALE.—That will chiefly represent wheat.

Mr. JOSEPH COOK.—Very probably, it consists of grain, and our large importa-

tions in recent years may have been due to the scarcity of that product in Australia. The fact that we are now more nearly satisfying our own requirements may account for the tremendous drop in our imports from that country. But whatever may be the nature of that produce, the fact remains that the total trade between the two countries is not increasing, but, on the other hand, is decreasing. I am not quite sure that we ought not to accept the suggestion of the honorable member for Kooyong. I am of opinion that we ought to appoint a commercial agent in Canada, just as the Dominion has already appointed commercial agents here. Surely if we are justified in expending £26,000 annually by way of subsidy to a mail company, and a further sum of £30,000 in connexion with the Pacific Cable, for the purpose of developing trade, we are warranted in spending a few thousand pounds per annum extra upon a commercial agency, with a view to attracting trade to the routes that we keep open by means of these subsidies. Unless we are going to adopt that course—a course which would be followed by any large commercial house—we had better not enter into the matter at all. That is one direction in which I think the Government might see their way to make a beginning. They might well appoint a representative in the Dominion, whose duty it would be to search out avenues of trade, and ascertain if there is not a possibility of developing commerce between the two countries. There is another reason why I would hesitate to interfere with this arrangement by the Government. I recognise that the Vancouver service keeps open an avenue of communication between Australia and another part of the Empire, and we have not too many of those avenues. We do not enjoy the special facilities that are enjoyed by some other countries, and we cannot afford to sacrifice any of those means of communication which link us, so to speak, with the enterprise and commerce of the world. For that reason alone, I would hesitate a long time before doing anything that would obstruct the further extension of this contract. Nevertheless, I think it is due to the House that the Postmaster-General should inform us of what he proposes to do in connexion with our mail services. The Government ought to have some policy upon this matter. The present contract *via* Vancouver is running out, and unless some fresh arrangements

ourselves in the position that we occupied in our recent negotiations for a renewal of the agreement with the Orient Steam Navigation Company. It is high time that some policy was announced in respect of all these oversea mail contracts. In the old days we used to consider that two years was a short enough period to allow for the expiration of any of these ocean-going contracts. It is certainly little enough notice to give those who own the boats to make fresh arrangements for meeting changed requirements in the service, and it is little enough time to allow us to complete our arrangements, in case we desire to terminate any of these contracts. In the present instance, we are extending the contract for a year only. I think that some definite policy ought to be submitted to the House in regard to all these mail contracts, seeing that they link us up with the world at large. I would suggest that the Postmaster-General should make a complete declaration of policy in regard to the mail communication of Australia with the rest of the world.

Mr. GLYNN.—Before the present contract expires?

Mr. JOSEPH COOK.—Yes. There is not a moment to lose if the thing is to be done effectively and in a business-like way. Of course, we cannot blame the present Postmaster-General for not having submitted such a policy, because he has not been in office sufficiently long. At the same time, I do earnestly ask him to tackle this question at the very earliest moment, and to see if we cannot make some better arrangements in regard to our mail communications with, and our trade routes to, oversea countries. As I have already said, we should have some commercial agency in Canada, so that we might be in a position to thoroughly exploit the possibilities of the Canadian market for our own exports. Personally, I am not so sanguine as to the lines of trade which we might develop with Canada. For instance, I find that our exports at present consist of butter, hides and skins, a little coal, and a small quantity of wool. We do not export much in any of these lines. The total value of our exports to the Dominion, viz., £29,000, is split up amongst these four main items. Honorable members will, therefore, recognise that any one of them must represent an insignificant sum in itself. I suppose that our coal comes very severely into competition with the coal of the Dominion, of which there is an abundant supply. Our butter, I am afraid, is not

petition with the Canadian article, at any rate, in the Dominion market. I see no reason why it should not compete with Canadian butter elsewhere, but I scarcely think that it can do so in the Canadian market, having regard to the high Tariff which is operative against Australia as well as the rest of the world. It will thus be seen that all our exports to Canada are such as that country itself produces in abundance. Consequently, the outlook in the direction of developing a permanent export trade with Canada does not appear to be very rosy. Our imports from Canada also consist of commodities which are common to both countries, and in the production of which both excel. As an example, take the item of timber. We have an abundance of that in Australia.

Mr. LONSDALE.—Not of the same class.

Mr. JOSEPH COOK.—I am not quite sure that we have not every class of timber that Canada exports here. Of course, it is more profitable commercially to obtain certain kinds of timber from Canada, otherwise we should not do so. It seems to me that the possibilities of developing an export trade with Canada are not of the rosy character we could wish, entertaining as we do a sincere desire to keep open our means of communication with every part of the world with which they are possible. However, this is a matter for further inquiry. I do not think that the possibilities of the situation have been exploited at all. We have been content to allow trade to come here if it cared to do so, and to do the other thing if it did not. None of the big trusts of America or Canada would act in that way where their own interests were concerned, and this Parliament should not vote large sums without taking care that they find their way into remunerative channels—that is, into channels which will bring us an adequate commercial return. I do not suggest that we should embark upon these enterprises simply for commercial gain. I think that for us to be linked up with one of the countries of the Empire is worth something, and I shall always be prepared to pay a subsidy to any line of steamers for that purpose alone. But we ought to know exactly what we are paying this subsidy for, what are the prospects in regard to our means of communication, and whether trade with Canada is likely to be developed after we have tided over our present difficulties. I suggest that advantage should be taken of

the advent to our shores of that nobleman, of whom I have spoken, who takes such a keen interest in all these matters, and who would be able to give us as much information upon this subject as any individual with whom we could communicate to fully inform ourselves upon this question. I trust that we shall soon hear that the Government have formulated a complete plan in respect of postal communication with the rest of the world.

Mr. LONSDALE (New England).—It appears to me that the motion under consideration does not relate to a mail service pure and simple. If we view the matter merely from a commercial stand-point, I do not think that we are likely to get very much out of it. The commodities which we can export to Canada are very similar to those which that country itself produces, and consequently I do not think that we can ever develop a large trade with the Dominion. Whilst the honorable member for Parramatta was speaking, I made an interjection to the effect that our timbers were exchangeable with those of Canada, and that possibly we might increase our trade in that direction, and that direction only. Of course, Australian wool is altogether different from the Canadian article, and for the finer manufactures of the Dominion we might perhaps increase our trade in that staple. In Australia, our great timbers are hardwood timbers. Our softwood timbers—if we except cedar, which in many places is nearly worked out—are of a very inferior character when compared with the softwood timbers of America. Consequently the only trade which we are likely to develop with Canada is by exchanging our hardwood for her softwood timbers. Take oregon as an example. We have not any timber of that character in Australia. All the softwood timbers of Canada are very much better than our own.

Mr. STORRER.—We have good softwood timbers in Queensland.

Mr. LONSDALE.—Queensland pine is not equal to American pine.

Mr. PAGE.—Does the honorable member say that Queensland pine is of no use?

Mr. LONSDALE.—I do not say that; but I do say that it is not equal to the pine of America. Our large importations from Canada during the past year or two have been chiefly due to drought, which left us in need of food-stuffs. Personally I have not a strong opinion either way in regard to the Vancouver mail service. No doubt that ser-

vice provides us with an Imperial connexion, and possibly on that account we ought to encourage it. It is upon that ground alone that this motion can be supported.

Question resolved in the affirmative.

Resolution reported and adopted.

ESTIMATES.

In Committee of Supply (Consideration resumed from 17th October, *vide* page 3647):

DEPARTMENT OF THE TREASURY.

Division 27 (*The Treasury*), £8,631.

Mr. JOSEPH COOK (Parramatta).—I should like to learn what steps the Treasurer is taking with a view to bring to an issue the great question of the division of our surplus revenue among the States—what he proposes to substitute for the Braddon section when the time fixed for its operation expires. This is a matter which intimately and vitally concerns the whole of the States. The States are by this time upon tenterhooks; they are beginning to look askance at the Federation, and are wondering what is going to be their fate in the time to come. The Treasurer might very well take advantage of the present opportunity to declare his policy with regard to financial matters generally. He has already hinted on several occasions the course of action that is likely to be followed by him; and by this time he has doubtless matured his proposals. I recollect, for instance, that a little while ago the right honorable gentleman said that he inclined more and more to the proposal to pay annually a fixed amount to the States, instead of allowing them to take what may be left after we have made onslaughts upon the public revenue in any way that may seem suitable for Commonwealth purposes. There is much to be said for the allocation of a stated sum year by year, so that the States Treasurers may know exactly what is their financial outlook, and what arrangements must be made by them. At present they are not in that position. Every effort is made by the Treasurer of the Commonwealth to meet their demands from time to time, and to forecast as accurately as possible what the eventualities of the year are likely to be; but even in these circumstances the States Treasurers find themselves out in their calculations, and at a loss to know how to make ends meet. A proposal to give them a fixed sum has much to recommend it; but whatever the proposition may be, I hope

that the Treasurer will now speak his mind fully, and make a much more definite pronouncement than he has done.

Mr. KELLY.—The right honorable gentleman speaks definitely, but on both sides.

Mr. JOSEPH COOK.—I shall not say that; but he has a habit—just as has his chief—of flying beautiful political kites. While these float gaily to the breeze, and make a very fine spectacle, when the political sky is bright and the environment is kindly, the fact remains that when we get down to bedrock these honorable gentlemen do not do much to solve the difficulties with which the Commonwealth, and in particular the States, are confronted. In this respect we are the trustees of the States; under the financial scheme propounded in the Constitution we are the guardians of their finances. I therefore ask the Treasurer whether he has matured any proposal to meet this condition of affairs, and, if he has, whether he will definitely and clearly state what course of action will be taken by the Government.

Sir JOHN FORREST (Swan—Treasurer).—I regret that I am unable to give the definite information which the deputy leader of the Opposition desires. I may say, however, that my views on this question to-day are exactly what they were when I delivered my Budget speech on 22nd August last.

Mr. JOSEPH COOK.—So that the right honorable gentleman's proposals are still in embryo?

Sir JOHN FORREST.—I have since had an opportunity to further consider the question, and am more convinced than ever that the proposal which I then foreshadowed is the one which it will be best to adopt in the interests, not only of the Commonwealth, but of the States. I said, in the course of my Budget speech, that—

My judgment leads me to believe that it will be found advisable to consider whether it is not possible to adopt the Canadian plan, or some scheme which will be equitable and acceptable, under which it might be agreed that a fixed amount, subject, if necessary, to periodical adjustment, should be annually returnable to each State. The suggestion is, I think, worthy of some consideration. If some such proposal could be given effect, the Commonwealth and the States—

And this is the great object to be aimed at—

would be in the position of financial independence, and would be able to work out their financial problems in their own way. There would be no room then for complaint on either side.

Mr. JOSEPH COOK.—Does the right honorable gentleman mean a fixed total sum, or a fixed *per capita* amount?

Sir JOHN FORREST.—My idea is that a fixed sum should be annually returnable to the States. I do not say that it should be paid immediately on a *per capita* basis, inasmuch as such a system at this stage would operate unjustly to the States. To my mind, the sum to be returned to the States should be based upon the amounts which they receive during the operation of the Braddon section. Our ultimate goal, however, should be to make a fixed distribution. That should be part of any arrangement made, but it would be a matter of no moment, if it were provided that a *per capita* distribution should not be made for many years hence. We should take care not to adopt a system that may cause injury to any State. I take it that all that the States desire is to secure what is really their own. I have heard it said by representatives of Tasmania and Queensland, that it is desirable that a *per capita* distribution should at once be made. A perusal of the figures shows that such a distribution would probably be advantageous to those States, and that may account for this desire on the part of their representatives. I am confident, however, that it is only a passing fancy. It should be our object to see that each State shall, as far as possible, have its own, and to work towards the making of the distribution on a *per capita* basis. I see no reason why a fixed sum, based upon the amounts the States have received during the operation of the Braddon section, should not be acceptable to the States.

Mr. McWILLIAMS.—As a substitute for the Braddon section?

Sir JOHN FORREST.—That is so. I should not, however, favour such a proposal, unless there went with it financial independence for the Commonwealth, as well as for the States. As honorable members are aware, after the expiration of the Braddon section, the whole of the Customs and Excise revenue will be absolutely at the disposal of this Parliament. We may expend every penny of it upon public purposes, leaving the States to raise from their own resources even the money necessary to pay interest upon their loans.

Mr. HENRY WILLIS.—Why not take over the debts of the States?

Sir JOHN FORREST.—We must take care not to confuse the two matters. Even

relieve them of the responsibility of providing the interest. They are liable to indemnify the Commonwealth in regard to any deficiency that may occur in the amount required for interest on transferred loans, so that after the expiration of the Braddon section, we might expend the whole of the Customs and Excise revenue, and still call upon the States to pay the interest on the loans taken over. That being so, my honorable friend's proposition would not assist us. As long as the Commonwealth is bound, as it is, under section 94 of the Constitution, to return to the States any surplus revenue, we can never have financial independence for the Commonwealth, and security for the States. My own idea is that the sooner we secure financial independence for the Commonwealth, and arrange a carefully prepared scheme, by which a fixed amount will be payable to the States, the better it will be. Those are the ideas to which I gave utterance in my Budget speech, and I have since seen no reason to change my views in this matter. I am glad that the Premier of New South Wales has accepted the proposition, and has communicated with this Government in regard to it; but I am not aware that any of the other States has moved in the same direction. Some of those in power in the States act as if the States were the masters of the situation, whereas it is the Commonwealth that is in that position. I do not wish to take advantage of the States, and I hope that it will never be said of me that I had any desire but to help them. I am as ready to be the friend of the States as to be the friend of the Commonwealth. Indeed, I consider that Commonwealth Ministers and members of Parliament are all trustees for the people of Australia, who are the same people as the people of the States. If we do anything to injure the States we injure the very people whom we represent. It seems to me that the States are technically, at any rate, in a position of insecurity, so far as their finances are concerned.

Mr. McWILLIAMS.—There is not much security for Queensland and Tasmania.

Sir JOHN FORREST.—All the States may, I feel sure, rely upon receiving fair consideration from this Parliament, but, notwithstanding that, the States should not act as if they were independent and able to impose what terms they like. This matter has to be dealt with on business lines,

and the solution of the difficulty, which appeals to me, is to free the Commonwealth from the condition which will hamper it in the future, and to give to the States the security which is necessary for their financial stability. The taking over of the debts of the States is another matter which is not necessarily associated with the return of the surplus. The States are responsible for the debts which they have incurred, and no proposal has yet been made or suggested which would relieve them of that responsibility. It is impossible to deal, on a *per capita* basis, with the £203,000,000 which was borrowed by the States prior to the inauguration of Federation, as the amounts, per head are different in each State. I desire, however, that the debts of the States shall be taken over by the Commonwealth, because I think that such action will be of advantage to both States and Commonwealth. The Commonwealth will, in the future, be in a far stronger position to finance these loans than any State can possibly be in. Any saving that may thereby accrue should go to the State in regard to whose debts it is made, and thus assist its finances. I did not intend to speak on this matter, but as the deputy leader of the Opposition invited me to disclose my opinions, I have willingly done so, freely and unreservedly.

Mr. SPENCE (Darling).—I do not know whether it is intended, because of the financial statement which the Treasurer has been drawn into making, that there shall be a general debate on Commonwealth finance, but if that is to take place, I would suggest that the Committee requires additional information from the Government. If there is to be guaranteed to the States the return of a certain amount of revenue each year, the question must be asked, How is that revenue to be obtained by the Commonwealth? If the present Government is true to its protective principles, and imposes a Tariff which will benefit the industries of Australia, our Customs revenue must decrease as our industries increase, and, consequently, we shall ultimately not be in a position to return to the States as much revenue as they require. It seems to me that the Government might declare in favour of the imposition of direct taxation. I should like to know whether they would favour a progressive

land tax, or whether, when the Braddon provision ceases to operate, they will be content to allow the Commonwealth to pay for its administration out of the revenue derived from narcotics and stimulants, and leave the States to obtain what revenue they require for their own purposes. In my opinion it would be a good thing if the States were forced to impose a progressive land tax, sufficiently heavy to break up the big estates which are now such a curse to the community and so great an obstacle to progress in all the States. Such an arrangement would make the States and the Commonwealth mutually independent in regard to finance. Unless some such arrangement is made, we must ultimately adopt the policy of the direct Opposition, and impose a revenue Tariff, reducing certain rates of duty in order that more revenue may be obtained. Some of the States are already crying out that not enough money is being returned to them. No doubt their people individually are benefited by keeping the money in their pockets, but the Governments of the States are hampered, though, in many cases they have made little effort to reduce expenditure. I think that it would be a good thing if the responsibility of collecting their own revenue were put on the States. At the present time the Commonwealth has the unpleasant task of imposing taxation and collecting revenue, while the States have most to do with the spending of the money raised. The State of New South Wales has made many complaints against the actions of the Commonwealth, but there has been returned to it since Federation £4,000,000 more than it would have collected in revenue under its former financial arrangements. That means that since Federation the people of New South Wales have been taxed so much more heavily, and the Government of the State have had so much more money to spend, though, notwithstanding, they have continued to borrow, and have not materially reduced their expenditure. I do not think that it is quite fair to expect the Treasurer to make a declaration of the policy of the Government when we are dealing with the Estimates in detail. He did that in making his Budget speech. If the matter is to be gone into now, the Committee will require a great deal more information than has been placed before it, and unless these matters have been discussed by the Cabinet, the Treasurer can-

not be in a position to state the views of the Government in regard to them. Sooner or later the whole question will have to be faced in connexion with the renewal or otherwise of the Braddon provision. I hope that the Government will then stand by the view which the Treasurer has indicated, that there should be no renewal. I am strongly opposed to a renewal. When the adoption of the draft Constitution was being opposed in New South Wales, the Braddon blot, as it was called, was one of the clauses which provoked special objection, and I think that as the years go on it will become increasingly clear that it works badly. The Commonwealth expenditure has not yet reached the full amount of one-fourth of the Customs revenue, but even now some of the States are complaining that they do not get back enough; and if our expenditure, which is increasing, is likely to exceed the one-fourth, we shall have to raise four times the amount we require to meet the increase. As I have stated, the people of New South Wales have had to raise £4,000,000 more than they would have had to raise had their old financial arrangements continued in force, though, as the Treasurer has shown, the average of taxation throughout the Commonwealth is practically unchanged. While the people of some of the States are now paying more taxation than they did prior to Federation, the people of other States are paying less. Although this is not the proper time to discuss the matter, I take the opportunity to offer my strong objection to a renewal of the Braddon provision, for which there is already an agitation. I think that we have no right by any Act of legislation to bind posterity for a number of years. Some better method of finance could be arranged for. I am glad that the Treasurer has expressed himself in favour of financial independence on the part of the States and the Commonwealth. I think that that can be best secured by allowing the States to raise by direct taxation what revenue they may require. The Commonwealth would have sufficient revenue for its own purposes from the duties on narcotics and stimulants. But I do not know if there are any free-traders left. I doubt whether the Free-trade Party would now support a legitimate free-trade policy, providing for absolutely open ports. The so-called Free-trade Party is made up of revenue tariffists, who are in favour of what appears to me to be one of the very

toms duties call upon the poor man to pay far more in proportion than the rich man, and the principle underlying the system is not a fair one. If there are any absolute free-traders amongst us, they will probably support the suggestion that Customs duties should be abolished and our ports thrown open, and that the States and the Commonwealth should raise the revenue they require by means of a good land tax.

Mr. WILSON.—Then the honorable member is in favour of taxing one section of the community.

Mr. SPENCE.—Nothing of the kind. Land is the source of all wealth, and all revenue should be raised by means of taxes upon it. We must either adopt a protectionist policy that will have the effect of entirely shutting out imports, or we must throw our ports open and raise our revenue by some other means than Customs duties. When we come to consider the fiscal question, the discussion should range between these two extremes.

Mr. WILSON. — The protectionists were the first to seek for fiscal peace.

Mr. SPENCE.—That does not concern me, because I am regarded as a fiscal atheist. I am now seeking to outline a policy for the Government, and as Ministers are protectionists I anticipate that they will prefer to adopt a reasonably high Tariff, which will have the effect of shutting out imports. If that course be adopted, the revenue now derived from Customs duties will be lost, and the Commonwealth and the States will have to raise money by some other means. The States could impose a land tax to meet their requirements, and I think it is preferable that they should do so, because if they have to collect their own revenue they will be more careful in spending it. At present we have to perform the disagreeable work of collecting revenue whilst the States engage in the pleasurable occupation of spending it. I would suggest that the discussion of this great issue might very well be postponed until we are called upon to consider the extension or otherwise of the Braddon section.

Mr. KNOX (Kooyong).—The Treasurer told us that the Commonwealth was the master of the financial situation, and I was glad to hear him qualify that statement by indicating that he had no wish to act in any manner antagonistic to the interests of the States. I think that it will be a subject

of the extension of the Braddon sections, we fail to carry the States with us. We are sometimes apt to forget that the people of the States and of the Commonwealth are one, and that they have to carry the burdens imposed both by the States and this Parliament. I believe that the extension of the Braddon clause will be necessary in the interests of the States, unless we can make an arrangement for the payment of a lump sum to each of them. I did not anticipate a full dress debate upon the States debts question to-day. Indeed, I do not think it would be fair to the Treasurer to discuss that matter, except incidentally, at this stage. Perhaps I may be pardoned for once more referring to the fact that a motion upon the business-paper standing in my name contemplates the appointment of a Select Committee, which would be of great service to us in dealing with those complex questions of finance which must be settled in the near future. I know that my motion has the approval of the Government and of a majority of honorable members, and I regret that an opportunity has not been presented for the full consideration of the proposal and the appointment of the Committee. I have no hesitation in saying that if the proposed Committee had been appointed we should by this time have had before us some practical recommendation, which could have been remitted for the consideration and approval of the States. I believe that the opposition to the appointment of the Committee proceeds from the desire of some honorable members that the Treasurer shall bring down a specific scheme, which may be torn to shreds. I hold, however, that this great question should be dealt with, apart from party considerations, and without any regard to the *personnel* of the Ministry. A practical scheme should be formulated, and it seems to me that the readiest means of bringing about that result is by appointing a Committee such as I propose. I hope that before the session closes that course will be adopted, and that within a short time we shall have made substantial progress in the direction of solving the intricate problems which will soon have to be faced. The difficulties in detail connected with the great financial questions affecting the relations between the States and the Commonwealth cannot be dealt with effectively upon the floor of this House, but must be threshed

out by members in close consultation. These matters should be considered by us, not with any desire to have our statements recorded in the public prints, but with a determination to submit business-like and practical proposals. I trust that I shall receive the cordial co-operation of honorable members in securing the appointment of the proposed Committee, which will be able to consider the financial problems involved in the States debts question, the extension of the Braddon clause, and the determination of the bookkeeping period.

Mr. LONSDALE (New England).—I expected that the Treasurer would have made some statement with regard to the policy of the Government upon the important financial questions with which we shall soon be called upon to deal. He has indicated his own ideas, but he has not positively set out the intentions of the Government in regard to these matters. I think the sooner we provide for the financial independence of the States and of the Commonwealth the better for all parties concerned. The States should be left free to take their own course in regard to raising revenue, and the Commonwealth should have corresponding liberty.

Mr. SPENCE.—Is the honorable member in favour of absolutely free ports?

Mr. LONSDALE.—I am not in favour of any sham policy such as the honorable member has advocated. It is all very well for the honorable member to talk hypocritically upon taxation matters. I strongly urge that provision should be made for giving back to the States a fixed sum annually, instead of a proportion of the receipts from Customs duties. When I entered upon my first Federal campaign I took up that attitude.

Mr. SPENCE.—How does the honorable member propose to raise the money?

Mr. LONSDALE.—I would not restrict the Commonwealth to any particular method of taxation. Let us simply say to the States, "We shall return you so much a year." We should submit to no dictation as to how the amount should be raised.

Mr. THOMAS.—Why bind this Parliament to the return of a fixed sum?

Mr. LONSDALE.—To make the position perfectly clear, I would return a fixed amount to the States Treasurers. The sooner that is done the better. To-day the States are asking for an extension of the Braddon section of the Constitution. They wish to place this Parliament in the posi-

tion of having to raise the revenue, whilst they expend it.

Mr. CHANTER.—They do not refer to that section as the "Braddon blot" now.

Mr. LONSDALE.—They do not. Nevertheless, I have always regarded it as a blot. Of course, my action in questioning the wisdom of the very eminent men who drafted our Constitution may be regarded as very ridiculous, but I think that the way in which they dealt with this matter was absolutely absurd. In many respects, our Constitution is not what it should be. Its framers apparently preferred to follow that of America, rather than the freer Constitution of Canada. The Dominion confederation started its existence by returning to the States a fixed sum. If we had adopted that course it would have been very much better. If we desire to take over the States debts, it would be wise for us to return to the States Treasurers a specific amount each year. We should then be able to make better terms upon the London money market, and any advantage which might be secured in that direction would be enjoyed by the States, which would be called upon to contribute a smaller amount by way of interest. I wish to know what the Treasurer proposes to do in this connexion? He is always so beautifully indefinite that we can never extract any statement of policy from him. Indeed, the entire Government are very indefinite in regard to everything that they undertake. Their policy is one of drift. They cannot control even the business of the House in the way in which they ought to control it. Any statement which is made by them appears to come from dreamland. In the interests of the Commonwealth, and of the States, the sooner the debts problem is solved the better. I am not at all opposed to the Treasurer's idea in respect of this matter, if he will only give effect to it. I merely ask him to act, and not to be content with mere talk. I do trust that the Ministry will make up their minds, and let us know what are their intentions in respect of returning to the States a specific sum annually, in lieu of continuing the existing system. If the present position continues much longer, our power to do anything will be absolutely crippled.

Mr. CAMERON (Wilmot).—It seems to me that honorable members have entirely overlooked the fact that the Commonwealth Parliament and the States Legislatures are elected by the same people. Within the next

give an account of our stewardship, and I say emphatically that, so far, our stewardship has been bad. Time after time we have seen burdens cast upon the smaller States—burdens which they should not be asked to bear. We had an instance of that only this afternoon, when the Vancouver mail contract was under consideration. We then saw how responsibilities which were originally assumed by New South Wales and Queensland were transferred to the whole of the States. It is admitted that the Vancouver mail service is being carried on at a loss, and that it is doing no good to Australia, although it is benefiting Canada. I presume that we have no power to stop the payment of the subsidy during the next fifteen months; but I do hope that before the contract is renewed this House will be consulted upon the matter. I should not have arisen to address the Committee but for certain statements which were made by the honorable member for Darling. He argued, inferentially, that if money is not exacted by taxation from the people, it must remain in their pockets. That is an absolute fallacy. It is quite possible that a protective duty may be imposed upon any article, and that people may be compelled to pay just as much for it as they would be if no such duty were operative. The money may not find its way into the revenue, but it may go into the pockets of certain manufacturers. For example, there is a duty of 2d. per lb. upon starch. The other day, as the result of inquiries, I ascertained that practically no revenue was derived from that item.

Mr. TUDOR.—What about the Excise?

Mr. CAMERON.—There is no Excise duty upon starch.

Mr. TUDOR.—There is an Excise duty of 1d. per lb.

Mr. CAMERON. — I find that starch locally manufactured is being sold at 5½d. per lb., and that 6d. per lb. is being charged for imported starch. Naturally, the people use the cheaper article, and, as a result, very little imported starch is consumed. Thus, whilst the present duty prevents the importation of starch, the consumers still have to pay for that article within ½d. per lb. of what they would be required to pay if no duty were operative.

The TEMPORARY CHAIRMAN (Mr. BATCHELOR). — The honorable member is not in order in discussing the Tariff.

to a statement which was made by the honorable member for Darling. Take another article as an illustration; I refer to sugar. Prior to Federation, Tasmania received between £60,000 and £80,000 per annum from the duty on sugar. During the past two years she has obtained only about £27,000 per annum from that source. But under the *per capita* system she has been compelled to return about £13,000 annually by way of sugar bounty. Consequently, she is £40,000 a year worse off than she was previously. Yet colonial sugar is being sold at the same price as is the imported article. Although Tasmania is losing that amount of revenue, the money does not find its way into the pockets of the people, but into the coffers of the Colonial Sugar Refining Company.

Mr. DAVID THOMSON.—Why not increase the Excise duty?

Mr. CAMERON.—Undoubtedly.

Mr. HUTCHISON.—Let us nationalize the production of starch, and allow the State to obtain all the profits.

Mr. CAMERON.—The honorable member's party declares itself in favour of the nationalization of industries, but does not accomplish anything. The statement of the honorable member for Darling is absolutely nonsensical. Personally, I intend to support an extension of the Braddon section. I do not trust the members of this Parliament, and the people outside do not trust them.

Mr. TUDOR. — The honorable member would not allow us to appeal to them.

Mr. CAMERON.—The honorable member's party wished to appeal to the electors, not upon the question of whether this Parliament was to be trusted with the distribution of the Customs revenue, but upon the question of whether the Labour Party should be permitted to carry on the government of the country. Upon that occasion I had to recognise that a general election had been held only some eight or nine months previously, and I was called upon to consider whether I should be justified in involving the country in a further expenditure of £50,000 upon another general election.

The TEMPORARY CHAIRMAN.—That is a matter which is not before the Chair.

Mr. CAMERON.—I think that at the next general election the people should be asked, by means of a referendum, to say

whether they have sufficient confidence in the Federal Parliament to intrust it with the work of making a fair distribution. If they are not prepared to give us that power, I do not think that we should attempt to usurp it. Many of the States are in very serious difficulties, and I hold that it would not be right to allow the Braddon section to expire unless some scheme that would give satisfaction to the people of Australia as a whole could be substituted. I have risen merely to say emphatically that, unless a more advantageous scheme be proposed, the proposition that the Braddon section shall be renewed will have my support.

Mr. McWILLIAMS (Franklin).—The statement made by the Treasurer deserves very serious consideration. I wish it to be distinctly understood that I shall favour the renewal of the Braddon section, unless an equally satisfactory guarantee to the smaller States can be substituted for it.

Mr. FISHER.—What does the honorable member suggest?

Mr. McWILLIAMS.—I should like the Braddon section to be continued. If that were done, and the book-keeping provisions of the Constitution were not operating, leaving the surplus revenue to be disbursed in a truly Federal spirit, we should more nearly approximate to a sound financial position than we have yet done. The Braddon section has been the salvation of the smaller States. Although the Federal Parliament has practically undertaken no new works of any magnitude, we have almost reached the limit of our expenditure, so far as our revenue from Customs and Excise duties is concerned. For nearly two years Queensland has not had her full share returned to her.

Mr. FISHER.—Does not that prove that the Braddon section is no protection to the States?

Mr. McWILLIAMS.—Although Queensland has suffered to the extent of something like £180,000, I think that her losses in this respect have almost reached high-water mark. Tasmania is in much the same position. If we allowed the Braddon section to lapse, the Commonwealth would be able to expend the whole of the Customs and Excise revenue, leaving the States to make good the deficiency thus created in their revenue by means of local taxation.

Sir WILLIAM LYNE.—Does the honorable member think that the Commonwealth should be forced to resort to taxation before the States are compelled to do so? If

the States wish to raise more revenue, why do not they take action themselves?

Mr. McWILLIAMS.—I join issue with the honorable gentleman. If the Government of the Commonwealth had to face the music—if they were responsible directly to the electors for imposing taxation—the position would be very different from what it is. If the Braddon section be allowed to lapse, the Commonwealth will be in a position to financially embarrass the States.

Mr. KENNEDY.—Is that likely to happen?

Mr. McWILLIAMS.—We have already embarrassed Queensland and Tasmania. The financial provisions of the Constitution are most unfair to the States. A perusal of the report of the debates in the Federal Convention shows that it was not until the last moment that it was able to frame a financial scheme. It was on the eve of the termination of the proceedings that the members of the Convention, who appeared to be ashamed to have to return to their constituents and confess their inability to arrive at a settlement of the difficulty, hit upon the financial hotch-potch now embodied in the Constitution. Whilst the Commonwealth Treasury is overflowing, and we have money to devote to almost any fad that we please to take up, the States Treasurers are compelled to impose taxation of the most drastic character to enable them to pay their way.

Mr. DAVID THOMSON.—The Braddon section has been of no service to Queensland.

Mr. McWILLIAMS.—If the Braddon section be allowed to lapse, the Commonwealth, instead of expending one-fourth of its Customs revenue—

Mr. TUDOR.—We do not expend our one-fourth.

Mr. McWILLIAMS.—We are spending more than one-fourth so far as Queensland is concerned.

Mr. DAVID THOMSON.—So that the Braddon section does not assist the smaller States.

Mr. McWILLIAMS.—If we allowed that provision to lapse, the Commonwealth might not return anything to Queensland.

Mr. DAVID THOMSON.—The Commonwealth Parliament is not likely to be so dishonest.

Mr. TUDOR.—Taking all the States into consideration, the Commonwealth is returning more than three-fourths of the total Customs and Excise revenue.

Mr. McWILLIAMS.—That is so, but the full proportion has not been returned to Queensland, and Tasmania will shortly be in the same position. We have practically reached a stage at which three-fourths of the total revenue will be returned only to the States as a whole. Although I do not think that the Parliament would be so reckless as to allow any Government to expend anything like the whole of the Customs and Excise revenue, whilst financially embarrassing Queensland and Tasmania—

Mr. WILKINSON.—Leave Queensland out of it—she is not begging for anything.

Mr. McWILLIAMS.—I think that I am speaking by the book when I assert that, as the result of the Federal expenditure, the finances of Queensland have been embarrassed. That is certainly the position in regard to Tasmania. Considerations for the financial safety of that State will not allow me to agree to the Braddon section being allowed to lapse unless something that will give equal security to the States, and insure their receiving at least as much revenue as is now returned to them, is substituted for it.

Mr. KENNEDY (Moir).—The question raised on this division is a large and important one. It is somewhat strange to hear the honorable member for Franklin and the honorable member for Wilmot, in one breath, eulogising the Braddon section, and in the next asserting that it has not saved the smaller States from financial difficulty.

Mr. McWILLIAMS.—I did not say that it had not protected the States.

Mr. KENNEDY. — It is remarkable that considerations as to the financial positions of the States should be constantly imported into debates in this House, when we know that under the Constitution another place was specially created to safeguard their interests. I think that it is time that we had some display of that Federal spirit about which we hear so much, and that we should hear no more of the suggestion so frequently made, that honorable members have been elected to this House practically to wreck the finances of the States. The point of view from which I regard the situation is that the position of the Parliament can never be satisfactory whilst it has to levy taxation in order to raise revenue for other powers to expend.

Sir WILLIAM LYNE.—Hear, hear. It is ridiculous.

Mr. WILKS.—Does the honorable member suggest that we should earmark the revenue?

Mr. KENNEDY.—By the Constitution it is earmarked for other powers to expend. It is unreasonable to assume that honorable members of this Parliament would at any time attempt to do anything to embarrass those responsible for their return, because the electors of the States are the electors of the Commonwealth. At present nothing is to be gained by an abstract or academic discussion of this matter; but, when the time arrives to deal with it, I hope that the Commonwealth will take over so much of the debts of the States as will, in interest, be equivalent to the amount which the States now receive in Customs and Excise revenue, and that an end will be put, once and for all, to the present condition of affairs, under which the Commonwealth levies taxation for the States to spend as they think fit. Nothing can be done until the period for which the Braddon provision has force has come to a close; but I shall welcome the settlement of the question. I do not think that the Braddon provision should be continued for any lengthy period. If what I suggest is done, the Commonwealth will have its finance entirely in its own hands, and will be under no obligation to hand over so much money each year to the States. I admit that at the present time the Treasurers of the States are in an awkward position. No matter what foresight or judgment may be exercised in formulating a scheme of taxation, we know that the revenue from Customs and Excise duties fluctuates considerably. On one occasion it was the experience of Victoria that her Customs revenue decreased within the space of three years from £9,000,000 to £6,000,000, and a similar decrease is possible with the Commonwealth revenue. Should such an event occur, it would embarrass both the Commonwealth and the States. I trust that the present Government will remain in power for a considerable length of time, and that, before it is absolutely necessary to deal with the matter, they will lay before Parliament a proposal embodying their intentions, so that the taxpayers of the Commonwealth may know what is likely to be done. I see no salvation for the Treasurers of the States in the continuation of the Braddon provision.

Mr. CAMERON.—Ask the electors.

Mr. KENNEDY.—The electors are the masters of the situation, and will determine what shall be done; but, as I have said, the electors of the States are the electors of the Commonwealth. I trust that the Government will take Parliament into its confidence on this subject as early as the necessities of the situation may require, so that the matter may be discussed from every stand-point, and the best arrangement possible come to.

Mr. HENRY WILLIS (Robertson).—The speech of the Treasurer came to me somewhat as a surprise, because, if I understood him aright, he raised a difficulty respecting the taking over of the debts of the States which had not previously been placed before this Parliament. I think that he said that if the Commonwealth took over the debts of the States they would still be responsible for them.

Sir JOHN FORREST.—Read section 105 of the Constitution.

Mr. HENRY WILLIS.—The States would be responsible for their debts if they were taken over by Act of Parliament and the creditors were not a party to the transaction; but I take it that if there were a conversion, the creditors would be a party to it, and the responsibility of the States would not continue.

Sir JOHN FORREST.—The Constitution makes the States responsible.

Mr. HENRY WILLIS.—Do I understand that the conversion is impossible under the Constitution?

Sir JOHN FORREST.—The States cannot be relieved of responsibility, unless the Constitution is amended.

Mr. HENRY WILLIS.—If there were a taking over of the debts without conversion, the States would continue to be responsible, but if there were a conversion, the Commonwealth would be responsible. I am surprised that the Treasurer should raise this bogey. I see no difficulty in the Commonwealth taking over the debts and getting an indemnity from the States for the payment of the interest. The proposal to guarantee the States the return of a fixed amount of Customs revenue is one upon which I shall speak upon another occasion.

Mr. G. B. EDWARDS (South Sydney).—The Committee seems to be entering into an academical discussion about taking over the debts of the States, and the relative financial positions of the Commonwealth and the States; but I think that the matter

is one which might be allowed to stand over until some future occasion, because it is hardly ripe for settlement yet. It should have been discussed, if necessary, during the debate on the financial statement, though I do not think the Treasurer put before us any definite proposal. Something must be done in the future, and whatever is done should be in the direction of ending once and for all the financial dependence of the States on the Commonwealth. If the Brad-don provision is not renewed, and I believe that ultimately it will cease to have effect, we shall have to relieve the States of their debts, and to adopt some scheme of finance under which will be known the burden which the Commonwealth has to bear, while the States will be aware that if they require further revenue they must provide it for themselves. I wish now to make some suggestions which I think are capable of yielding fruit immediately. In discussing the Treasurer's Financial Statement, I asked the Government if they would take into consideration—as two previous Governments promised to do—the advisability of appointing a Committee of Public Accounts. I pointed out that such a Committee would greatly assist the House in dealing with the Estimates, and would give more security to honorable members that proper economy was being observed. The Estimates for the present financial year have now been under consideration during several sittings, but I must confess that, after each succeeding dispute in regard to particular items, I have been still more in the dark than I was before; and I think that other honorable members have been in the same position. If the Committee which I suggest were appointed, its members would obtain information in regard to the Estimates from the heads of Departments and other officials, and would submit a report to this House, which would guide honorable members in their subsequent action according as the evidence disclosed that there was or was not warrant for the proposed expenditure. I know that a proposal of this kind, when made to a Minister, generally goes into one ear and out of the other, but I hope that the Treasurer will consider this matter. In my opinion, the appointment of the suggested Committee would facilitate the transaction of business, and ease the consciences of individual members, who now have to vote for items in regard to which they cannot get proper information, sometimes because the Minister himself does not possess it.

When, as in this case, Estimates are prepared by one Government and submitted by another, the Minister in charge of a Department is not always in a position to give honorable members the information which they should have in regard to particular items; but if the Estimates were critically scrutinized by a body of capable men who had power to inquire thoroughly into every proposal they contained, the position would be different. In the House of Commons there has been such a Committee for many years, and if honorable members turn to its reports they will see that it has done very good work.

Mr. CROUCH.—There is a similar Committee in Victoria.

Mr. G. B. EDWARDS.—I may point out that most of the troubles in connexion with the War Office scandals and the wasteful expenditure of money were first discovered by the Committee of Public Accounts, connected with the House of Commons. A similar Committee has been in existence in Victoria, and I find, upon inquiry, that, although for some time it did not work with any great degree of success, it has at last settled down to the discharge of very useful functions. I notice that the press, in referring to the last report of the Committee, admitted that the results of its inquiries were most valuable, and most instructive to Parliament, and that they facilitated the transaction of business. Under these circumstances, I think the Government might consider whether such a Committee should not be appointed, and also be given power to sit during recess to inquire into the various ramifications of our Commonwealth finance, and ascertain where economies might be effected in connexion with the expenditure upon our Departments. The other matter to which I wish to refer is the difficulty I have experienced with three Ministries in connexion with the decimal coinage system, of which the House has approved on two occasions. I think that this is a fitting opportunity to refer to the matter, and I desire first of all to ask the Treasurer why no provision is made in the Estimates of his Department for the expenditure that would be incurred in taking the preliminary steps to carry out the expressed will of Parliament in this connexion. We were engaged yesterday in discussing a proposal for the appropriation of £25,000 for a very high and noble purpose, and it was regrettable to notice that so much noise was made with reference to

the expenditure of that amount. The Decimal Coinage Committee, after the most careful inquiry, made it clear that the Commonwealth, by minting its own silver coinage, upon the decimal system, could derive a profit of £30,000 per annum. Whilst a great outcry is being made about the expenditure of the £25,000 to which I have referred, honorable members are content to allow Ministry after Ministry to occupy office, without insisting that effect shall be given to its will in reference to coinage.

Sir JOHN FORREST.—Has the honorable member considered how we shall be able to get rid of our present silver coinage?

Mr. G. B. EDWARDS.—I might ask the Treasurer whether he has considered the question.

Sir JOHN FORREST.—Yes, I have; and I think there is a difficulty.

Mr. G. B. EDWARDS.—There is no difficulty whatever, and the Treasurer is quite at sea if he thinks that any serious obstacles present themselves. There is nothing to prevent the Commonwealth from transferring the whole of its silver coinage to some other part of the British Empire.

Sir JOHN FORREST.—Who would take it?

Mr. G. B. EDWARDS.—I would take it at its face value, if the Commonwealth paid me a commission for placing it elsewhere. I know what I am talking about, because I have made inquiries which the Government should have entered upon long ago. I have ascertained from leading bank officials that there would be no difficulty whatever in removing the coinage we now have here to other parts of the British Empire, and replacing it with our own. The Commonwealth would be required to pay a commission to cover the cost of transferring the coin to the agents of the banks abroad, and the loss resulting from its temporary withdrawal from circulation. I acknowledge that if we shipped the whole of the present silver currency to England in one lot, and distributed it there through agents, we should act in a most unfriendly way towards the mother country; but there is no necessity for us to proceed to such an extreme.

Sir JOHN FORREST.—What about the gold?

Mr. G. B. EDWARDS.—I am content to confine my remarks to silver for the present.

Sir JOHN FORREST.—But the gold and silver coinage are inter-related.

Mr. G. B. EDWARDS.—They are not inter-related to the extent of presenting any difficulty. We could defray the cost of rehabilitating our gold coinage out of the profits derived from the minting of our silver coinage, and still show a credit balance of from £25,000 to £30,000 per annum. What is the use of our meeting here and declaring upon two occasions that a system of decimal coinage should be adopted, and that the Commonwealth should mint its own silver coins, if no action is to be taken to give effect to our decisions? Is the resolution of the House to come to naught because Ministry after Ministry are occupied with other subjects which should not occupy their time to the neglect of a matter which has the most important bearing upon the economic working of this young nation? The report of the Decimal Coinage Committee has been pigeon-holed.

Sir JOHN FORREST.—No; it has not been pigeon-holed; we are waiting for a reply from the Imperial authorities.

Mr. G. B. EDWARDS.—If the Treasurer had been managing a business outside, and he had been required to wait for a reply as long as the Government have been kept waiting in this instance, he would have taken some steps to stir things up. The late Government were about to enter into an arrangement which would have had the effect of perpetuating the present nonsensical system of coinage. They did not understand the question, and they thought that they would be doing a good stroke of business if they could secure a douceur of £10,000 per annum from the British Government in respect to the silver coinage in circulation in the Commonwealth. I arrested that movement, and the late Prime Minister promised me that nothing should be done until the question was again submitted to the House. The correspondence that has since taken place reveals the fact that, in the first instance, the late Ministry misinformed the British Government as to the intentions of the Commonwealth in this matter. They represented that we desired to obtain the profits to be derived from the minting of our silver coinage, whereas this Parliament decided to adopt the decimal system. The late Government actually asked the Imperial authorities to furnish them with designs for half-crowns and threepenny pieces that would not be required under the decimal system, and they were thus flying in the face of the decision of the

House. The correspondence proceeded until a correction was made, so far as that aspect of the question was concerned. I do not wonder that the Imperial authorities deferred their reply, because it appears, from the correspondence, that we do not know our own mind. Finally, the British Government were informed that we desired their assistance in getting rid of the present silver coinage to the extent of £200,000 per annum. It was proposed that the Imperial authorities should reduce their mintage of silver coins by that amount, and that they should utilize the £200,000 worth of silver coins withdrawn from circulation in Australia for supplying requirements in other parts of the Empire. The intention was that the silver coin thus withdrawn should be replaced year by year by Commonwealth coinage. I think that such coins should be minted here. We have a protectionist Ministry, and as we have the silver we might as well mint it here. If, however, it is considered undesirable to establish a silver mint, we might arrange for the minting of the coins at Birmingham, where work of that kind is largely carried on. If we withdrew from circulation every year £200,000 worth of the present currency, and replaced it with Commonwealth coinage to a similar amount, plus £50,000 or £60,000 worth to provide for the natural increase, we should, within ten years, have a currency entirely our own. That coinage would cost us only 75 per cent. of its face value, and we should have an amount equivalent to 125 per cent. of the face value of the coins stored away somewhere, earning interest which would yield us £30,000 per annum, after defraying all costs, and making allowance for the wear and tear of the present gold coinage—for which no provision is made at present. The House has twice decided that the decimal system of coinage should be adopted, and I intend to persist in asking the Treasurer for information as to the intention of the Government in regard to this question.

Sir JOHN FORREST.—We are awaiting a reply from the Imperial Government.

Mr. G. B. EDWARDS. — I wish to know whether the Government intend to give effect to the report of the Select Committee upon decimal coinage, and, if so, what steps they intend to take in this connexion? It is idle for the Treasurer to say that they are corresponding with the Imperial authorities upon the matter, in view of his statement that he does

silver currency. Evidently the matter has not been considered by the Cabinet. We have a right to know what is the mind of the Government upon this question.

Sir JOHN FORREST.—I have told the honorable member that it will have our consideration.

Mr. CARPENTER (Fremantle).—Some months ago, when we were discussing the Government programme, I referred to the question of the wisdom or otherwise of returning to the States any available surplus upon a *per capita* basis. At that time the Prime Minister assured me that the Government would deal with the matter at the earliest possible opportunity, and would inform the House of their policy in that connexion.

Sir JOHN FORREST.—Does the honorable member mean after the bookkeeping period has expired?

Mr. CARPENTER.—Yes.

Sir JOHN FORREST.—But the bookkeeping system will not end till next year.

Mr. CARPENTER.—It will expire in less than twelve months. We must recollect that we are approaching the end of the session. I do not know whether the Government has fixed upon a date for the opening of the next session of Parliament. It may happen that we shall not meet till about the middle of the year, and, if so, between that period and October, when the bookkeeping system will expire, we shall have very little time to discuss such an important matter.

Sir JOHN FORREST.—The bookkeeping system will continue in force unless it is repealed.

Mr. CARPENTER.—I am aware of that. This is a matter upon which this House has a right to be consulted. If the Government have satisfied themselves as to the feeling of honorable members upon the subject, and if they are prepared to accept the responsibility of taking action during the recess, I have no more to say. But I think it would be much better from their point of view if they announced their intentions now, and afforded us an opportunity to discuss the subject during the present session. The States which will be more particularly affected by any suggested change have a right to know, before their respective Parliaments assemble next year, what is the policy of the Commonwealth in respect of this question. As the Treasurer is very well aware, the States Treasurers,

ought to have some idea of what the financial policy of the Commonwealth will be for that year. It is unfair to delay an announcement upon this matter until next session, and then to spring it upon the States, especially if we decide to make some radical change in the existing arrangement. If, by timely action upon this subject, we can avoid engendering further friction with the States, we ought to do so. From press reports which I have seen, I understand that the Treasurer leans towards a continuance of the bookkeeping system. If that be so, he should experience no difficulty in convincing the Government that it is the best system. At one time I was of opinion that it would not be necessary to continue the costly bookkeeping system in the case of every State. I thought that some arrangement might be made, whereby those States, which would be adversely affected by any change, should receive some special allowance.

Mr. HUTCHISON.—What States will be adversely affected by it?

Mr. CARPENTER.—Only two States will be considerably affected by the change. If no alteration can be brought about without making it apply to the Commonwealth as a whole, then the Government should at once say so. I think it would be to our advantage, and to that of the States Treasurers, if the Treasurer informed us of the intentions of the Government at the earliest possible moment.

Mr. WILKS (Dalley).—This afternoon the honorable member for South Sydney attempted to extract from the Government a statement of its policy in respect of the introduction of the decimal coinage system. In doing so, he pointed out the absolute folly of appointing Select Committees and Royal Commissions. They are costly bodies, and their reports are generally buried in the archives of Parliament.

Mr. G. B. EDWARDS.—The Select Committee on decimal coinage cost only £40.

Mr. WILKS.—That is a large amount to expend if its labours are to prove fruitless. The honorable member for South Sydney declared that Governments are prone to take no notice of the reports of Select Committees and Royal Commissions. That is his declaration—not my own. I am sorry that the report of the Select Committee on Decimal Coinage has been lost sight of for some time. But I wish specially to address myself to the question of the Braddon blot.

I am informed that the Treasurer made a declaration this afternoon of more than usual importance. He stated that he believes in substituting another system for the Braddon blot. That is the first outspoken utterance which we have had from any Treasurer of the Commonwealth.

Sir JOHN FORREST. — I never mentioned the Braddon blot.

Mr. WILKS.—I am informed by the deputy leader of the Opposition that the right honorable gentleman made the statement which I have attributed to him. He affirmed that he was in favour of returning to the States a specific sum annually. That is a very different thing from returning an amount upon a *per capita* basis. Personally I favour the annual return to the States of a fixed amount *per capita*. The Treasurer has admitted that he now has a surplus of some £480,000 available. I understand that he is making arrangements to pay the States for the transferred properties. Those properties are valued at not less than £10,000,000. Interest upon that amount, at $3\frac{1}{2}$ per cent. would mean £350,000 per annum, and a sinking fund of 1 per cent. would mean a further sum of £100,000. Thus by paying for the transferred properties alone, the Treasurer will be called upon to contribute £450,000 annually out of his surplus of £480,000. In addition, funds require to be provided to carry out the programme of the Government. The Ministry profess to be anxious to adopt a scheme for the payment of old-age pensions. Mr. Coghlan estimates that any such scheme will involve an expenditure of £1,500,000 per annum.

Sir JOHN FORREST.—There is nothing in these Estimates relating to old-age pensions.

Mr. WILKS.—I am now dealing with the financial proposals of the Government.

The TEMPORARY CHAIRMAN.—I would point out to the honorable member that this is not a Budget debate. I have already allowed honorable members a considerable amount of latitude, and I must ask them to confine their remarks to the matters which come under this division.

Mr. WILKS.—You say, sir, that you have already allowed a certain amount of latitude. Am I to understand that you cease to allow that latitude the moment I rise to address the Committee?

The TEMPORARY CHAIRMAN. — The honorable member must not reflect on the Chair.

Mr. WILKS.—The matter which I intend to present comes under the heading of "unforeseen expenditure," which has to be provided by the Treasurer.

The TEMPORARY CHAIRMAN. — I would point out that any item might come under that heading. That fact in itself is not sufficient to bring the matter to which the honorable member desires to refer within the scope of this division.

Mr. WILKS.—Do I understand that you rule that I cannot refer to certain matters with a view to showing that our finances are not in a position to enable the Government programme to be carried out?

The TEMPORARY CHAIRMAN.—If the honorable member will proceed, I shall be in a better position to know whether or not he is in order.

Mr. WILKS.—It is idle for the Government to submit a programme to which effect cannot be given by reason of lack of funds. I repeat that Mr. Coghlan estimates that the sum of £1,500,000 will be required to pay a Commonwealth old-age pension. The adoption of a system of penny postage will mean an additional expenditure of £200,000. The undergrounding of the telephone wires will cost £100,000, and £500,000 is required to pay the sugar bounty. Then the Treasurer will be called upon to provide an additional £300,000 in connexion with the Manufactures Encouragement Bill. At the present time the proposal to pay a bonus upon the production of iron is like Mahomet's coffin, suspended between heaven and earth. Weather telegrams will involve an expenditure of £60,000; the naval subsidy, an increase of £80,000; the census—in connexion with which a Bill was passed by this House only a few days ago—£25,000; quarantine and meteorology, £25,000; and the High Commissioner, £20,000. These items, for which provision will have to be made in addition to the ordinary expenditure, total no less than £2,780,000. In these circumstances, the Treasurer might well take the Committee into his confidence, and tell us how he proposes to provide for this increased expenditure. Does he suggest that it shall be met by increased taxation? If not, what other proposition has he to make? I have referred to these matters for a specific purpose. It is idle for us to pass Bills or resolutions involving expenditure if we have not sufficient funds to give effect to them.

The Treasurers of the States view with alarm the proposals for increased expenditure that are made from time to time by the Commonwealth Government, and are anxious to ascertain how these schemes are to be carried out. The question of the appointment of a High Commissioner may well be discussed on these Estimates, as the Treasurer will have to provide the amount necessary for the office. I wish to say emphatically that in my opinion no Ministry will be justified in appointing a High Commissioner before the Commonwealth has taken over the debts of the States. The most important work which that officer will be called upon to perform will be that of dealing with the finances of the Commonwealth. He will have little else to do, except in regard to immigration, and we could not expect him to travel all over the United Kingdom as an immigration agent.

The TEMPORARY CHAIRMAN.—The honorable member is now anticipating a debate on the Bill relating to the appointment of a High Commissioner.

Mr. WILKS.—The statement made by the Treasurer, that he proposes to substitute for the Braddon section a scheme by which a fixed amount will be returned to the States does not meet with my approval, nor do I think it will meet with the approbation of the States Governments. I could understand a distribution being made on a *per capita* basis, the amount returned to each State being varied according to the rise or fall of its population, and the extent to which its contributions to the revenue was consequently affected.

Sir JOHN FORREST.—And an increasing amount?

Mr. WILKS.—As the population of each State increased, the amount which it contributed to our revenue by means of Customs and Excise taxation would be swollen, and it would therefore be entitled to a corresponding increase in the amount returned to it. I fail to understand why we should decide that a fixed amount shall be annually returned to-day, say, to Victoria and New South Wales, and shall be paid for years, irrespective of any increase in the amount which those States may contribute by way of taxation to the Commonwealth revenue.

Sir JOHN FORREST.—The Commonwealth expends all its revenue in the different States.

Mr. WILKS.—My desire is that the finances of the States shall be made secure.

I agree with the honorable member for Moira that it is unsatisfactory that we should be called upon to impose taxation in order to raise revenue for other powers to expend. We incur all the odium of imposing certain taxation, while the States Treasurers secure the credit of expending the revenue so collected. The people of New South Wales contribute largely to our revenue, and the amount which we return to that State goes, not into their pockets, but into the coffers of the Treasury. The result is that, whilst the Commonwealth is blamed for imposing this taxation, the finances of the State are improved. The time is fast arriving when the Commonwealth must have the power to expend—

Sir JOHN FORREST.—The honorable member is now coming round to what I suggested.

Mr. WILKS.—I do not disagree with the Treasurer on every point, nor do I consider it my duty to object to any proposal that he makes simply because I am a member of the Opposition. I respectfully suggest, however, that the questions which I have put to the right honorable gentleman might well be answered by him. I am particularly anxious that he should make a statement as to the intentions of the Government in regard to the payment of interest on the transferred properties and also as to the way in which they propose to meet the cost of the new services to which I have referred.

Mr. CROUCH (Corio).—I desire to indorse the remarks made by the honorable member for South Sydney in reference to the question of coinage. The matter is one that has been discussed in this House on several occasions, and it appears from the official correspondence that the Commonwealth is losing £30,000 per annum simply because the Government cannot arrive at an agreement with the Imperial authorities with respect to the question of silver coinage. We mint our own gold coinage—from which a loss is made—whilst the British Government is securing the profit derived from the coinage of our silver.

Sir JOHN FORREST.—They renew the gold coinage.

Mr. CROUCH.—But we make a loss on our gold coinage.

Mr. G. B. EDWARDS.—Taking the mints of Australia as a whole, they are not making a loss.

Mr. CROUCH.—The fact remains that the profit which should come to the Com-

coinage is lost to us. Although it was stated twelve months ago that a new system was to be introduced, there has been a sudden change of front.

Sir JOHN FORREST.—We are awaiting a reply from the Imperial authorities.

Mr. CROUCH.—In the meantime, our silver coinage is being minted in England, and the British Government is making a profit that should really be secured by the Commonwealth.

Sir JOHN FORREST.—It was only in March that the last letter was written.

Mr. CROUCH.—This House appointed a Select Committee to deal with the question of coinage, and has thoroughly discussed the whole matter. The right honorable member for Balaclava read a letter some time ago which suggested that finality had almost been reached in the negotiations, but, judging by the statements made to-day by the Treasurer, a settlement of the question is impeded by some difficulty as to what shall be done with our present silver coinage. There must be some way of absorbing it in Great Britain, and it seems to me that unless the Government are prepared to take a decisive step we shall have to wait some time for the reforms necessary to enable the Commonwealth to secure from this source the profit to which it is entitled.

Mr. BROWN (Canobolas).—I was pleased to hear the statement made by the Treasurer that he was not disposed to favour an extension of the Braddon section. I have been from the first strongly opposed to the principle embodied in that provision, and fail to see that it affords any protection to the States. It certainly does not conduce to economy on the part of the Governments of those States in which a large amount of revenue is raised by means of the Customs and Excise duties. Our experience of its operation is that, whilst the States which lost revenue by the transfer of their Customs and Excise Departments to the Federation have had a hard struggle to pay their way, the other States have gained enormously, but those that gained with those that lost have been faced with financial difficulties, the difference being that while the needs of the one compelled economy, the extravagance of the other rendered it equally necessary. New South Wales has gained more largely than has any of the others by reason of the transfer, and the question of economical administration has now to be faced by

imposition of an enormous tax upon the people. Turning to the Budget papers, I find that at the end of the current financial year—if the Treasurer's estimate be correct—New South Wales will have contributed something like £12,779,000 to the revenue by way of Customs and Excise duties. When that State entered the Federation her Customs and Excise taxation amounted to about £1 6s. 4d. per head of the population; but, as a result of the Federal Tariff, it amounts to-day to £2 os. 9½d. per head. During the drought, when New South Wales was compelled to use a larger quantity of imports than she requires in normal seasons, her taxation under this heading increased to £2 9s. 7½d. per head of the population. If the State Parliament during this period had had the control of the Customs and Excise Department, it would not have levied such enormous taxation. When the fiscal question was handed over to the Federal Parliament, the people of New South Wales no longer had the sole determination of their Customs taxation, and consequently duties were imposed which gave a very much larger return than the State was in the habit of getting. I find from table F, inserted in the Treasurer's Budget tables, in which are given the gains and losses of the States from Customs and Excise revenue, and the net gains and net losses, after deducting the cost of Federation—

The TEMPORARY CHAIRMAN.—I would remind the honorable member that this is not a Budget debate. He is now quoting from Budget papers.

Mr. JOSEPH COOK.—On a point of order, I submit that any subject affecting the whole range of Ministerial responsibility may now be discussed.

The TEMPORARY CHAIRMAN.—If that were so, almost any subject could be discussed on this vote, and the advantage of dealing with the Estimates in separate divisions would be lost.

Mr. JOSEPH COOK.—Many a Government has been put out of office on a point of vital Ministerial policy raised during the discussion of the Estimates.

The TEMPORARY CHAIRMAN.—That has nothing to do with this point of order.

Mr. JOSEPH COOK.—My point is that on these Estimates the whole policy of the Ministry in relation to the finances of the Commonwealth comes properly under review.

Mr. WILKS.—I consider the point of the deputy leader of the Opposition a very important one. It is the duty of Parliament to safeguard the public funds, and I submit that an honorable member, in dealing with a matter with which the States are so much concerned, as they are in the matter to which the honorable member for Canobolas is referring, is quite in order in advancing the illustration which he is about to put forward. It is obvious that this is not a "stone-walling" discussion, and, therefore, it would be a serious matter to curtail the rights of any honorable member.

The TEMPORARY CHAIRMAN.—The only items which are now properly open for discussion are those which appear on page 33 of the Estimates; but, in accordance with the practice of the Committee, I am allowing greater latitude until the first item of Division 27 is passed. At the same time, I ask honorable members not to allow the discussion to develop into a Budget debate, covering the whole range of financial policy.

Mr. WILKS.—If the Committee were confined to the discussion of the items on page 33, we could refer to only the Administrative division, the Accountant's branch, and the Correspondence branch of the Treasury Department.

The TEMPORARY CHAIRMAN.—Those are the only items which are formally before the Committee, and properly open to discussion.

Mr. WILKS.—But the custom of this Committee has been to have a general discussion of the administration of a Department on the first item of its Estimates.

The TEMPORARY CHAIRMAN.—As I have said, it has been the practice to allow greater latitude while the first item is before the Committee; but if honorable members attempt to debate the whole of the financial proposals of the Government, I must, to conserve the time of the Committee, and to conform with the rules of debate, ask them to confine their remarks to the matters immediately before the Chair.

Mr. WILKS.—I do not think that it is a question of the Chairman giving a certain amount of latitude, but of the rights of honorable members. If honorable members are in the ignoble position of having to seek a favour from the Chairman to enable them to discuss these matters, we shall have to resort to other methods, and I shall be compelled to ask Mr. Speaker to give a direction on the subject. All we desire is

to exercise our right to enter upon a general discussion of the administration of the Department of the Treasury.

Mr. JOSEPH COOK.—I take it that you, Mr. Temporary Chairman, do not propose to curtail the latitude which it has been usual to allow in dealing with the first item of the Estimates of a Department.

The TEMPORARY CHAIRMAN.—I have already stated that.

Mr. JOSEPH COOK. — If that latitude were not allowed, I do not see how we could get on. It is a very old custom to move to reduce the salary of a Minister in order to give an opportunity to debate the administration of his Department. The last Liberal Government went out of office on a proposal connected with cordite, which raised the whole policy of defence, just as the question of the financial relations of the Commonwealth and the States is being raised now. I take it that the honorable member for Canobolas may, if necessary, move to reduce the salary of the Secretary to the Treasury, to open up the questions he wishes to discuss.

Mr. BROWN.—I have come here prepared to discuss the effect of the Braddon provision upon the relation of the States and the Commonwealth, and thought that I had ample precedent in the speech of the Treasurer this afternoon. I would also remind you, Mr. Batchelor, that other speakers to-day have been allowed considerable latitude. One of them urged the adoption of a certain line of policy in regard to this very matter, while another dealt with the coinage of silver. I should like to know to what extent your ruling curtails my right to address the Committee on the subject which I wish to discuss?

The TEMPORARY CHAIRMAN.—I wish to assist honorable members, and have no desire to unnecessarily curtail debate; but, at the same time, it is necessary to keep it within reasonable limits. If we go into the whole scope of these financial proposals, we shall have practically a Budget debate, which would not be proper at this time. I believe that I am correct in saying that, properly speaking, no honorable member has a right to discuss now any subject other than the items immediately before the Committee; but it has been customary to allow some latitude while the first item of a Department is before the Chair. I ask honorable members not to construe that into a licence to discuss anything and everything under the

bolas, therefore, confine himself, as nearly as possible, to the lines of debate already followed, and not attempt to go outside them?

Mr. BROWN.—I do not know to what extent my remarks will comply with your ruling, sir; but I was proceeding to point out that the State of New South Wales has received very much more from Customs and Excise taxation since the inauguration of Federation than she was previously receiving. While Queensland has received less revenue from that source, to the extent of about £2,000,000, during the first four financial years of the Commonwealth, New South Wales has received £5,941,000 more than would have been collected under the State Tariff. Of course, the people themselves have not benefited thereby. That represents the additional taxation which they have been required to bear. During the drought the Customs taxation of the State increased from £2 os. 10½d. per head to about £2 9s. 7½d. per head. Had the control of the Customs and Excise been left to the taxpayers of New South Wales, it would have been impossible for the Government of that State to raise this large amount. The obtaining of this extra revenue, instead of benefiting the State, has led to great extravagance, and the need for economy in administration there is now as great as it is in the State of Queensland, where the amount of revenue returned has been very much less.

Mr. WILKS.—I think it is desirable that we should have a quorum. [*Quorum formed.*]

Mr. BROWN.—I would point out that whilst the State of New South Wales has benefited under the operation of the Commonwealth Tariff to the extent of nearly £6,000,000 over and above the amount which she would have received from Customs duties upon the basis of the State Tariff, Queensland has lost £2,180,000 by the substitution of the Commonwealth Tariff for her own. In other words, the people of New South Wales are nearly £6,000,000 poorer than they otherwise would have been, whereas the people of Queensland have benefited to the extent to which the Government have lost revenue.

Mr. DAVID THOMSON.—But the people of Queensland have been called upon to pay more taxation in other directions.

Mr. BROWN.—That is a matter entirely for the State authorities. One of the great troubles that has arisen in connexion with

sire to shirk their own responsibility in the matter of raising direct taxation. They are endeavouring to convert the Commonwealth into a mere taxing machine for their purposes. It is with this object in view that they are advocating the extension of the Braddon section. The principle now in operation is a vicious one. It imposes burdens upon the Commonwealth, which it should not be called upon to bear. The spending power should be required to appeal directly to the taxpayer to foot the Bill, but under the present system the States Governments spend the money, and leave the Commonwealth to bear all the odium attached to the levying of taxation. Whilst the States Governments are advocating the extension of the Braddon section, they are keenly watching the expenditure of the Commonwealth—so keenly, that apparently they have no time to look after their own. They have no legitimate ground for complaint in respect to extravagance on the part of the Federal authorities, but the taxpayers of some of the States have every reason to feel aggrieved at the way in which the revenue raised by the Commonwealth has been expended by the States authorities. Under the Constitution, the Commonwealth is entitled to retain one-fourth of the revenue derived from Customs and Excise, but since the inauguration of the Federal Tariff, we have returned to the States out of that one-fourth a total of £4,500,000. Of this amount, New South Wales has received £1,830,000, and Victoria £1,200,000. The only State which shows any shortage is Queensland, whose revenue has been trenched upon to the extent of £18,000. I am glad to know that the Treasurer is not disposed to view with favour the proposal to extend the Braddon clause for any considerable period beyond the time fixed in the Constitution. He proposes to return to the States a fixed sum annually, but I shall strongly resist any attempt to make the Commonwealth a mere taxing machine for the States. We should be left to exercise a free hand in the matter of taxation, on the understanding that any money we might have to spare after meeting all our requirements should be handed to the States Governments. Of all forms of raising revenue, I think a revenue Tariff is the most objectionable, because under the system, the burden of taxation is unequally distributed, and falls most heavily upon those who are least able to bear it. The

wealthier classes of the community who derive the most benefit from the operations of Government and the expenditure of public money, are enabled to shirk a large share of their responsibility. The further we proceed in the direction of requiring the States Treasurers to rely on direct taxation, the more we shall safeguard the interests of the taxpayers, which have been disregarded to a very large extent since the Braddon section has been in operation. I trust that this matter will receive the serious consideration of the Government, and that there will be no further extension of the Braddon section. If the Treasurer adheres to his proposal to return to the States a certain fixed sum annually, I hope that the amount will be fixed upon such a low scale that our hands will not be tied.

Mr. KELLY (Wentworth).—I do not propose to soar into the upper ether of abstract politics, but to deal with a prosaic matter affecting the undoubted claims of a certain class of persons in the community. Honorable members will, I am sure, agree that if we have incurred obligations in respect to any body or class of men, our liability should be discharged at the first opportunity. For some time past, both the States and Commonwealth authorities have been considering the question of the amount of retiring allowance to be paid to public officers. Perhaps it will be advisable for me to relate the circumstances connected with one particular case—in order to show what may happen—and then to ask the Treasurer if some action cannot be taken by the Government in respect of it. The case to which I refer is that of a man named Hardstaff, who was for twenty-five years in the Postal Department in New South Wales.

The TEMPORARY CHAIRMAN.—Does the honorable member say that the case in question has anything whatever to do with the item before the Chair, or with the administration of the Treasurer's Department?

Mr. KELLY.—It has something to do with the administration of the Treasurer's Department.

The TEMPORARY CHAIRMAN.—Will the honorable member be good enough to establish the connexion?

Mr. KELLY.—The Treasurer has been advised by the Attorney-General's Department that the claim of this man should be discharged, and yet the right honorable gentleman has neglected to pay it. That

being so, I submit that I am perfectly in order.

The TEMPORARY CHAIRMAN.—Certainly not. A discussion in detail of a grievance such as that to which the honorable member refers, does not properly come under this vote, nor does it enter into the administration of the Treasurer's Department.

Mr. KELLY.—I can put myself in order at any moment by moving that any item in this division should be reduced by £1. I have no desire to adopt that course, because I do not wish to block business.

Sir JOHN FORREST.—I do not think there is much in the honorable member's complaint.

Mr. KELLY.—I venture to say that the individual whose claim has been ignored is under the impression that there is a great deal in it.

Sir JOHN FORREST.—I have been fighting his battle against the Government of New South Wales.

Mr. KELLY.—The Treasurer has been advised by the Attorney-General's Department to discharge this man's claim.

Sir JOHN FORREST.—Why did not the honorable member speak to me about it?

Mr. KELLY.—I have been writing to the Department concerned for the past six months, but I have not obtained any satisfaction.

Sir JOHN FORREST.—I have never received any letter from the honorable member.

Mr. KELLY.—I made inquiries into the case recently in another Department. Is it necessary that I should interview the Treasurer before the just claim of this man can be recognised? Briefly stated, the position is, that if a man belongs to the Public Service of a State, and retires from it, he is entitled, as a permanent officer, to an allowance of one month's pay for every year of service.

The TEMPORARY CHAIRMAN.—Is the retiring allowance of the officer to whom the honorable member refers included in this vote?

Mr. KELLY.—The Treasurer has refused to recognise his claim.

Sir JOHN FORREST.—I have not refused it.

Mr. KELLY.—At any rate, it has not been paid. Should nine months be required to settle an honest obligation?

Mr. G. B. EDWARDS.—I interested myself in two cases, the settlement of which occupied twelve months.

Sir JOHN FORREST.—I settled those cases, and I believe that the claim of the individual referred to by the honorable member for Wentworth falls within the same category.

Mr. KELLY.—Will the right honorable gentleman undertake to settle this case forthwith?

Sir JOHN FORREST.—I will.

Mr. LONSDALE (New England).—The action of the Treasurer in undertaking to settle a case without making himself acquainted with the facts connected with it is indeed an extraordinary one.

Sir JOHN FORREST.—I did not say in what way I would settle it; but I will see that justice is done.

Mr. LONSDALE.—I think it is time that the Treasurer made some definite statement as to whether the claim of Mr. Hardstaff is to be honoured or not. This afternoon I said that it was impossible to obtain any definite declaration from him upon any subject. I do hope that he will not treat this matter so lightly as to promise to pay away public money without first ascertaining the whole of the circumstances of the case.

Mr. KELLY (Wentworth).—In reply to the honorable member for New England, the Treasurer stated that he did not say how he would settle the case of the individual to whom I previously referred. I trust that he does not mean that, because, if so, his first statement was calculated to deceive.

Sir JOHN FORREST (Swan—Treasurer).—I certainly cannot promise to do what the honorable member desires without first looking into the matter. A correspondence has arisen between the Government of New South Wales and the Commonwealth authorities in regard to the claims of several officers for retiring allowances. Two of these were referred to by the honorable member for South Sydney, and I understand that the case cited by the honorable member for Wentworth falls within the same category. It appears that under a provision of the Superannuation Act, which is not compulsory in any of the States, these officers were entitled to a month's pay for every year of their service.

Mr. G. B. EDWARDS.—That is statute law in New South Wales.

Sir JOHN FORREST. — Since Federation was consummated the regulations have been altered by the States to provide that these officers shall be entitled to only a fortnight's pay for every year of service. The claimants naturally expect to receive a month's pay. I have looked into the matter, and I have come to the conclusion that their claim is a just one. The Constitution provides that these officers shall be entitled to such pension as is "permitted" by the law of the State concerned. The Commonwealth authorities are therefore the judges of what the amount shall be, so long as it is "permitted" by the law of the State. That being so, I had no hesitation in deciding that the officers in question were entitled to one month's pay for every year of service. I am assured by the Secretary of the Treasury Department that the case referred to by the honorable member for Wentworth is upon all fours with those that I have mentioned. Instead of endeavouring to prevent these men from getting their pensions, I have actually been fighting their battles.

Mr. KELLY (Wentworth).—The Treasurer's statement is correct in every particular save one. He omitted to mention that he was authorized to pay the claims of these officers in full months ago. That information I have obtained from the Postal Department.

Sir JOHN FORREST.—The Postal Department does not arrange for the payment of pensions.

Mr. KELLY.—That Department knows whether the Attorney-General has advised the Treasurer in a certain direction. The Postal authorities assure me that the Treasurer has been authorized to pay the amount involved in full.

Sir JOHN FORREST.—Does the honorable member refer to a specific case?

Mr. KELLY.—Yes.

Sir JOHN FORREST.—The Attorney-General's opinion is a general one.

Mr. KELLY.—This case is upon all fours with the others, and the moment that the Treasurer was authorized to pay the claims in question, they should have been liquidated.

Sir JOHN FORREST.—The Treasury deals with all claims for pensions, and it is not authorized by any other Department to make these payments.

Mr. KELLY.—The case that I have put is absolutely correct. The Postal Department has informed me that the Attorney-General has assured the Treasurer that Mr. Hardstaff's claim is a just one.

Sir JOHN FORREST.—We have first to refer the matter to the State, I suppose?

Mr. KELLY.—That had already been done.

Sir JOHN FORREST.—I do not believe that there has been any delay in the Treasury Department. I will promise to let the honorable member know my decision in the matter to-morrow.

Mr. KELLY.—What is the use of that?

Sir JOHN FORREST.—If the honorable member does not care to accept my assurance, he is at liberty to proceed.

Mr. KELLY.—I resumed my seat previously because I was thoroughly content with the assurance of the right honorable gentleman. But he at once informed the honorable member for New England that his assurance meant nothing.

Sir JOHN FORREST.—It does not mean that I am going to settle the matter before looking into it.

The TEMPORARY CHAIRMAN.—The honorable member is aware that he will have an opportunity to bring this matter up upon grievance day, which, I understand, is to-morrow. He will facilitate the business of the Committee if he brings it forward then.

Mr. JOSEPH COOK.—I understand that the honorable member is complaining that the Treasurer has not paid certain sums which have been recommended for payment by other Departments.

The TEMPORARY CHAIRMAN.—So far I have allowed the honorable member for Wentworth to proceed; but he now proposes to enter into a history of the case to which he has referred. He will not be in order in doing that.

Mr. KELLY.—I think, sir, that you have misunderstood my intention. I merely desire to give a brief *résumé* of the case of Mr. Hardstaff, in order to show what are the matters in dispute between the State and the Commonwealth authorities. There are some of these cases which are not quite on all fours with those to which the Treasurer has alluded. It is a matter relating entirely to the administration of the Department, and I think you will agree with me, sir, that if we have a right to bring these cases forward at the present time, the question of whether we should or should not avail

ourselves of that right rests entirely with the honorable members concerned.

The TEMPORARY CHAIRMAN.—I rule that the only matters that can be discussed are those which come properly within the scope of the Estimates now before the Committee.

Mr. KELLY.—The first division of these Estimates relates to the Treasury. I hold, therefore, that I shall be in order in discussing its administration. If the Treasury refuses to disburse amounts which it has been authorized to pay, then, according to your own ruling, sir, I shall be in order in referring to that fact. The case to which I allude arises out of the retirement, owing to age, of a public servant, who had for twenty-five years acted as a mail-driver in New South Wales. Had he been paid the full amount to which he was entitled on the basis of his being a permanent servant of the Department, he would have received £148, whilst had he been paid on the basis of his being only a temporary servant, he would have received £72 odd. The State Government held that the man was not a permanent servant, because he had not been appointed by the Public Service Board. The Commonwealth, which took a more reasonable view of the case, held that continuity of service for twenty-five years should entitle any man to be considered a permanent servant of the State. Whilst the matter was being discussed by the two authorities involved, this man, who was in most needy circumstances owing to the long and eventually fatal illness of his wife, had to go without his money. After a considerable period, the Commonwealth decided that it might, at any rate, pay one-half, or the least sum that he could possibly receive. He received that half. His friends again drew the attention of the Commonwealth Department concerned to the advisableness, in view of his circumstances, of immediately settling his claim in full, but were told that the matter had been referred to the Government of New South Wales, which, after all, is not the body responsible for these payments. The man was once more put off. In June last I was requested to interest myself in the matter, and about four months ago wrote to the Post and Telegraph Department a letter, which concluded as follows:—

I feel sure that you will agree with me, that where questions are at issue with regard to the amounts due by the Commonwealth to her creditors, these questions should be settled with

the least possible delay, and I would be glad to hear from you at your earliest convenience when your Department thinks it will be in a position to finally deal with this matter.

To this I received no satisfactory reply. I eventually called at the Postmaster-General's Department, and was assured that the Department of the Attorney-General had definitely decided that the tenure of this man's office entitled him to full payment, and that the Treasurer had been advised accordingly.

Sir JOHN FORREST.—When was that?

Mr. KELLY.—It was at least a month ago. The right honorable gentleman, instead of promptly paying the amount, on receipt of that authority, has not yet done so. He told me this evening that he would endeavour to settle the case, and, having the authority to pay the money, I trust that he will see that the matter is finally dealt with before the week closes. It is a public scandal that ex-public servants, whose lengthy service entitles them to consideration on the part of the Commonwealth, should be kept waiting month after month for that which is their due, when they ought to be paid promptly, as persons deserving well of the State.

Mr. WILKS (Dalley).—I endeavoured this afternoon to plainly place before the Treasurer the position in regard to the transferred properties, and I sincerely trust that he will explain to the Committee how he purposes to raise the revenue necessary to meet the interest charges in respect of those properties, as well as the cost of other services to which I have already referred. There is an inclination on the part of the House to agree to the appointment of a Finance Committee. Some weeks ago I spoke in opposition to a motion for the appointment of a Select Committee to consider the question of the transfer of the States debts, and I take this opportunity to ask the Treasurer—

The TEMPORARY CHAIRMAN.—The honorable member is anticipating debate upon a motion on the notice-paper.

Mr. WILKS.—I do not intend to deal with the matter in detail; but I wish to know whether the Treasurer is prepared to surrender his rights to a body of men—

The TEMPORARY CHAIRMAN.—The honorable member must recognise that he is now proceeding to express opinions on the merits of a proposal to appoint a Select Committee. I must ask him to assist me in keeping the debate

strictly within the limits of the question before the Chair.

Mr. WILKS.—I regret that obstacles should be placed in my way every time I rise to speak. In view of your ruling, Mr. Batchelor, all that it will be necessary for the Government to do in order to avoid a discussion on the Estimates is to load the business-paper with various notices of motion.

The TEMPORARY CHAIRMAN.—I am not responsible for Standing Orders, which expressly prohibit the anticipation of debate upon any business of which notice has been given.

Mr. WILKS.—The division with which we are now dealing provides for a proposed vote of £8,631 for the Treasury. I wish to know whether the Treasurer does not consider that a Department upon which so large a sum is expended should be able to discharge the duties appertaining to it without outside assistance. Surely, as the Secretary of the Treasury receives a salary of £800 per annum, and has twenty-four officers to assist him, he should be able to supply the Treasurer with the information necessary to enable him to settle the question of the transfer of the States debts, without the appointment of a Select Committee to deal with it. The right honorable gentleman appeared the other day to favour the appointment of the Committee in question, but I do not think that he had fully considered the proposal. I trust that he will inform the Committee this evening whether he is prepared to surrender the work of his Department to an irresponsible body of men—

The TEMPORARY CHAIRMAN.—I have carefully followed the honorable member, and it appears to me that he is still discussing a motion of which notice has been given.

Mr. WILKS.—Am I not in order in pointing out to the Treasurer that if it be necessary to appoint a Select Committee to deal with this question, his Department must be absolutely inefficient. In so doing I must give the illustrations which I am giving. I have no wish to discuss the motion of which the honorable member for Koo-vong has given notice, but I wish to insist upon the Treasurer defending his officials. The Treasurer will be called upon to provide funds for the High Commissioner when appointed, and the most important work which that functionary will

have to perform will be in connexion with the conversion of the debts of the States.

The TEMPORARY CHAIRMAN.—The honorable member may not discuss the appointment of the High Commissioner. In doing so he would be anticipating a notice of motion on the business-paper.

Mr. WILKS.—Then I move—

That the item, "Secretary, £800," be reduced by £1.

Mr. POYNTON.—More waste of time.

Mr. WILKS.—I consider it a waste of time to allow the Secretary to remain in the Department if he is not able to carry out the duties of his office.

Mr. WEBSTER.—Who declares that he is not?

Mr. WILKS.—I declare it, and I challenge the honorable member to refute the statement in debate. I should like you, Mr. Batchelor, to call the honorable member for Gwydir to order for interjecting. We have a Chairman to-night who is a stickler for the rules of debate.

The TEMPORARY CHAIRMAN.—Will the honorable member proceed to discuss his amendment.

Mr. WILKS.—The honorable member for Gwydir tried, by his interjection, to put me out of order, but I hope that on the next occasion that he does so I shall have your assistance, Mr. Acting-Chairman, in keeping him in order. If the Secretary to the Department is able to carry out the duties of his office—I say that he is not—the Treasurer should defend him, and prevent the appointment of a Select Committee to perform his functions.

Mr. KING O'MALLEY.—There will not be a Finance Committee appointed.

Mr. WILKS.—I am glad to hear it; but I think that it is a surrender by the Treasurer of his responsibilities for him not to defend his Department against the appointment of the proposed Committee.

The TEMPORARY CHAIRMAN.—The honorable member will not be in order in discussing, under his amendment, the merits of that proposal.

Mr. WILKS.—I will get over that difficulty very easily. Surely I shall be in order in giving reasons for the proposed reduction? The reason I give is that the Secretary to the Department cannot be competent to do the work of his office, because the Treasurer is willing to allow a Select Committee to be appointed to assist him.

The TEMPORARY CHAIRMAN.—The honorable member will not be in order in discussing the proposed appointment of a Select Committee.

Mr. WILKS.—I am not discussing the proposed appointment of a Select Committee; I am merely saying that the Secretary to the Treasury is not worth his salary if he requires the assistance of a Select Committee.

Mr. WEBSTER.—The honorable member is making an exhibition of himself.

Mr. WILKS.—The honorable member could not do otherwise. If the Treasurer will announce that he intends to make a statement to the Committee on the subject of the proposed Select Committee, I will let the matter drop, but, if not, I must argue it further. I do not see why the Estimates should be passed until the Treasurer has told the Committee whether he will allow the duties of his staff to be performed by a Select Committee. The Secretary would not be needed if this proposed Committee were appointed. I am compelled to take the course I am now taking because the Chairman, on every occasion, seems to be willing to go out of his way—

The TEMPORARY CHAIRMAN.—The honorable member must not reflect on the Chair. To do so is entirely out of order.

Mr. WILKS.—While other honorable members have been allowed to discuss other questions, you, sir, have availed yourself of the position you now occupy to prevent me from doing so.

Mr. TUDOR.—That is a reflection on the Chair.

Mr. WILKS.—It is a reflection which I shall not withdraw, but will allow the Acting-Chairman to use his powers in regard to the matter.

The TEMPORARY CHAIRMAN.—Will the honorable member finish his speech?

Mr. WILKS.—I have finished. I have made my reflection, and I will not withdraw it.

Mr. WILSON (Corangamite).—I am sorry that the honorable member for Daller has taken this action. A few minutes ago he spoke of the Secretary to the Treasury as a very highly-paid officer; but while we all know that his amendment is merely a formal one, moved for a special purpose, I should like to point out that this officer is at the head of a Department which controls a revenue of about £12,000,000, and

its distribution among the States or expenditure by the various Commonwealth Departments, and in no commercial centre in the world is any person controlling such an enormous sum, and having such responsibilities, paid so small a salary. I think that £800 is by no means too much for this office. It is about time that honorable members ceased from reflecting on the high salaries paid to those who hold the responsible positions of heads of Departments.

Mr. KELLY (Wentworth).—The honorable member for Corangamite is hardly fair to the honorable member for Dalley, who did not mean by his amendment to reflect on the Secretary to the Treasury.

Mr. WILSON.—Did the honorable member hear the remarks made by the honorable member for Dalley prior to moving his amendment?

Mr. KELLY.—I regret that I was out of the Chamber during the early part of his speech; but I understand that the honorable member for Dalley has moved to reduce this salary solely to put himself in order in regard to the discussion of quite another matter.

Mr. LONSDALE (New England).—I do not think the honorable member for Corangamite was quite fair to the honorable member for Dalley, who had no wish to reflect on the talent or ability of the Secretary to the Treasury, but desired to obtain an opportunity to address the Committee on a subject in regard to which the Chairman had ruled his previous remarks out of order. All the honorable member for Dalley desired to do was to complain that the Treasurer is not doing his duty in allowing himself to be dictated to in regard to a matter of policy. I say, myself, that the Treasurer should tell the Committee what the financial policy of the Government is. That is a matter which he alone can put before us.

The TEMPORARY CHAIRMAN.—The honorable member is not now discussing the amendment before the Chair.

Mr. LONSDALE. — The Treasurer should be called upon to place before us his policy with regard to the States debts, the sugar bounties, the transferred properties, and the extension of the Braddon section. We should rely upon him for information on these subjects, and no outside body, even though it be composed of members of this House, should intrude. I think that the honorable member for Dalley was quite

within his rights in demanding that the Treasurer should discharge to the fullest extent the responsibilities attaching to his position. He has done nothing more than his duty in calling attention to the neglect displayed in regard to the important financial questions which demand attention. These matters have been before the Commonwealth Parliament from its inception, and yet no attempt has been made by the Treasurer to afford us any guidance. The honorable member for Dalley does not in any way seek to attach any reproach to the Secretary of the Treasury, whose salary is not too large in view of the work which has to be performed. We are justified in insisting that the Treasurer shall demonstrate his fitness for the position he occupies.

Mr. WILKS (Dalley).—I listened carefully to the speech of the honorable member for New England in my defence, but I think I am well able to take care of myself. I am aware that some bank managers receive salaries of £3,000, and I am willing to admit that their duties may be no more important than those discharged by the Secretary of the Treasury. I am not cavilling at the salary provided for that officer, but I am proposing the reduction of the item in order to emphasize my objection to the attitude assumed by the Treasurer in regard to important financial questions upon which the policy of the Government should be announced. It is the duty of the Secretary of the Treasury, amongst other things, to supply his Ministerial head with information with regard to the States debts, the financial relations of the Commonwealth with the States, and a number of other matters of importance. If he is capable of doing that, his position should be defended. If, on the other hand, he is not competent to do it, his services should be dispensed with. Apparently it is intended to interpose between the Secretary of the Treasury and the Treasurer a foreign body, in the form of a Committee, consisting of members of this House. I desire to ask whether the Treasurer now holds the same opinion that he expressed three or four weeks ago in regard to the proposal of the honorable member for Kooyong for the appointment of a Select Committee to inquire into the States debts question.

Sir JOHN FORREST.—Certainly I do.

Mr. WILKS.—Then it appears to me that the Treasurer is prepared to shirk his responsibilities and impose them upon the

proposed Committee. He is practically condemning the Secretary of the Treasury by proclaiming his inability to furnish the information required with regard to an important question of finance. I do not believe that the Secretary of the Treasury is so inefficient as the attitude assumed by the Treasurer would lead one to infer. I believe that he is a competent officer, and that his salary is none too high; and that the Treasurer is demonstrating his own unfitness for the position he occupies.

Mr. JOSEPH COOK (Parramatta).—I consider that the matter referred to by the honorable member for Dalley is very important. Select Committees have been multiplied until efforts have been made to transfer nearly the whole of the functions of Ministers to bodies constituted of members of this House. I can find no trace in the Estimates of any provision for the expenses of the Select Committees and Royal Commissions which are now sitting—particularly the Tariff Commission and the Old-age Pensions Commission. There must have been a very considerable sum expended upon both these Commissions.

Mr. WATSON.—The members of Parliament serving upon them do not receive any payment.

Mr. JOSEPH COOK.—Last year the expenditure in connexion with these two Commissions was included in the Estimates of the Department of Trade and Customs. It is not so included this year. I wish to ask the Treasurer, who is primarily responsible for the payment of all these moneys, where the expenditure is to be found?

The TEMPORARY CHAIRMAN.—I would point out to the honorable member that the question before the Committee is an amendment by the honorable member for Dalley, that the item "Secretary, £800," be reduced by £1. The honorable member's remarks would be in order, if the whole subdivision were under discussion, but they are not in order upon that amendment.

Mr. JOSEPH COOK.—The honorable member for Dalley submitted the amendment with the idea of extending the scope of the discussion, but in reality he has succeeded in curtailing it. Consequently, I would suggest to him the wisdom of withdrawing his amendment. I should like the Treasurer to explain from what fund payments in connexion with Royal Commissions are made, and what is the method of disbursement. A few minutes ago the honorable

member for Bland interjected that members of Parliament serving upon those bodies receive no payment. That statement is quite correct. Honorable member, give their services gratuitously, and nowadays, when people are so critical in regard to Commonwealth expenditure, it seems to be necessary to emphasize that fact.

Amendment, by leave, withdrawn.

Sir JOHN FORREST (Swan—Treasurer).—In reply to the honorable member for Parramatta, I desire to say that, in the first instance, all expenses connected with Royal Commissions are charged against the Treasurer's Advance. Eventually, when the financial year comes to an end, they are included in the Supplementary Estimates, and are shown in the expenditure column of the Estimates.

Mr. JOSEPH COOK.—Can the right honorable gentleman tell us what Royal Commissions have cost up to date?

Sir JOHN FORREST.—I cannot give the honorable member that information off-hand, but a return has been called for, and is being prepared.

Mr. McCAY (Corinella).—In subdivision 2, I notice an item, "Office requisites, exclusive of writing paper, and envelopes, including a 'Millionaire' calculating machine, £105." I view that line with alarm. We all know that during the past three years Federal expenditure has been subjected to a great deal of criticism, and we also are aware that the Treasurer—quite undeservedly, as he says—has acquired the reputation of being somewhat extravagant. With the aid of a calculating machine, possessed of such an ominous name, I can picture the right honorable gentleman, who has often asked, "Oh, what is a million"? sitting down, and calmly squandering the money of the Commonwealth. I should like his assurance that this machine will not lead him into mischief.

Sir JOHN FORREST (Swan—Treasurer).—I may inform the honorable and learned member for Corinella that the calculating machine to which he refers cost £65, and has been found very useful in the Treasury. It was purchased when the Government of which he was such a distinguished luminary were in office.

Mr. KELLY (Wentworth).—I wish to direct attention to the item, "Temporary assistance, £5." It seems to me that that amount is so small that its inclusion in these estimates is scarcely justified. The

item, "Office cleaning, £58," comes within the same category.

Sir JOHN FORREST.—The items may be small to the honorable member, but they are not considered small by the persons who receive them.

Mr. KELLY.—That is a cruel retort. At any rate, I should like to know why it is necessary to include them? Will "office cleaning" include the removal of dirt, which is, I understand, now a staple article of diet with the Treasurer.

Sir JOHN FORREST.—The reason for the vote is that we have to secure the services of an officer for a few days, and of course we have to pay him.

Mr. KELLY.—Does that only happen to the extent of £5 per annum?

Sir JOHN FORREST.—We are very careful in our expenditure.

Mr. JOHNSON (Lang).—I do not agree with the strictures which have been passed by the honorable member for Wentworth upon the Treasurer. At the same time, there are some items in this division which require explanation. For example, the amount of £1,385, which is provided for allowances to State officers acting as officers of the Commonwealth Sub-Treasuries, seems to me to be unduly large. Similarly, the sum of £300 for postage and telegrams appears to be excessive.

Sir JOHN FORREST.—£305 was spent last year.

Mr. JOHNSON.—That seems to me a large sum to expend, seeing that there are so many clerks and other officers employed in the Department.

Sir JOHN FORREST.—The honorable member must recollect that that expenditure is for the whole Commonwealth.

Mr. JOHNSON.—It seems to be a large amount. As to the item relating to the purchase of a "millionaire" calculating machine, I think some explanation should be made.

Sir JOHN FORREST.—The machine was purchased by the late Government, and it saves an immense amount of work.

Mr. JOHNSON.—It may be useful to one who is not an adept at figures, but since so many clerks are employed in the Treasury it is difficult to understand why it should have been purchased.

Sir JOHN FORREST.—It will do as much in an hour as they would do in a week.

Mr. JOHNSON.—If that be so, there should be a reduction in the number of

clerks employed in the Treasury. No economy will be effected if the expense of the Department is to be the same as before plus the cost of this machine. Perhaps the Treasurer will give the Committee some information in regard to the point I have raised.

Sir JOHN FORREST (Swan—Treasurer).—Item No. 1 of sub-division No. 2 relates to allowances paid to those who are acting as officers of Commonwealth sub-Treasuries. There are three officers in each State. One receives an allowance of £100 per annum, another £75 per annum, and still another £50 per annum. There are also two officers in the Northern Territory, one of whom receives an allowance of £20 per annum, whilst the other is granted £15 per annum. This expenditure of £225 in each State, together with the £35 paid to the officers in the Northern Territory, gives a total of £1,385.

Mr. JOSEPH COOK (Parramatta).—I rise merely to call attention to a matter to which allusion has already been made by the honorable member for Wentworth. I refer to the item, "Temporary assistance, £5."

Sir JOHN FORREST.—We borrowed an officer from the Audit Department, and had to pay him.

Mr. JOSEPH COOK.—The item, however, exhibits a shocking want of proportion in the making up of these accounts. A sum of £5 for temporary assistance must be specially voted, whilst thousands of pounds are paid out of the Treasurer's advance account.

Sir WILLIAM LYNE.—Information has to be given to the Committee in respect of any payment out of that account.

Mr. JOSEPH COOK.—It seems strange that an item of £5 should find so obtrusive a place in these Estimates.

Sir JOHN FORREST.—We cannot charge salaries to the incidental expenditure.

Mr. JOSEPH COOK.—Amounts paid for temporary assistance cannot be denominated salaries. I do not object to the item appearing in the Estimates, but it shows a remarkable want of proportion when thousands of pounds, in respect of salaries, may be paid out of the Treasurer's advance account.

Sir JOHN FORREST.—To whom?

Mr. JOSEPH COOK.—To the officers connected with Royal Commissions, and also to members of Commissions.

Sir JOHN FORREST.—Those are expenses.

Mr. JOSEPH COOK.—I venture to say that expenses are paid in addition to a daily allowance. Having regard to all these facts it is difficult to understand why this item should occupy so prominent a place in the Estimates.

Mr. JOHNSON (Lang).—I understand that these Estimates were prepared by the late Government, and the item in question is an indication of the care with which they were compiled. I disagree with the view taken by the deputy leader of the Opposition, believing that £5 for temporary assistance properly comes within the heading of salaries, and should therefore find a place in the Estimates.

Mr. LONSDALE (New England).—I wish to call attention to the item, "Office cleaning, £58." I do not know how many hours per day the cleaners are employed, but it seems to me that if they have to attend to a large office the remuneration is insufficient. We should pay according to the value of the work done, and always endeavour, as far as possible, to give a fair wage to all our employés.

Sir JOHN FORREST.—The item relates to an office-cleaner who is not employed for more than two or three hours a day.

Mr. LONSDALE.—I thought it desirable to seek information in reference to the item, because I know that the salaries paid to some of these employés are not commensurate with the work they do.

Mr. KELLY (Wentworth).—I notice that provision is made for incidental and petty cash expenditure, and I should like to know why temporary assistance costing £5 could not have been paid for out of that account.

Sir JOHN FORREST.—The item relates to an officer who was borrowed from the Audit Office, and it is a well-known rule that salaries cannot be paid out of "Contingencies."

Mr. KELLY.—I notice that last year a sum of £1 was paid for temporary assistance, although no special provision was made for it on the Estimates.

Sir JOHN FORREST.—It was paid out of the Treasurer's advance account.

Mr. KELLY.—It seems rather incongruous, and I should certainly like to see the Estimates framed with some sense of proportion.

Proposed vote agreed to.

Division 28 (*Audit Office*), £13,809.

Mr. JOHNSON (Lang).—I notice that, whilst the chief clerk in the Audit Office receives a salary of £580 per annum, the senior clerk is paid only £360 per annum.

Sir JOHN FORREST.—The chief clerk is next to the Auditor-General.

Mr. JOHNSON.—But the great bulk of the work of the head of a Department generally falls upon his immediate subordinate. I take it that in this, as in most other Government Departments, the chief clerk has really to do the bulk of the work of the principal officer. In glancing through the Estimates one cannot fail to be struck with the wide disparity between the salaries paid to heads of Departments and those which their immediate subordinates receive. Some explanation should be given.

Sir JOHN FORREST.—The amounts are the same as they were last year.

Mr. JOHNSON.—I do not dispute that fact. I am referring merely to the general prevalence of the principle.

Sir JOHN FORREST.—This matter comes under the control of the Public Service Commissioner.

Mr. JOHNSON.—I should also like to know what is being done in the matter of the classification scheme.

Mr. PAGE (Maranoa).—I should like the Treasurer to give the Committee some information in regard to the position of the eleven clerks in the Audit Office, who this year are entitled to receive £947, and last year received only £761.

Sir JOHN FORREST.—They are officers receiving salaries of less than £160 a year, who are given an annual increment.

Mr. PAGE.—What is the meaning of the items—

Increments to salaries of £160 and over in the Clerical Division, £265.

Classification increases—arrears of 1904-5, £58.

Sir JOHN FORREST (Swan—Treasurer).—The sum of £265 is placed in these Estimates in order to provide funds for any increase which the Public Service Commissioner may recommend.

Mr. WEBSTER.—Does the right honorable member anticipate that the money will be expended?

Sir JOHN FORREST.—Yes, though it will not be expended unless the Commissioner recommends, and the Government approves of, the increments for which it is to provide. Future increases of salary will

be shown in the Estimates in regard to the particular items which they affect.

Mr. PAGE.—Among how many clerks is the £265 to be divided?

Sir JOHN FORREST.—I do not know exactly how many officers these increments are to be divided among, but the payment of the money is subject to the two conditions that the Commissioner shall recommend the increments, and the Government approves of them. There are eleven officers receiving salaries of less than £160 a year, who have already been paid their increments, and eleven others who are eligible for increments if recommended by the Commissioner and approved by the Government. The £58 is to pay arrears of last year, in accordance with State practice.

Mr. LONSDALE (New England).—I have already called attention to the great difference between the salaries of the highly-paid officers and those of other officers. Some of the men in this office must be getting very small salaries.

Sir JOHN FORREST.—There are youths who enter the service at a salary of £40.

Mr. LONSDALE.—It seems to me that there must be a large number of juniors in this office.

Sir JOHN FORREST.—Under the Public Service Act every officer who has three years' service must, on attaining the age of twenty-one years, be paid the minimum salary of £110. The Government cannot increase these salaries.

Mr. LONSDALE.—No; but members of the Committee are justified in calling attention to these matters. We should have more information than is put before us. We are absolutely in the dark as to whether any of these salaries are just or unjust. I should like an explanation of the item—

Deduct from "other" and add to "transferred" a portion of above, £400.

Sir JOHN FORREST.—It is to charge Victoria her proportion.

Mr. JOSEPH COOK (Parramatta).—I should like an explanation of the item—

Proportion of salaries and expenses of State Audit officers, £7,130.

Remuneration to Deputy Auditors-General, £500.

£7,630 seems to be a large sum to pay for auditing the accounts of the Commonwealth in addition to the salaries of the twenty-four officers in the Commonwealth Audit Office. It seems to me that the Commonwealth Audit Office is rather heavily

manned. Are the credits and debits in the various States all audited by States officials? If they are, why is it necessary to have so large a central staff?

Sir JOHN FORREST (Swan—Treasurer).—Hitherto, except in Victoria, the auditing of the public accounts of the Commonwealth has been done by States officials, our Auditor-General and inspectors travelling about to inspect their work. For this service the States are paid the following amounts:—New South Wales, £2,325; Queensland, £1,928; South Australia, £1,000; Western Australia, £1,477; and Tasmania, £400; a total of £7,130. In addition, the practice has been to pay Deputy Auditors-General in the five States £100 each. Nothing is paid in Victoria for this work, because in this State the Commonwealth accounts are audited by Commonwealth officials. The arrangement was an economical one at the beginning, and has worked well; but the time has come when it is necessary to have our own audit officers in the various States. These payments will cease when the officers who are doing the work are transferred to the Commonwealth, but will then appear as salaries.

Mr. JOSEPH COOK.—Are we to understand that independent Commonwealth audit offices are being organized in each State?

Sir JOHN FORREST.—Yes.

Mr. JOSEPH COOK.—Is it anticipated that the cost of the work will thereby be increased?

Sir JOHN FORREST.—I am informed that the new arrangement will not cost more than we at present pay.

Mr. LONSDALE (New England).—I should think it would be more economical for us to continue to utilize the services of the States officers than to employ a staff of our own.

Sir JOHN FORREST.—The Auditor-General believes that we shall save a few hundreds of pounds by making the proposed change.

Mr. LONSDALE.—I cannot understand that. It is undesirable that we should add unnecessarily to the burdens of the States.

Mr. HENRY WILLIS.—Is the amount of £7,130 paid to the States or to the officers who do the work?

Sir JOHN FORREST.—It is paid to the States.

Mr. CULPIN (Brisbane).—I should like to know what printing is included in the

item "Account, record, and other books, including cost of material, printing, and binding, £50." Is the printing done at the States Government Printing Offices?

Sir JOHN FORREST.—That item relates merely to the small amount of work which is done for the Audit Department.

Mr. JOHNSON (Lang).—I desire to call attention to the item 9, under the head of contingencies, "travelling expenses, £500." That seems to me rather a large amount to appropriate for the travelling expenses of the Auditor-General's staff.

Sir JOHN FORREST (Swan—Treasurer).—The Auditor-General and some members of his staff have to travel to every State in order to inspect accounts and exercise general supervision. The travelling expenses are paid according to the scale fixed in the regulations under the Public Service Act.

Mr. KELLY (Wentworth). — I notice, under the heading of "Contingencies," an item, "Bank exchange, £2." When I previously drew attention to an insignificant item, I was told that all salaries must be specifically provided for in the Estimates. As the item now referred to does not relate to salaries, I should like to know why it has been thus set out?

Sir JOHN FORREST.—I could not tell the honorable member off-hand.

Mr. KELLY.—Probably not!

Proposed vote agreed to.

Division 29 (*Government Printer*), £13,887.

Mr. TUDOR (Yarra).—I think it is a great pity that we have not our own printing office. Honorable members will see, on reference to the Estimates, that we have only one Commonwealth officer employed in connexion with the Government Printing Office, namely, the linotype engineer. About five weeks ago I accompanied a deputation of linotype operators to the Treasurer, but I am sorry to say that we have not yet received any reply from the right honorable gentleman.

Sir JOHN FORREST.—I promised the honorable member that I would give him a reply in a day or two.

Mr. TUDOR.—The right honorable gentleman has been making a similar promise for the last fortnight, and it is highly probable that the Estimates of the Treasury Department will be passed before any decision is communicated to the members of the deputation. At the interview referred to,

the Government Printer admitted that the whole of the linotypes in the Government Printing Office, which belong to the Commonwealth, were used for the purpose of printing the State *Hansard*, and for performing other work for the Victorian Government. His statement was a revelation to me, because I always understood that we were paying a certain sum to the Victorian Government in consideration of having our work done at the State Printing Office. Our linotype machines are being used for the purposes of the State Government, and as the linotype operators are employed fully half their time upon State work, they do not know whether they are State or Federal servants. It is a matter for regret that the consideration of the motion of the honorable member for Coolgardie for the appointment of a Select Committee to inquire into the management of the Government Printing Office has been repeatedly postponed, because it seems to me that there is urgent necessity for investigation. I hope the Treasurer will be able to furnish some information on the subject. The sooner we establish our own printing office the better. We shall then know exactly how we stand. At present the linotype operators do not know what position they occupy. Provision is made on the Estimates for gratuities amounting to £500 to States officers engaged in excess of office hours, and I should like to know how this is apportioned. The Government Printing Office employees engaged upon Federal work recently had their pay reduced, and their appeal to the State Government was met by the statement that they are doing Federal work. I think that we should be furnished with precise information as to the position occupied by these men. It is highly desirable that we should know whether State work is being done at the expense of the Commonwealth. It may seem strange to some honorable members that I should raise this question, because the State I represent may be deriving some advantage from the present arrangement. I recollect that last year honorable members were asked to sit after 11 p.m., in order to pass the Estimates of no less than three Departments, including those of the Department which is now under consideration. Honorable members opposite have been "stone-walling" these Estimates for the past fortnight.

The TEMPORARY CHAIRMAN (Mr. WILKS).—The honorable member must not use the word "stone-walling."

MR. TUDOR.—Then I will say that for weeks past honorable members opposite have been exercising their right of criticism upon items that last year the Committee was compelled to agree to after 11 p.m. I do hope that some inquiry will be conducted into the Government Printing Office, with a view to ascertaining whether the Commonwealth is merely paying for its own printing, or whether it is also paying for a portion of the State printing.

MR. LONSDALE (New England).—I hope that the Treasurer will give some reply to the questions which have been raised by the honorable member for Yarra. It appears that we have only one officer in this Department under our control. Seeing that we are spending £13,000 annually upon it, surely we ought to exercise greater control over it than we do now. If it is necessary for the Commonwealth to have audit officers in every State of the Union, it seems to me doubly necessary that at head-quarters we should have our own printing establishment.

MR. JOSEPH COOK.—We shall require to establish an independent office when we move to the permanent Seat of Government.

MR. LONSDALE. — The questions raised by the honorable member for Yarra demand some reply. Seeing that we expend such a large sum on this Department, we ought to employ a greater number of our own officers, and then those officers would know exactly what their salaries were.

SIR JOHN FORREST (Swan—Treasurer).—I may say at once that the printing Department of the Commonwealth was one in which my predecessor in office took a very great interest. Honorable members will recollect that he purchased a number of linotype machines which cost altogether about £18,000. At the same time, we must not forget that the Victorian Government have facilitated our Commonwealth printing in every possible way. They have placed a building at our disposal, free of rent, and they have also given us the benefit of the services of the Government Printer of this State. That officer does a great deal for the Commonwealth, for which he receives nothing, because the money voted for him is paid into the State Treasury.

MR. TUDOR.—Then it should not be paid over to the State.

SIR JOHN FORREST.—The men engaged in the Government Printing Office are not permanent employés. Under the system adopted by the Government Printer, computers keep a record of the work performed by each man, and the Commonwealth and the State pay for their respective portions. That plan, I think, is an economical one. If we were to establish our own printing office, we should require a large building, for which we should have to pay rent.

MR. TUDOR.—But at present, we pay an allowance for rent upon all our printing.

SIR JOHN FORREST.—I have heard that statement previously. The other evening some honorable member declared that the cost of Commonwealth printing in Melbourne was more than it was in Sydney.

MR. MAHON.—I will undertake to prove that by documents.

SIR JOHN FORREST.—I would point out to the honorable member that, in regard to departmental printing, a trust trading account is kept, out of which the Government Printer purchases paper, stationery, &c., for sale to the Departments. The expense of printing such paper, the cost of the preparation of forms, &c., are charged, and the amounts received in payment from the Departments are credited. It is practically a suspense account, and when short of funds is supplied from the Treasurer's advance. Only the amount which has not been recovered from the Departments on 30th June is voted. If any saving is made, it is the property of the Commonwealth. The amount voted in 1904 is more than represented by stock in the hands of the Government Printer. If any saving be made, it belongs to the Commonwealth. Consequently, there is no loss whatever. In reference to the remarks of the honorable member for Coolgardie, the Government Printer informs me that the *Commonwealth Gazette* is issued every week. Last year it comprised 978 pages, or an average of 23 pages weekly. The total cost of printing 2,700 copies for last year was £1,641. The average cost per page is therefore £1 13s. 6d. The first 26 numbers of the *Commonwealth Gazette* were printed in Sydney. About the same number of copies were produced of these as of those subsequently published in Melbourne. They comprised 87 pages, and cost £214, or an average of £2 9s. 2d. per page, which is 65 per cent. more than the cost of

Gazette printed in the latter city contained a considerable quantity of expensive tabular matter. The *Commonwealth Gazette* is registered at the Post Office for transmission as a newspaper, and the fact is notified on the face of the *Gazette* itself. The cost for postage is about £50 per annum. No one has therefore been guilty of a criminal waste of money. The only documents issued from the Government Printing Office which bear the estimated cost of printing are the Parliamentary Papers. The same kind of documents issued from the New South Wales Government Printing Office do not, however, bear thereon an estimate of their cost. It is difficult, therefore, to ascertain how it is possible to watch the estimates of cost given in connexion with every document issued from the Government Printing Offices of Sydney and Melbourne, and how more particularly it can be noticed that the cost of publishing such documents in the latter city is 50 per cent. higher than in Sydney. Some of the evidence taken before the Navigation Commission was printed in Sydney, and also in Melbourne; 436 pages were produced in the former, and 518 in the latter city. The average cost per page for Sydney was 25s. 9d., and for Melbourne 15s. 2d., or 41 per cent. less than in New South Wales. The first Commonwealth electoral rolls were printed in 1903. The average cost per page of the New South Wales list, printed in Sydney, was 12s. 4d., and of the Victorian list, printed in Melbourne, 9s. 4d. The Victorian cost was therefore 24 per cent. less than the former. The actual rolls, or revised lists, for New South Wales were produced in Sydney at an average cost of 11s. 9d. per page, while those of Victoria were produced in Melbourne at 4s. 8d. per page, or 60 per cent. less than in Sydney.

Mr. MAHON (Coolgardie).—I am sorry to differ from the Treasurer regarding the relative cost of printing in Sydney and Melbourne. In answer to his statement that we do not pay anything for rent, I may inform him that upon every document printed for the Commonwealth there is necessarily a charge for rent.

Sir JOHN FORREST.—But that is credited to our account.

Mr. MAHON.—I do not think that the elaborate statement which was read by the Treasurer deals with the point that I mentioned the other evening. I said that the

bourne was considerably in excess of its cost in Sydney.

Sir JOHN FORREST.—The Government Printer says that it is less.

Mr. MAHON.—I am prepared to quote documents to show that in one instance the Sydney charge was 50 per cent. less for the same quantity of matter, and that in others the Melbourne charge was considerably in excess of that of Sydney.

Sir JOHN FORREST.—The Government Printer says that the cost of printing the evidence taken before the Navigation Commission in Sydney was 25s. 9d. per page in Sydney, as against 15s. 2d. in Melbourne.

Mr. MAHON.—That fact alone justifies an inquiry into our Commonwealth printing. The statement made by the Treasurer that Mr. Brain does not receive the allowance which we annually vote for him, must come as a surprise to most honorable members.

Sir JOHN FORREST.—I am told by the Secretary that the State Government will not allow him to receive it.

Mr. MAHON.—I have never been under the delusion that he earns this allowance, and as no one appears to earn it, judging by the way in which the work of the office is carried out, I shall certainly move the omission of the item.

Sir JOHN FORREST.—If that were done we should not have the services of Mr. Brain.

Mr. MAHON.—I understand that the State charges the Commonwealth a sum considerably in excess of the actual cost of the work which is carried out for us by the office.

Sir JOHN FORREST.—I do not think so.

Mr. MAHON.—Honorable members of the Opposition, who have protested so loudly against the present system, are responsible for it, inasmuch as when I moved earlier in the session for the appointment of a Select Committee, the proposal was blocked by the honorable member for North Sydney, then deputy leader of the Opposition, who urged that the Printing Committee should deal with the whole matter.

Mr. WILKS.—Have we not a Printing Committee?

Mr. MAHON.—We have; but it seldom meets. The confusion in the Government Printing Office must continue for another year, because it would be too late now to appoint the Select Committee.



Mr. JOSEPH COOK.—Does the honorable member imagine that he could clear up the muddle?

Mr. MAHON.—I proposed that a Select Committee should be appointed to do so.

The TEMPORARY CHAIRMAN (Mr. BATCHELOR).—The honorable member will not be in order in referring to that matter.

Mr. MAHON.—I have only to say that in view of the statement made by the Treasurer, I shall not move the omission of the item, as I originally intended to do.

Mr. WILKS (Dalley).—The Treasurer has informed the Committee that, whilst we annually vote £150 to Mr. R. S. Brain for services rendered in connexion with printing for Parliament, the money goes not to that officer, but to the State of Victoria. I am not acquainted with the Victorian Government Printer, but I think he does his work well, and that if we vote this allowance he ought to receive it. I am informed that the allowances voted to other officers for services rendered to the Commonwealth were originally absorbed in this way, but that they are now being received by the officers themselves. That being so, there is no reason why an exception should be made in the case of the Government Printer. If we had to appoint a Printer for the Commonwealth, we should have to pay him a salary of at least £800 or £900 per annum, and I trust that the Treasurer will make a special effort to see that Mr. Brain receives this allowance.

Mr. JOHNSON (Lang).—I am also surprised to learn that, notwithstanding that this item appears on the Estimates as an allowance to Mr. Brain for services rendered in connexion with printing for Parliament, he does not receive it, but that it is absorbed by the State Treasury. If the money is absorbed by the State Treasury, that fact should be shown in the Estimates.

Sir JOHN FORREST.—We have been hoping to secure a change.

Mr. JOHNSON.—My complaint is that the item is absolutely misleading. I have no objection to the payment of the allowance provided that it goes to the person in respect of whom it is passed, and I hope that the Treasurer will do his best to see that Mr. Brain receives it.

Sir JOHN FORREST.—I have not yet made an effort to see that he does receive it, but I shall do so.

Mr. JOHNSON.—I trust that the right honorable gentleman's efforts will be successful. If it be correct, as asserted by the

honorable member for Dalley, that allowances passed by this Parliament for services rendered to the Commonwealth by States officers are paid in all other cases to the officers concerned, it is wrong that an exception should be made in the case of Mr. Brain. There is no doubt that the Department is an elaborate one, and that it carries out a large quantity of work for the Commonwealth. The statement has been made by the Treasurer that we are under a compliment to the Government of Victoria for the use of their printing office. The situation does not present itself to me in that light. When business representing several thousand pounds per annum is given to a private establishment the conductors of it usually consider that they are the gainers by the transaction. It must be remembered that the printing staff employed on Commonwealth work is paid by the Commonwealth.

Sir JOHN FORREST.—In some cases only gratuities are received by the men.

Mr. JOHNSON.—I refer to the work which is done solely for the Commonwealth. I take it that in deciding the actual cost of the printing done for the Commonwealth, the State takes into account the item of rent. If that be so, I do not consider that the Commonwealth is under a compliment to the Government of Victoria for the work done in this Department, more particularly if it be true, as stated by the honorable member for Coolgardie, that work of the same nature is done more cheaply by the Government Printing Office of New South Wales. In this division we find the item—

Wages and overtime :—Compositors, £4,300, Whilst a little lower down appears the item—

Gratuities to officers engaged in excess of office hours, £500.

It seems to me that the two items practically come within the heading of "overtime."

Mr. G. B. EDWARDS.—But one item refers to compositors.

Mr. JOHNSON.—So that a fine distinction is drawn between an "officer" and a "wage earner." Is not any man employed in the Department an "officer" of the Department?

Sir JOHN FORREST.—But the officers do not receive overtime. They have fixed salaries, while compositors are paid so much per day, and receive overtime if they have to work beyond the ordinary hours.

Mr. JOHNSON.—The explanation is not very clear. A distinction appears to be drawn between one class of officers and another, and I certainly think that the Treasurer should explain to whom the gratuities are paid.

Sir JOHN FORREST.—They are paid to superintendents, foremen, and others who have been called upon to perform extra duties for the Commonwealth.

Mr. JOSEPH COOK (Parramatta).—The honorable member for Coolgardie rose a few minutes ago, and in most solemn tones declared that the Opposition were responsible for the payment of overtime to officials in the Government Printing Office, and for the conduct of the business of the establishment under present conditions. Above all, he blamed the honorable member for North Sydney, because, forsooth, at some time or another, away back in the past, he objected to a motion which the honorable member for Coolgardie had on the business-paper for the appointment of a Select Committee. If the honorable member is so anxious for the appointment of this Committee, all he has to do is to hold up his finger to the Government, and the thing will be done; or if he himself cannot get it appointed, the appointment will be made *instantly* at the word of his leader. I should like to know what the honorable member has to say about the payment of this large amount of overtime in connexion with the printing work of the Federal Parliament. Might I suggest to him that here is a chance to help the poor, about whom we heard so much yesterday, when another matter was under discussion? Certain honorable members were full of the milk of human kindness then, and were seeking the poor throughout the land in order to bestow their sympathy upon them.

Mr. MAHON.—We did not vote to throw away 25,000 solid golden sovereigns, as the honorable member did.

Mr. JOSEPH COOK.—I do not consider the money which will be spent on the proposed memorial to Queen Victoria to be thrown away.

Mr. MAHON.—Would it not have been better spent among the poor of Australia?

Mr. JOSEPH COOK.—It is a piece of superfine cant to speak of spending that money among the poor of Australia, who would be the first to repudiate any such canting humbug.

Mr. MAHON.—The honorable member is an excellent judge of cant. I could bring him many poor persons who would not repudiate the sovereigns which he voted to throw away. If he knew anything about the printing trade, he would know that the payment of overtime is always necessary.

Mr. JOSEPH COOK.—I know a great deal about printing, and I know many newspaper offices in which overtime is neither earned nor paid. I am open, however, to receive an explanation as to why it should be necessary in connexion with our printing. If it is not necessary, I should think the honorable member for Coolgardie would be the first to insist on the money being distributed amongst the poor of Australia. I hope that now the honorable member for North Sydney is present, the honorable member for Coolgardie will repeat the slanderous statements which characteristically he made in his absence.

Mr. MAHON.—The net should not be spread in the sight of the bird. I have no desire to waste time.

Mr. KELLY (Wentworth).—The explanation of the Treasurer in regard to the proposed payment of £150 to Mr. R. S. Brain shows that there is something in these Estimates which amounts to a deception. The Government Printer of Victoria, we have been informed by the Treasurer, does not receive this money, although any one who read the Estimates would think that he does receive it. Surely each item ought to truly indicate how the money which we vote is to be expended.

Sir JOHN FORREST.—I am not responsible for the arrangement.

Mr. KELLY.—I blame the Minister for allowing the item to remain on the Estimates in its present form.

Sir JOHN FORREST.—I hope that the money will be paid to Mr. Brain, and I have said that I will make an effort to see that it is paid to him.

Mr. KELLY.—I do not cavil at the payment of this money to Mr. Brain, but we should know whether or not he is to get it.

Sir JOHN FORREST.—A similar item appeared in the Estimates of last year.

Mr. KELLY.—Two wrongs do not make a right, and as I do not wish to be a party to a deception, I move —

That the item "Allowance to Mr. R. S. Brain for services rendered in connexion with printing

for Parliament, £150," be amended by leaving out the word "to," with a view to insert in lieu thereof the word "for."

Mr. PAGE.—Tommy Bent says he will not let Mr. Brain have this money.

Mr. KELLY.—Then we should not pretend that we are voting it to him. If the money is to be paid to the Victorian Treasurer, I do not see why the item has been placed on the Estimates.

Sir JOHN FORREST.—If the money is not paid to Mr. Brain, we will alter the Estimates next year.

Mr. JOSEPH COOK (Parramatta).—I suggest the withdrawal of the amendment. May I remind the honorable member for Wentworth that we are not now dealing with our own concerns. If he presses the amendment, he may wake up some fine morning to find that he has not received his *Hansard* as usual.

Mr. TUDOR.—That would be a loss.

Mr. JOSEPH COOK.—It would be a loss. It would be a still greater matter if, on assembling here some morning, we found that our papers had not been printed. I am speaking now, not of something which may possibly happen, but of something which will probably happen, if we act in this way towards Mr. Thomas Bent. In this matter we are entirely at the mercy of the Victorian Government, and I think that it would be foolish to pass the amendment. While it will not do Mr. Brain any good, it may do us serious injury.

Mr. JOHNSON (Lang).—I indorse the remarks of the honorable member for Parramatta. No useful purpose would be served by the substitution of the word "for" for the word "to." Honorable members desire that Mr. Brain shall receive the benefit of the allowance made in respect of his services, but I am afraid that the amendment, so far from effecting that object, may have a contrary effect.

Amendment, by leave, withdrawn.

Mr. DUGALD THOMSON (North Sydney).—I find that during my absence the honorable member for Coolgardie stated that my action in opposing his motion for the appointment of a Committee to inquire into the cost of Commonwealth printing had caused unnecessary expense to be incurred. I can only say that I have no objection to an inquiry into the working of the Government Printing Office. All I did was to suggest that the Printing Committee, whose duty it is, should undertake the investigation. I regarded the action of the honorable member as practically passing censure

upon the Printing Committee. I think that the printing arrangements of the Commonwealth should be the subject of searching inquiry, and that the investigation should be systematically conducted by a Standing Committee, instead of in a spasmodic manner by a temporary body. The Printing Committee is appointed for that purpose, and if they do not recognise the fact, they should be specially instructed upon the subject. If they then fail to do what is required of them, they should be removed. I might mention that no delay need have been involved if my suggestion had been adopted.

Mr. CARPENTER (Fremantle). — I have no wish to intervene in this matter between the honorable member for North Sydney and the honorable member for Coolgardie, but as I happened to be in temporary charge of the motion standing in the name of the latter honorable member, I may be permitted to say that I distinctly remember that the honorable member for North Sydney opposed the appointment of the proposed Committee. I am somewhat surprised at the honorable member's statement that he has no objection to an inquiry, because it was owing to his action that the Committee was not appointed. It is proposed by the honorable member for Coolgardie to hold an inquiry, which cannot be conducted by the Printing Committee, and it would have been futile to adopt the suggestion of the honorable member for North Sydney. I do not think that the remark that the proposal of the honorable member for Coolgardie amounts to a vote of want of confidence in the Printing Committee is worthy of serious notice.

Mr. JOSEPH COOK.—Does the honorable member say that the Printing Committee could not conduct the contemplated inquiry?

Mr. CARPENTER. — The Printing Committee have no power to do so.

Mr. JOSEPH COOK.—Yes, they have.

Mr. CARPENTER.—In my opinion they have not. The honorable member for Coolgardie was perfectly justified in his remarks regarding the action of the honorable member for North Sydney. If the latter honorable member has now seen the error of his ways, and is prepared to support the motion, no one will be more pleased than the honorable member for Coolgardie, and I am sure that the proposed Committee will be able to remedy abuses which it is beyond

with.
Mr. DUGALD THOMSON (North Sydney).—I still adhere to my opinion that it would be preferable to appoint a Standing Committee to deal with the matters referred to. Such a Committee should be constantly at work.

Mr. PAGE.—Could we not empower the Printing Committee to make the necessary inquiry?

Mr. DUGALD THOMSON.—I am not sure that the Printing Committee have not full power already. If their authority should prove to be insufficient we could empower them to do all that was required, and dismiss them if they failed in their duty.

Proposed vote agreed to.

Division 30 (*Unforeseen expenditure*), £700.

Mr. G. B. EDWARDS (South Sydney).—I should like the Treasurer to give the Committee some information concerning the attitude of the Government in regard to decimal coinage. Has any provision been made for acquiring the necessary information to enable that system to be initiated? I do not think that the most carping critic can accuse me of having indulged in "stonewalling" tactics, but in view of the fact that both this Parliament and the preceding one affirmed the desirability of adopting the decimal coinage system, I fail to see why the Government should continue to flout their decision.

Sir JOHN FORREST.—We are not flouting their decision. Why does not the honorable member find fault with the Government which he supported?

Mr. G. B. EDWARDS.—I merely desire to ascertain what is the mind of the Government upon this question, if they have one. The time has arrived when we should extort that information from them. Let them show the Committee what the system of party government really results in. Upon the last occasion that the matter was discussed the House almost unanimously decided in favour of the decimal coinage system.

Sir JOHN FORREST.—It decided the question without debate, I believe.

Mr. G. B. EDWARDS.—The Treasurer was present upon that occasion, and it was open to him to offer any objection that he may have entertained. I wish to know what are the intentions of the Government in regard to this question?

portion of the evening I directed attention to the question of payment for the transferred properties. I wish to emphasize the point which I then urged, and ask the Treasurer to give the Committee some information in regard to it. The right honorable gentleman has been most fortunate in getting the Estimates of his Department passed at a single sitting.

Sir WILLIAM LYNE.—Their consideration usually occupies an hour.

Mr. WILKS.—That is because honorable members have neglected their duty. I ask the Treasurer to give us some information concerning the question of payment for the transferred properties.

Sir JOHN FORREST (Swan—Treasurer).—In regard to the system of decimal coinage, about which the honorable member for South Sydney is so anxious—

Mr. G. B. EDWARDS.—I have a right to be.

Sir JOHN FORREST.—I do not think the honorable member should expect everybody to betray the same anxiety that he himself exhibits. Upon this matter I think that we should hasten slowly. Correspondence is proceeding with the Imperial authorities—

Mr. G. B. EDWARDS.—Has the right honorable gentleman himself written a single letter to the Imperial authorities upon the question?

Sir JOHN FORREST.—I have not. I am awaiting a reply to the last communication that was forwarded to the British Government.

Mr. G. B. EDWARDS.—Has the Treasurer cabled for an answer?

Sir JOHN FORREST.—I have not. In my opinion, the question of decimal coinage is not one which is agitating the public mind. Had it not been for the honorable member for South Sydney we should not have heard anything in regard to it.

Mr. G. B. EDWARDS.—This House has decided to adopt that system.

Sir JOHN FORREST.—If the honorable member had seen as many resolutions passed by Parliament without being acted upon as I have, he would not attach so much importance to the decision of the House upon a proposal which was adopted practically without debate. I will promise him that I will take steps to obtain a reply from the Imperial authorities to the last letter forwarded to them by the right honorable member for East Sydney.

Mr. G. B. EDWARDS.—Are the Government in favour of giving effect to the decision of the House?

Sir JOHN FORREST.—The Ministry have not yet considered the matter. We are awaiting full information from the Imperial authorities. We expect that information every day. Regarding the transferred properties to which reference has been made by the honorable member for Dalley, I merely desire to say that those properties have not yet been valued. The first thing to do is to have a valuation made. I believe that a beginning has been made with that valuation. There does not appear to be any eagerness on the part of the States themselves to have the matter settled, or they would have had the lists and valuations sent in years ago. When I was in the Home Affairs Department we had lists from Queensland and Western Australia partly completed, but the other States had sent in no lists. I hope that we shall soon be able to deal with the subject finally. Unless an amicable arrangement can be come to as to the way in which the properties are to be paid for, Parliament will have to decide the matter.

Mr. DUGALD THOMSON.—The matter has been arranged.

Sir JOHN FORREST.—Not as to how the properties are to be paid for. Nothing was finally determined, even at Hobart.

Mr. DUGALD THOMSON.—The States practically agreed, with the exception of the Premier of New South Wales.

Sir JOHN FORREST.—Parliament will have to approve of whatever is done.

Mr. MCCAY.—This session?

Sir JOHN FORREST.—I do not think the valuations will be completed this session. Honorable members already know my personal views upon the subject.

Mr. G. B. EDWARDS (South Sydney).—I intend to move the reduction of this item by £10, on the understanding that it will be an expression of opinion by the Committee that the Government should take some steps in reference to the decimal coinage question.

Sir JOHN FORREST.—The honorable member will not accept my assurance.

Mr. G. B. EDWARDS.—I will accept whatever the right honorable gentleman offers me, but he promises nothing. If the amendment which I intend to move is carried, it will express the opinion of the Committee that steps should be taken by the Government to carry out the twice-expressed

will of the representatives of the people in this House in favour of the adoption of the decimal system of coinage by the Commonwealth. The right honorable gentleman says that there has been some correspondence, but he admits that he has written no letter since he has been in office.

Sir JOHN FORREST.—We are expecting a letter by every mail.

Mr. G. B. EDWARDS.—The last letter from London is, I believe, dated March last. If there was any desire to obtain an answer, a cable might have expedited it; and surely a cable message was worth sending concerning a matter of such magnitude and importance. I wish to point out to the Treasurer the position in which this question stands. The Home authorities were misled by the late Government as to what Australia desired. They were led to believe that what we were aiming at was that they should hand over to us a portion of the seigniorage or profit derived from the coinage of silver, and should continue the present system of coinage. But that was not our decision. I drew attention to that fact while the late Government was in office, and obtained a promise from the then Prime Minister, the right honorable member for East Sydney, that the position would be put more accurately before the Imperial authorities.

Sir JOHN FORREST.—That was done.

Mr. G. B. EDWARDS.—Since then they have been informed that it was not a mere question of profits derivable from the coinage of silver at which we were aiming, but that we desired to have a system of coinage altogether different from the Imperial system; that we did not want designs for a new coinage on the old system, but designs for a new system altogether. It is an answer to that letter which the Treasurer is waiting for. Probably, the reason why the Imperial authorities have not given an answer was, that the position was put before them in two different ways. The present Treasurer is not responsible for that, but this Committee has a right to have the decisions of the House formulated in consonance with the facts of the case. Whoever is to blame, the fact remains that the position was not put before the Imperial authorities in a proper manner. Another trouble was in regard to their offer to remove £100,000 worth of silver coinage from Australia, and to replace it by coinage of our own. That amount was too small to inaugurate the new system. I suggested

that the Imperial authorities should remove £200,000. The Treasurer asks how it is to be done. There is no difficulty about it whatever. If he inquires of financial and banking authorities, he will find that it is quite easy to remove £200,000 worth of the Imperial currency.

Sir JOHN FORREST.—To England?

Mr. G. B. EDWARDS.—To any place where it is wanted.

Sir JOHN FORREST.—They do not want much of it in England.

Mr. G. B. EDWARDS.—They coin several million pounds worth per annum. The coins are also used in South Africa, in New Zealand, and various other parts of the British Dominions. They use a sufficient quantity in Great Britain alone to absorb £200,000 a year from Australia quite easily. The Treasurer has only to look up the reports of the master of the Mint to see how much silver coinage is turned out in England every year. What I urge is that the Imperial authorities should not take up our coinage in a shovelful, as it were, but in annual instalments, extending over about ten years.

Sir JOHN FORREST.—It is unreasonable to ask them to take it at all.

Mr. G. B. EDWARDS.—Is it unreasonable to ask them to take it, seeing that they have derived such large profits from it for so many years past?

Sir JOHN FORREST.—They have kept the gold coinage good.

Mr. G. B. EDWARDS.—The gold coinage has never been restored in Australia to this day. The half-sovereign is in a disgraceful state. I am quite prepared that Australia should take the responsibility of restoring the gold coinage. The loss only amounts to about £4,000 per annum. The little wear and tear that does take place is mostly on the half-sovereign. We can derive a profit of about £30,000 per annum out of the coinage of silver, and it will cost us less than £5,000 to restore the gold. I do not care what the Treasurer does with the profit. If he chooses to pay it away as an extra subsidy to the Imperial Navy, I am prepared to agree. If he chooses to add it to the late Queen's memorial vote, I shall not object. But this House has a right, having decided that a certain system shall be carried out, to see that effect is given to its desire, just as Canada has exercised her powers in the matter. The Imperial authorities

are minting Canada's coinage to-day. This question has gone far enough, and if Parliament is to exercise any power at all in guiding the policy of the nation, it is time for us to say whether we are going to allow a succession of Ministries to let this matter remain in abeyance, no steps being taken to carry out the declared intention of the House. By reducing the vote by £10, we shall express our determination that the Government shall carry out a decision of the House twice pronounced.

Sir JOHN FORREST.—Wait until next session.

Mr. G. B. EDWARDS.—I wish to see the question settled in some way.

Sir JOHN FORREST.—It is not a burning question.

Mr. G. B. EDWARDS.—I feel specially interested in the matter, as I was the chairman of the Select Committee which dealt with it. I am, therefore, in a certain sense, representative of that Committee. I thoroughly believe that I am moving in the direction in which all the members of the Committee would desire me to move, when I ask the Government to declare their policy in regard to this matter, and to say whether they will take steps to have the recommendation of the Committee carried into effect. By reducing the vote for unforeseen expenditure by £10 I shall do no harm, because £10, more or less, is of no moment in this connexion. On the other hand, if the Committee agree to the amendment, it will show Ministers that honorable members desire to have the recommendations of the Select Committee carried into effect, and will induce them to consider the matter in Cabinet at the earliest moment.

Sir JOHN FORREST.—We shall do so when we get the despatch.

Mr. G. B. EDWARDS.—I move—

That the division, "Unforeseen expenditure, £700," be reduced by £10.

Sir JOHN FORREST (Swan—Treasurer).—I hope that the honorable member will not press the amendment. I promise him that the Government will give this matter attention.

Mr. G. B. EDWARDS.—Cabinet consideration?

Sir JOHN FORREST.—I will telegraph for an answer to our communication, and bring the matter before the Cabinet when I obtain it.

Mr. G. B. EDWARDS.—Will the right honorable gentleman promise that the matter shall get Cabinet consideration?

Sir JOHN FORREST.—I will bring it before the Cabinet.

Mr. G. B. EDWARDS.—I understand the Treasurer to say that it will receive Cabinet consideration at an early date?

Sir JOHN FORREST.—I will submit it for consideration.

Mr. G. B. EDWARDS.—That is all I ask. The Government can pronounce against the proposed change if they like. I understand the right honorable gentleman to promise that the matter will receive Cabinet consideration at an early date.

Sir JOHN FORREST.—I promise to bring it before the Cabinet when I get the despatch, and to expedite the getting of the despatch.

Mr. G. B. EDWARDS.—The right honorable gentleman will endeavour to get a reply from the Imperial authorities?

Sir JOHN FORREST.—I will.

Amendment, by leave, withdrawn.

Proposed vote agreed to.

Division 30A (*Governor-General's Office*), £910, agreed to.

Division 31 (*Refunds of Revenue*), £80,000.

Mr. McCAY (Corinella).—Why is this vote more than twice as large as it was last year?

Sir JOHN FORREST (Swan—Treasurer).—The amount is made up chiefly of payments to money order account for stamps attached to postal notes, and of the payment to the Eastern Extension Telegraph Company, and the Pacific Cable Board, of their proportion of cable receipts. At the present time, all cablegrams handed in at a post-office must be paid for by affixing to them stamps representing the amount of the charge.

Mr. McCAY.—Then the Government is at a loss to the extent of the cost of the printing of the stamps?

Sir JOHN FORREST.—The same thing is done in regard to cablegrams as is done in regard to telegrams. I presume that the rule was made for the security of the revenue.

Proposed vote agreed to.

Division 32 (*Advance to the Treasurer*), £200,000, agreed to.

Progress reported.

WIRELESS TELEGRAPHY BILL.

Assent reported.

ADJOURNMENT.

ORDER OF BUSINESS.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—I move—

That the House do now adjourn.

The amendments in the Papua British New Guinea Bill were to have been printed and circulated to-night, but as that is not now possible, I do not propose to proceed with the measure until Tuesday next. The discussion of the Estimates will be continued to-morrow.

Question resolved in the affirmative.

House adjourned at 11.8 p.m.

Senate.

Thursday, 19 October, 1905.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

ORIENT MAIL CONTRACT.

Senator PEARCE.—I desire to ask the Minister representing the Postmaster-General, without notice, whether, in the event of the Senate ratifying the contract with the Orient Steam Navigation Company, the Government intend to terminate it, and, if so, at what date the notice will be given, and the contract will be terminated?

Senator KEATING.—Six weeks ago the Government decided to give notice to that effect when the contract was ratified. We intend to give that notice, and in that case the contract will terminate on the 31st January, 1908.

FORT FORREST.

Senator MATHESON.—I desire to ask the Minister of Defence, without notice, whether he has observed in the report of Colonel Bridges that the North Fremantle Fort has been called Fort Forrest, and, if so, who was Minister of Defence when that name was given?

Senator PLAYFORD.—I have noticed the report, and from the information that has been supplied to me, I believe it was the late General Officer Commanding who first suggested the name of Fort Forrest.

proved of.

Senator MATHESON.—Am I to understand from the answer that Sir John Forrest has called the fort after himself?

Senator PLAYFORD.—I stated the facts so far as I have been informed, and the honorable senator can make his own deductions.

ESTIMATES.

Senator PEARCE.—I desire to ask the Minister representing the Treasurer, without notice, whether, in view of the possibility of another Supply Bill being required, and of eventualities which may arise therefrom, he is able to give any information as to when the Estimates of expenditure are likely to be submitted to the Senate?

Senator PLAYFORD.—That will entirely depend upon the progress made in another branch of the Parliament. On the last occasion, two months' supply was voted, and we hardly anticipated then that it would be necessary to bring down another Supply Bill.

Senator Sir JOSIAH SYMON.—Some weeks ago, the Treasurer promised me that the Senate should have an earlier opportunity than usual to consider the Estimates, and I desire to know whether the Minister of Defence has consulted the Treasurer or the Prime Minister with a view to coming to some arrangement by which that opportunity can be given?

Senator PLAYFORD.—Some time ago I informed the Senate that I would inquire whether we could not expedite the matter, and I found that we could not. The submission of the Estimates to the Senate will depend entirely upon the action of the other House.

Senator Sir JOSIAH SYMON.—Will it not be possible to bring up the Estimates for the consideration of the Senate in some way associated with the Supply Bill to which the Minister referred, or is he aware of any constitutional or parliamentary difficulty in the way of that course being adopted?

Senator PLAYFORD.—I do not think that the Estimates can be considered by the Senate at the same time as they are being considered in another place. The confusion which would arise from the adoption of that plan would be intolerable.

Motion (by Senator MATHESON) agreed to—
That a return be laid on the Table of the Senate similar to "Table C" of Parliamentary Paper 15, 1904, showing the postal matter carried by the Sydney-Vancouver Mail Service in 1904-5, together with a supplementary return showing the amount of postal matter carried by the same service for the same period for Europe and Australia; and for America and Australia respectively.

HOME RULE FOR IRELAND.

Debate resumed from 14th September (*vide* page 2272) on motion by Senator DAWSON—

That, in accordance with the most treasured traditions of British Governments and British justice and for the cementing of the Empire into one harmonious whole, this Senate is of opinion that Home Rule should be granted to Ireland.

Senator PULSFORD (New South Wales).—The motion practically calls upon us to interfere in a matter with which we are not immediately concerned. I desire to ask whether, under similar circumstances, an Australian Legislature would care to be interfered with in this way? I think not. I also observe that the motion suggests, as a possible result of this interference, that the Empire would be cemented into one harmonious whole. I venture to disagree with that view. I think that the introduction of any element of irritation between the various parts of the Empire is not likely to assist in that process. I further observe that we are called upon to express an opinion in favour of a matter of which we know very little. The motion speaks of "Home Rule," but it does not define the term. It does not indicate whether it means a simple measure of local government or something which was indicated by the late Mr. Parnell in his famous "last link speech." The remark which he made in Cincinnati in 1880 was as follows:—

Let us not forget the ultimate goal at which all we Irishmen aim. None of us, whether we are in America or in Ireland or wherever we may be, will be satisfied until we have destroyed the last link which binds Ireland to England.

That is the form of Home Rule which, on more than one occasion, was suggested by the most eminent representative of the Home Rule Party that Ireland ever possessed. Does the motion mean that kind of Home Rule, or does it mean, as I asked, a simple form of local government?

Senator MULCAHY.—Does not the honorable senator know that Parnell accepted Gladstone's Home Rule Bill?

Senator PULSFORD.—Yes, but I also know that to-day there is a crowd of Home Rule advocates who go to the full extreme from which it is highly probable that the late Mr. Parnell receded. This motion does not repudiate the construction put upon the term "Home Rule," by Mr. Parnell in 1880. It does not indicate what extent of separation from the home country is meant, or whether there is to be any separation.

Senator DAWSON.—There is no suggestion of separation.

Senator PULSFORD.—I know that there is no suggestion of separation in the motion as it is worded, except such as may be hidden under the words "Home Rule." If it is to be granted then Home Rule means something. The fact that no meaning of the term is given led me to consider the whole position, and I decided to move, as I do now—

That all the words after the word "That" be left out, with the view to insert in lieu thereof the following words, "any subject of dispute between different parts of the United Kingdom should be left to the decision of the people and the Parliament of the United Kingdom."

That suggests itself to me as a very proper solution of the question which has been brought before us. I admit that in excising the whole of the motion, except the word "That," we lose certain very nice expressions, but the amendment which I propose is, at any rate, clear and distinct. There is no possibility of mistaking its meaning. I submit it to the Senate as a fair and reasonable settlement.

Senator DAWSON.—I rise to a point of order. Is not the amendment a direct negative?

The PRESIDENT.—No; I do not think it is.

Senator PULSFORD.—I myself love Ireland and I love the Irish people. As an Englishman I regret that there is so much in past history that is not pleasant to look back upon. I recognise that fully. I also recognise that the Irish as component parts of the Empire have done possibly more than their share in its preservation and perpetuation, and in winning for it those glorious victories which we look back upon with pride: Wherever our history has turned on great victories, Irish blood has been shed in plenty. Wherever skill has

been needed to carry forward the arms of Great Britain, the Irish have come to the front. Irish blood, Irish skill, and Irish loyalty have done a great deal for the British Empire. I recognise all that, and my love and gratitude always go forth to the people of Ireland. I never allow myself to forget what we owe to them. But I am not to be led aside from what seems to me to be the clear path of duty on this occasion by those considerations. I think that I may also ask the Senate to remember that there is such a thing as British justice. Whether it was more or less under a cloud in the past I do not say; but to-day I am convinced there is an honest desire on the part of the people of England, of Scotland, and of Wales, to do all that is just, fair and right to remove everything of an irritative character that lies between them and the people of Ireland, so that the people of all parts of the Empire may live together in happiness, and the Empire continue its career of justice and glory.

Senator MULCAHY (Tasmania).—The motion before the Senate is one of a deeply important character. A motion similar to this has already been adopted in the Parliament of another Federation. The question now being dealt with in the Australian Parliament is awakening interest not only amongst people who believe in Home Rule, but amongst those who are opponents of that principle. It is particularly a subject of interest for many millions of people of the Irish race in the old country, and for an even greater number who are kith and kin of the Irish race, but who are no longer subjects of Great Britain. It is a subject upon which there are strong differences of opinion. Contrary views are honestly held on each side. We can respect those differences. For myself, I go further and say frankly that I respect honest prejudices on this subject, where the holder of them has not had opportunities, perhaps, to acquire a full knowledge of the subject so as to enable him to hold more impartial views. In the Australian Parliament the subject ought to be discussed dispassionately. We should, as far as possible, put aside traditional animosities, and should especially refrain from raising that particularly objectionable evil sectarian feeling. It may be necessary for me to make some references that might, except for this explanation, be construed as indicating a desire on my part to arouse those old world feelings. But I have no wish to do that. I assure the

whether national or religious, in the slightest degree. I shall have to answer some charges that have been made, but I shall do so if I can without giving offence. On the face of it the motion appears to involve merely an expression of opinion.

Senator DAWSON.—Absolutely.

Senator MULCAHY.—I do not quite agree with the honorable senator. Though on the face of it the motion will, if carried, be an affirmation that the Senate believes that Home Rule should be granted to Ireland, it would not be ingenuous if I were not to say that we give a more extended meaning to it. Our sole object is not merely to affirm a principle. We have something beyond that in view. We desire that that affirmation shall be made for what purpose? In the hope that it will have a moral effect upon the people in whose hands the granting or refusal of Home Rule to Ireland remains—that is, the British Parliament and the British Government.

Senator DAWSON.—We cannot make a demand upon the Imperial Parliament; we can only express an opinion.

Senator MULCAHY.—In the other branch of the Legislature, something more has been done. I regret that the same terms were not adopted for the motion in both Houses. The honorable senator who has introduced the question in the Senate may consider me ungracious—though I am thankful to him for bringing it forward—but nevertheless, I must say that the Senate had a right to expect from him some reasons why Home Rule for Ireland was, in his opinion, desirable, and why we in Australia should express an opinion concerning it.

Senator DAWSON.—I did not want to have a long discussion, I wanted to see the motion carried without so much talk.

Senator MULCAHY.—The honorable senator had no reason to expect that the Senate would affirm such a motion without discussion. I should very much prefer the Senate to come to a vote after deliberation, than to see it pass the motion with the prospect of it being afterwards asserted that it was carried accidentally by a snatch vote. There are two sets of arguments in favour of the motion. First of all, it approves of the principle of granting Home Rule to Ireland. Next, it affirms that it is expedient for the Parliament of Australia to express an opinion to that effect. I trust that I shall not be considered to

may be more clearly dealt with. Before proceeding further with the question, I should like to refer to the speeches of some honorable senators who have already spoken, and declared themselves as not in favour of the motion. Senators Walker and Fraser represent two distinct types of the opponents of Home Rule. Senator Walker did not expect to be called upon to speak so early, and I think I may say, without being uncomplimentary, that he was not quite prepared to deal with the question. Although a Scotchman, he represents a type of Englishmen who have strong prejudices against the claims of Ireland, and who, I am sorry to say, are not so well informed on Irish history and Irish affairs as they ought to be when they take part in a discussion of the kind. The honorable senator seems to imagine that a great many concessions have already been made to Ireland, and, in effect, he asks—What more does Ireland want? Exactly the same question was asked 110 years ago by Mr. Pitt of Henry Grattan, the Irish patriot—"What does Ireland want?" What has since been given to Ireland and that Ireland did not then possess? How many measures of freedom have been given to her—measures which ought not to be called concessions, because, in reality, they meant only the restorations of rights? Senator Walker did not, to my mind, make an effective speech against Home Rule, although he tried to express, as Senator Pulsford did just now, his great love for the Irish, a love which seems to have actually led him to marry an Irish lady. I should like to say something nice about the honorable senator's speech if I could; but I am afraid I can only do so in a somewhat indirect way. I am reminded of rather a witty saying, by, I believe, an Englishman, that it is rather respectable to go to gaol for debt, because it shows that a man has once possessed credit. And so, whatever I might deduce from the honorable senator's observations, I am satisfied that he, at one time, at any rate, possessed not only good sense, but good taste, in that he married an Irish lady. Senator Fraser, who followed Senator Walker, is altogether of another type. He is a man who does know something of Irish history and Irish affairs. I should here like to say that I am sorry Senator Fraser is not in his place, and my sorrow is not purely selfish, arising from

the hope that I might convert him, but is owing to the fact that he is absent on account of severe illness. Although it may surprise some of those Christian gentlemen, who are prone to associate the message of peace and good-will to man with a drawn sword, I may say that Senator Fraser and myself sat side by side during the whole of last session, and the earlier portion of this, and that nothing very serious happened between us. And I hope that at the end of my speech nothing I shall say will be regarded as a reflection on the honorable senator, although I wish he were present to hear the reply to some charges which certainly wounded my feelings.

Senator WALKER.—Not intentionally on the part of Senator Fraser.

Senator MULCAHY.—Senator Fraser has taken an interest in Irish politics, and he is so extremely loyal to the British Constitution and Throne, and everything British—to the flag particularly—that, in his opinion, any one who criticises adversely any action of Great Britain is disloyal. The honorable senator seems to think that Home Rulers are a particularly disloyal set of men; and I am sorry that he gave utterance to such an opinion, which I will deal with later on. I ask the honorable senator and others who have made themselves familiar with the history of Ireland, especially since the time of the Union—who have traced the various Coercion Acts, and know the circumstances attending Catholic emancipation, the removal of the penal laws, Church disestablishment, and the liberalizing of the land laws from time to time—at what particular time has it ever been recognised that Ireland had a real grievance? At what time, in the estimation of those who think with Senator Fraser, were all the grievances of Ireland removed? Had Senator Fraser lived in 1829, and in addition to being a member of Parliament had been associated with the organization of which he is a prominent member, I wonder what action he would have taken in regard to Catholic emancipation.

Senator WALKER.—He would have been in favour of it.

Senator MULCAHY.—I believe that if such a Bill were introduced into this Parliament now, Senator Fraser would vote for it, but I doubt whether he would have supported Catholic emancipation in 1829.

Senator WALKER.—I certainly should if I had been alive.

Senator MULCAHY.—The honorable senator may answer for himself; I am now dealing with Senator Fraser. I ask Senator Fraser and others who oppose Home Rule, whether they regard the disaffections and upheavals which have occurred in Ireland from time to time, as the result of "pure cussedness" on the part of the Irish people? Have those gentlemen ever thought that there was any other better and higher motive than simply a desire to prevent the proper establishment of law and order? Have they ever thought that the various upheavals were the promptings of an ancient race, a liberty-loving people, who assert the God-given right, which every nation on earth has, to manage its own institutions in its own way? No; that is the last motive for which Ireland is given credit. Ireland is always regarded as anti-English. She was regarded as anti-English when she demanded Catholic emancipation, and also when she desired to have her land laws liberalized. Ireland has ever been anti-English and disloyal, in the minds of some people; and simply because England has failed to govern her properly. In dealing with this question, I have necessarily to make some historic references, and to speak at some little length. My desire is to prove that even in the Australian Parliament we may set aside our prejudices, and discuss this question impartially, from the proper point of view. I first ask, is Ireland entitled to Home Rule?

Senator WALKER.—Will the honorable senator give a definition of Home Rule?

Senator MULCAHY.—I cannot do a hundred things in one sentence, but I shall be prepared, before I sit down, to give a definition of Home Rule, though it is somewhat unreasonable to ask any individual to do so.

Senator WALKER.—We are asked to vote for Home Rule.

Senator MULCAHY.—I shall give a definition of Home Rule, not only by myself, but by Protestant statesmen.

Senator GIVENS.—Gladstone, for instance.

Senator MULCAHY.—Yes, and others; but I do not want to anticipate. The first and highest reason why Ireland is entitled to Home Rule is that she is a separate country and distinct people—a race and a nation—which has the God-given right that every nation possesses to govern itself. I wonder whether it is generally known that

Ireland for two centuries enjoyed a Parliament, which some historians say had powers almost co-ordinate with those exercised by the British Parliament.

Senator WALKER.—Could Ireland make war then?

Senator MULCAHY.—No; and she does not want to make war now.

Senator WALKER.—A separate country is entitled to make war.

Senator MULCAHY.—From 1295 to 1495 Ireland had a Parliament, the powers of which were taken away, to be restored in 1782 to what is known as Grattan's Parliament, which was destroyed by the Union in 1800. This is what Sir Charles Gavan Duffy said upon Ireland's fitness and inherent right to govern herself, in dealing with O'Connell's case—

1. "Ireland was fit for legislative independence in position, population, and natural advantages. Five independent kingdoms in Europe possessed less territory or people; and her station in the Atlantic, between the old world and the new, designed her to be the *entrepot* of both, if the watchful jealousy of England had not rendered her natural advantages nugatory.

2. "She was entitled to legislative independence; the Parliament of Ireland was as ancient as the Parliament of England, and had not derived its existence from any Charter of the British Crown, but sprung out of the natural rights of free-men. Its independence, long claimed, was finally recognised and confirmed by solemn compact between the two nations in 1782; that compact has since been shamefully violated, indeed, but no statute of limitation ran against the rights of a nation."

Dean Swift, a Protestant authority—and I shall abound in Protestant authorities to-day, because I have been practically challenged to do so—said—

"It is true indeed that within the memory of man the English Parliaments have sometimes assumed the power of binding this kingdom by laws enacted there. Nevertheless, by the laws of God, of nature, and of nations, and of your country, you are, and you ought to be, as free a people as your brethren of England."

In 1495, the powers of the Irish Parliament were largely curtailed. In 1782, the Irish volunteers, both Catholic and Protestant, to the number of about 60,000, had, in the most loyal way, taken up arms for the defence of Great Britain and Ireland, and when the danger of war from outside had passed over, they demanded the restoration of those powers. Their demand was granted, and we read in the English Act of the 23 George III., chapter 28—

"Be it enacted that the right claimed by the people of Ireland to be bound only by laws enacted by His Majesty and the Parlia-

ment of that kingdom in all cases whatsoever, and to have all actions and suits at law and in equity which may be instituted in that kingdom, decided in His Majesty's courts therein finally and without appeal thence, shall be and is hereby declared and ascertained for ever, and shall at no time hereafter be questioned or questionable."

History tells us what happened eighteen years later. This is rather an interesting question in regard to which there is much want of knowledge, at any rate amongst the general public. Why is Ireland so anxious to govern herself? Because—and I say this in plain, frank language—the government of Ireland by England has been an absolute failure; because England does not understand the Irish people, and her policy in Ireland throughout has, unfortunately, been a policy of absolute distrust. John Stuart Mill, another English and Protestant authority, says in this regard—

More than a generation has elapsed since we renounced the desire to govern Ireland for the English; if at that epoch we had begun to know how to govern her for herself, the two nations would by this time have been one. But we neither knew, nor knew that we did not know.

In another place he says—

But what, it will be asked, is the provocation that England is giving Ireland, now that she has left off crushing her commerce, and persecuting her religion? What harm to Ireland does England intend or knowingly inflict? What good that she knows how to give would she not willingly bestow? Unhappily, her offence is precisely that she does not know, and is so well contented with not knowing that Irishmen who are not hostile to her are coming to believe that she will not and cannot learn.

Very few Irishmen could express themselves in language more strongly condemnatory of English misgovernment. Again, referring to the failure of England to govern Ireland well, he says the reasons are these—

First, there is no other civilized nation which is so conceited of its own institutions, and of all its modes of public action, as England is.

That is a little wholesome criticism of Englishmen from one of themselves.

And secondly, there is no other civilized nation which is so far apart from Ireland in the character of its history, or so unlike it in the whole constitution of its social economy; and none, therefore, which, if it applies to Ireland the modes of thinking and maxims of government which have grown up within itself, is so certain to go wrong.

I quote now from another authority, who is known as the Right Honorable Joseph Chamberlain. I admit that he is a man who sometimes changes his opinions.

COMMONWEALTH OF AUSTRALIA.

I N D E X

TO

PARLIAMENTARY DEBATES.

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PART I.

SPEECHES.

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SUPPLEMENTARY APPROPRIATION BILL, 1903-4 AND 1904-5.

House of Representatives:

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Senate:

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House of Representatives:

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Senate:

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Senate:

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House of Representatives:

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- Strictly speaking, a debate is concluded with the reply of the mover of the motion; but in a case where he was understood to be merely answering a question, a senator will not be prevented from speaking, 5148
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- Whether the Printing Committee is to be called together or not, is a matter for the consideration of its members, and not for the leader of the Senate, 2147
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House of Representatives:**Speaker, Mr.**

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The merits of a proposed new standing order under consideration by the Standing Orders Committee can be discussed only after the Committee reports, 1914-20

A member cannot move the adjournment of a debate after having spoken to a motion, 1918

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It is not in order to refer to a Bill before the Senate, 3058, 4743, 4887

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When an amendment is moved offering an alternative to the original proposal, it is open for members to refer to either alternative, but when the amendment has been amended, and a further amendment of the amendment is submitted, the discussion must be confined to the last proposal. The main question can be discussed only when the amendments have been disposed of, 5400, 5401, 5402, 5405, 5409.

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A motion to discharge members from attend-
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A motion for suspension of the Standing Orders having been agreed to, the question of suspension cannot be further discussed, 1380

The Standing Orders Committee are empowered to consider any matter referred to them by the House, or that they may think fit, 5168

It is not necessary to refer proposed new Standing Order to a Committee of the whole House, 5514

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Chairman of Committees.

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An amendment going beyond the scope of a Bill as indicated by the title may be accepted prior to the consideration and adoption of the title, 2533

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Where proceedings on a Bill are resumed at the stage at which they were interrupted by the prorogation it is not necessary to retrace steps which may have been taken in regard to it, to the extent, for example, of partly dealing with a portion of message received from the Senate, 3977

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